



Guide for the integration of the gender
perspective at the local level in

Violence at Work

Cláudia Múrias and Virgínia Ferreira (coord.)
Rosa Monteiro
Sandra Saleiro
Mónica Lopes



Title

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Editor

CES - Centre for Social Studies, University of Coimbra

Authors

Cláudia Múrias and Virgínia Ferreira (coord.)
Rosa Monteiro
Sandra Saleiro
Mónica Lopes

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My Municipality
for Equality.

Locally We Build a Better
Life for Women and Men.





Groundings

The motifs?

Harassment

Harassment is defined by the unwelcome behaviour – namely that which is based on discrimination factor – practiced while accessing employment or at work itself, with the objective or effect of upsetting or constraining the person, affecting his/her dignity or creating an intimidating, hostile, degrading, humiliating, offensive or disturbing environment.

Labour Code (Código do Trabalho), article 29.o (AR, 2009: 934)

Work-related violence

Any action, incident or behaviour which withdraws from the reasonable conduct and in which the person is aggressed or threatened in the context - or as direct result - of her work.

Internal violence is a situation which occurs between organisation's professionals, including working persons, supervisors or managers.

External violence is a situation which occurs between organisation's professionals and any other person present at the workplace.

(OIT, 2003: 4)

Sexual harassment at work

The European Union Agency for Fundamental Rights (FRA) estimates that one in three sexual harassment situations experienced by women at the European level occur in labour context.

(FRA, 2014: 95)

- › The promotion of gender equality implies acknowledging that gender-based violence is a manifestation of the historically unequal power relations between men and women which led to women discrimination in all social contexts, including in terms of employment and profession.
- › The concept of work has been changing with globalization and the technological advances in information sharing, overcoming the traditional physical barriers and translating into changes in the work organisation which enhance isolation and the mobility of the working position.
- › The new labour situations carry emergent challenges which require the introduction of the gender perspective in the technical and political approaches to work safety and health, namely in preventing violence, harassment or intimidation situations related to work.
- › It's in the organisation's interest to prevent and sanction behaviours and attitudes which may jeopardise their image next to the community and diminish productivity, as well as to reduce litigation, absenteeism, work interruptions and/or personnel turnover costs (EU-OSHA, 2010).

Sexual Harassment according to the European Commission

Sexual harassment means and undesired behaviour of sexual nature or other behaviours based on sex which affect men and women's dignity at work.

Sexual harassment is unacceptable if it's undesired, inappropriate and offensive to the receiver; if a situation of rejection or submission of a person to such conduct – coming whether from employers or from working persons (including superiors or colleagues) – is used explicitly or implicitly as fundament of a decision which will affect that person's access to professional training or to employment, the continuity at the job, the promotion, the wage or any other decision regarding the job and/or if such conduct originates an intimidating, hostile or humiliating work environment for the receiver.

Sexual character behaviour or other behaviours in virtue of sex which affect women and men's dignity at the workplace may be opposite to the principle of equal treatment, as defined in Articles 3.o, 4.o e 5.o of the 76/207/EEC Directive.

Commission's Recommendation (92/131/EEC) (European Commission, 1992: 49/4)

Harassment and violence may assume diverse forms at the workplaces.

They may:

- be of physical, psychological and/or sexual order, - constitute isolated incidents or assume more systematic behavioural patterns,
 - occur between colleagues, between hierarchical superiors and subordinates or originate from a third party as in the case of clients, patients, pupils, etc.,
 - go from less important cases of lack of respect to more serious acts, including penal infractions which require the public authorities' intervention.
- (European Commission, 2007: 4)

› The workplace is an appropriate location for prevention through training and awareness, alerting to the discriminatory nature of these behaviours and the impacts on people's health.

› According to data of the European Union Agency for Fundamental Rights (FRA), not only women survive harassment along their professional career, but continue to be targets of this kind of behaviour even at the career top: three in four women in qualified and management posts were sexually harassed, while one in four of these harassments had occurred in the 12 previous months.

› According to data of the Interdisciplinary Gender Studies Centre (Centro Interdisciplinar de Estudos de Género) of the Lisbon University's Social and Political Sciences Superior Institute (Instituto Superior de Ciências Sociais e Políticas da Universidade de Lisboa - CIEG-ISCSIP), in Portugal, women are the main victims of moral harassment as well as of sexual harassment at the workplace.

Behaviours susceptible of being considered as sexual harassment at work

- Establishing urgent or unattainable goals and objectives or establishing infeasible deadlines;
- Appropriating ideas, proposals, projects and works of colleagues or of subordinated persons without identifying their authorship;
- Creating stress situations in order to provoke the person’s behavioural loss of control;
- Talk screaming, in order to intimidate the persons;
- Assign odd or inadequate functions to the professional category;
- Devaluing the work of colleagues or of hierarchically subordinated persons;
- Holding back information necessary to a colleague’s performance or a subordinated person’s functions, or relative to the functioning of the employing entity;
- Despising, ignoring or humiliating a person, forcing the respective isolation in the face of the other colleagues and hierarchically superior persons;
- Publicly criticizing work colleagues and/or hierarchically subordinated and/or superior persons;
- Spreading rumours, comments, insinuations or reiterated critics about work colleagues, subordinated persons or hierarchically superior persons;
- Demeaning or frequently making fun with offensive content referent to sex, race, ethnical origin, age, gender identity, sexual, religious or political orientation, deficiencies or incapacities, health problems, etc., of colleagues or subordinated persons;
- Not attributing any functions to a working person - lack of effective occupation;
- Making recurrent sacking threats;
- Controlling the goings and time spent by the working person at the bathroom.

Adapted from CITE(2013)



› Regarding moral harassment, the most striking situations, for women as for men, are “being systematically targets of stress situations with the objective of [...] leading to the loss of control” and to “systematic devaluing of their work” (Torres et al., 2016: 20).

Behaviours susceptible of being considered as sexual harassment at work

VERBAL REQUESTS

Sexual Bribe: quid pro quo is the extreme form - request of sexual favours in exchange of implicit or explicit promises of special treatment (in the access to employment, training, or to promotion) and threats in the case there is no ceding;

Sexual Advance: doesn’t directly involve bribe; are direct or resort to communication means (tickets, letters, electronic mail); the personal ones have bigger impact; are gross, humoristic or romantic; are repeated; can extend to other spheres (home, public places);

› Regarding sexual harassment, the most striking situations for women are related with physical approximations: “insinuating gazes which make her feel offended”, “undesired physical contacts (touching, handling, grabbing, palpating her body, kissing or trying to kiss)”, while the most striking forms of sexual harassment for men are the “intrusive and offensive questions about their private life” (Torres et al., 2016).

› Regarding the activity sectors of sexual harassment greater incidence, for women they consist in the area of retail and wholesale commerce, accommodation and restoration, and health and social support, while for men they are accommodation and restoration, construction and industry, and scientific, technical and analogous scientific consultancy activities (Torres et al., 2016).

Relational Advance: “invitations” for social encounters; repetitive and disturbing;

Pressures or Subtle Advances (usually only interpreted as such a posteriori) under the form of double senses or insinuations; gift's offer which provoke unease;

COMMENTS

Personal Comments: gross or explicitly outrageous jokes on sexuality or looks; wisecrack, futile, or even salute and courtesy expressions; noises of gross connotation (whistles, for example);

Subjective Objectification: fall upon an absent person, topic of sexual conversations; rumours and rumours about the sexuality or physical looks; the person may hear others talking about her in a strikingly sexual manner; denial of the person and professional statute;

Categorical Comments: defamation or sexual objectification of the social category to which the person belongs; create hostile or intimidating environment;

NON-VERBAL MANIFESTATIONS

Sexual Aggressions: any action involving aggressiveness and physical coercion of sexual nature to which the person opposes resistance;

Sexual Touches: physical contacts (physical attacks, “caressing”, or palpating) and sexual touches (depend on contextualization);

Sexual Postures: gestures and sexual behaviours (without physical contact) (upsetting fix gazes, persecutions, physical contact attempts, invention of pretexts to create proximity); create hostile or intimidating environment;

Sexual Material's Exhibition: existence of sexual nature objects or materials, like calendars, posters, pornographic photographs or magazines at the workplaces; create hostile or intimidating environment.

Adapted from CITE (2003)

› Regarding the women victimization risk, the most vulnerable groups to sexual harassment are young people who just got their first job, usually of temporary and precarious character; financially dependent women, alone and with familiar responsibilities (single mothers, widows, separated, divorced); migrant women; and women working in traditionally male sectors or professional categories in which women are underrepresented (McCann, 2005).

› Young women with ages comprehended between 18 and 29 years old have twice the probability of being sexually harassed through the new information and communication technologies (the internet, social networks, chats, e-mails, SMS, etc.) than the women with ages between 40 and 49 years old (FRA, 2014).

› Regarding men victimization in working contexts, the International Labour Organisation (ILO) refers as a more vulnerable group the night shift working persons of small commerce, since they are more exposed to armed robberies (Cruz and Klinger, 2011).

› In very markedly male working contexts where women practically have no presence, the risk of being victims of sexual violence from colleagues increases for men occupying subordinate positions (Cruz and Klinger, 2011).

› Independently of the sex to which they belong, the homosexual, bisexual and/or transgender persons are also victims of violence at the workplace based on sexual orientation, including being target of blackmail, death threats and severe physical aggressions (Cruz and Klinger, 2011).

› According to the Investigation Group on Stalking in Portugal (Grupo de Investigação sobre Stalking em Portugal - GISP), certain professions, based on the development of regular and proximity relations (such as health care, social action, advocacy or teaching professionals), involve an increased risk of being target of persecution or persistent harassment (Matos et al., 2011).



Stalking, persecution or persistent harassment

Persistent harassment behaviours pattern translating into diverse forms of communication, contact, vigilance and monitoring of a target-person. These behaviours may consist in apparently harmless routine actions (ex. offering gifts, frequently telephoning, leaving written messages) or in unequivocally intimidating actions (ex. persecution, threatening messages).

[...] They tend to escalate in frequency and severity and may even associate to other violence forms, such as the threats and psychic, physical and/or sexual aggressions.

(Matos *et al.*, 2011)

› According to a study performed in the United States of America, three in four women victims of domestic violence were aggressed or insulted, personally or through a phone call, by the partner at the workplace. This confrontation affects the working environment in a similar way to that of an internal violence situation related to work (Cruz and Klinger, 2011).

› In Portugal, in a study about the social and economic costs of violence against women, one in each four victims referred having difficulties in finding job (Lisboa *et al.*, 2003). The most recent national plans against domestic violence reinforced the need of consolidating the network intervention in proximity logic, seeking to increasingly involve the municipalities: the autarchies, the local partners and the civil society organisations.

› Apart from violating fundamental rights of the human beings, violence and harassment at work produce an elevated social damage in terms of psychic economic and social costs.



› The costs of violence at work are felt in the increase of psychological or mental health appointments ascribed to the National Health System and in the increase of sickness benefits supported by the social security system (CITE, 2013).

Impact of Violence at work

At the victim's level: lack of concentration and demotivation at work; lower professional satisfaction; decrease of trust in the administration; decrease of the organisational participation (reduction of personal contacts to the minimum); increase of the possibility of leaving; breakdowns in the performance.

At the author's level: retaliation through diverse acts with the intent of harming the victim's professional situation, exposing the person to demotion, privilege's abolishment, transfer of workplace and/or post, degradation of the working conditions, wage decrease, humiliation and discredit in front of work colleagues, denial of technical support for task accomplishing, denial of access to training and professional valorisation, and eventually, at last, being dismissed.

At the organisation's level: degradation of the informal relations between the victims and leaderships; decrease of professional satisfaction in all the organisation's groups; generalized degradation of the interactions between the working collective and leaderships; productivity breakdown.

Adapted from CITE (2003)

Secondary victimization

In some contexts and dimensions of social life (...) and in higher or lower degree, people have the need to believe that the world is fair and – in this way – believe that each person gets what each deserves, or that “good things happen to good people” and “bad things happen to bad people”. This victim’s discredit or derogation phenomenon has a functional and adaptive nature and was identified in very diverse victimization situations, including with sexual harassment victims. When women resist and question the ease of the masculine sex’s impositions, it is their own credibility which is questioned and under suspicion – not that of the person who harasses or that of the entity (company, institution, organisation) which allows such behaviours. In this way, people tend to blame the victims of sexual harassment, holding them responsible for the control of the harassment situation and devaluing their experience, therefore increasing the damages and sufferings caused.

(Múrias et al., 2015)

Organisational costs

According to the Portuguese Order of Psychologists, labour stress and productivity loss in the companies has direct and indirect costs estimated at approximately 300 million euros (OPP, 2014: 13)



- › Violence at work is one of the main five factors – simultaneously with alcohol, stress, tobacco and HIV – affecting the health and well-being of the working persons all over the world (Cruz and Klingler, 2011).
- › The conclusions of the European Survey of Enterprises on New and Emerging Risks (ESENER) promoted by the European Agency for Work safety and health (EU-OSHA, 2010) suggest that the European companies resort to formal actions (based on policies or procedures) to approach whether general work safety and health issues or psychosocial risks, equally resorting to less formal actions, especially when dealing with psychosocial risks.
- › Violence, the threat of violence, intimidation and harassment are referred as a motive of “much or some concern” by the European companies, with higher percentages in the health, social action and education sectors.
- › This survey revealed that in the Portuguese public services, more than two thirds of the leaderships in the labour health and safety area are worried with the existence of violent behaviours, such as harassment and intimidation, even though only a negligible part of these services has implemented a formal response or denunciation procedure.

Psychosocial risk management formal procedures

The most formal psychosocial risk management procedures only seem to be generalized in some Northern European countries (such as Ireland, the Netherlands, the United Kingdom and the Scandinavian countries), in big companies and in the public, financial, education, health and social action sectors. [...]

[However,] less than a third declares having implemented procedures to deal with intimidation or harassment (30%), work-related violence (26%).

(EU-OSHA, 2010: 2, 8)

Principles and methodologie

How to proceed?



European framework of the struggle against harassment

In its recitals and pleading, the 2006/54/EC Directive of the 5th of July equates harassment as a gender based discrimination.

In its recital 6), transposed to article 2.nd:

Harassment and sexual harassment are opposite to the principle of treatment equality between men and women and constitute discrimination on account of sex for the present directive's effects.

- › The concerns with employment and profession related discrimination date back to 1958, year in which the International Labour Organization's (ILO, 1958) 111th Convention was adopted.
- › The United Nation's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (UN, 1979) warned states to ensure the right to work with the same possibilities and job stability for men and women.
- › Violence in professional context was exposed by the migrant women, having their vulnerability and need of protection against sexual harassment been declared in the ILO's 169th Convention (1989), which imposed the elimination, by the states, of all forms of labour discrimination.
- › The Beijing Declaration and Platform for Action (UN, 1995) considers sexual harassment and intimidation at the workplace as severe worldwide forms of violence and discrimination which undermine women's dignity, violating, hampering or overriding the enjoyment of the human rights and fundamental liberties, constituting an obstacle to achieving equality, development and peace objectives.

In recital 7), consecrated in article 26.th:

In this context, the employers and those responsible for the professional training should be encouraged to take measures to fight all forms of discrimination in virtue of sex and - especially - preventive measures against harassment and sexual harassment at the workplace, in the access to employment, to professional training and to career promotions, according to the national legislations and practices.

(European Parliament and Council,
2006: 204/23)



- › With the acknowledgment that sexual harassment affects women and men's dignity at work, the European Union recommended the member-states to adopt a code of good practice.

Good practices codes

The adoption of a code of good practices, with the subsequent diffusion through communication and information channels, contributes to the awareness about violence situations by the whole organisation, allowing:

- Establishing a prevention policy for violence at work, defining and forbidding violence, intimidation and (moral and sexual) harassment behaviours in the deontological codes;
- Ensuring a working environment free of violence, holding the whole organisation responsible for its prevention (employing entity, leaderships, professionals, clients, etc.);
- Training and sensitizing against violence at work: during recruitment, at the initial integration in the company and/or along the career's development;
- Creating internal mechanisms of reception and investigation of denunciations and complaints, ensuring confidentiality, objectivity and independence;
- Looking after the working person's rights, ensuring the victim's counselling and psychological and juridical support and preventing retaliations or reprisals against who denounced the violence, intimidation and moral or sexual harassment situations;
- Reproaching and censoring all violent and persecutory behaviours, guaranteeing the infraction's sanction.

(Múrias et al., 2015)

With who?

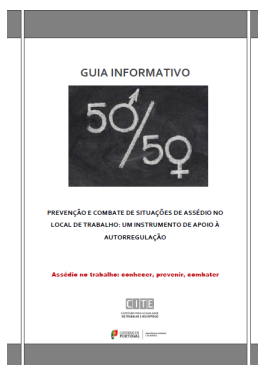
Institutions and persons to involve

Framework Agreement

The European Framework Agreement on harassment and violence at work, signed by the European social partners (between the employers and union confederations), extended the invitation for the European companies of candidate countries to EU membership to adopt a zero tolerance policy regarding violence at work to (European Commission, 2007)

> Violence prevention at work needs to be enhanced through social dialogue, including the collective labour agreements and the collective negotiation, when applicable to the autarchy, to the sector or at national level (CITE, 2013).

> >> Whenever feasible, preventing violence at work should involve the formal or informal participation of the work safety and health services. The formal or institutional participation requires the creation of formal organs, in accord with the national legal frames and social traditions, which greatly depends on the entity's dimension (EU-OSHA, 2010).



> The Commission for Equality in Labour and in Employment (Comissão para a Igualdade no Trabalho e no Emprego - CITE) recently published a guide of good practices that should be adopted by the employing entities (2013). It's a referential with the least that can be done for the organisations to engage a strategy which defends them from harassment.

> At the external level, the autarchies need to involve:

- _ Public entities: Public Prosecutor (Ministério Público) of the Labour Court; Police (PSP), National Republican Guard (Guarda Nacional Republicana - GNR) and Criminal Police (Polícia Judiciária - PJ);

- _ Social Partners: Professional orders; labour associations, unions and union associations, unionists;

- _ Non-governmental or civil society organisations: human rights associations, women associations; victim support associations; migrant associations; youth associations; local development associations.

- › At the internal level, the autarchies should involve:

- _ Deliberative and executive organs: president, councillors, deputies, leaderships, supervisors, directors and executive boards, managers;

- _ Human resource departments, work safety and health commissions or representatives or consultancy firms: including all the professional categories which intervene in the prevention and resolution of violence and labour conflicts, namely, psychology, social service and action, nursing, safety and medicine at work, management and training professionals, jurists, councillors for Equality;

- _ Working class: working persons' councils, union delegates, superior cadres, medium cadres, instructors, team leaders, highly qualified professionals; qualified professionals; semi-qualified professionals, non-qualified professionals, practitioners and apprentices.

Instruments

Which resources?

- › To prevent violence at work, the autarchies may adopt good practices codes which allow the materialization of a global and integrated approach of protection of the working person's dignity, building a dignified, safe and healthy working environment.
- › Attached to this guide (see Attachment), we present a good practices code model adapted from the code of practice on measures to combat sexual harassment, attached to the Commission Recommendation (92/131/EEC) of the 27th of November 1991, regarding the protection of women and men's dignity at work (European Commission, 1991). This adaptation was elaborated in conformity with the European legislation, already transposed to the national legislation, and may be applied at the local level. However, it is especially important that the small and medium dimension autarchies adapt some of the practical orientations to their specific needs.
- › These instruments' pleadings should explain the acts and behaviours considered as violence, as well as the mechanisms and the formal and informal denunciation, investigation, sanction and victim support procedures of these acts.
- › In order to be able to adopt reality adapted prevention and protection measures, the autarchies should implement a risk assessment policy. In this sense, it is fundamental questioning: the violent behaviours experienced in the organisation (including threat, aggression, intimidation, moral or sexual harassment, and stalking/persecution or violence in intimate relations episodes); the working environment and the professional relations; the denunciation, investigation and sanction mechanisms and procedures of a violence situation; the professionals' training (knowledge, competence and action capacity)

to deal with violence situations and the existence of internal response and counselling services or of forwarding to external victims support structures.

› There are several instruments to which one may resort to proceed to an assessment of violence at work-related risks. These may assume the form of inquiries (intermediating open questions with closed questions) or the form of a check-list or indicators list, to allow assessing information at an initial evaluation moment as well as at a posterior monitoring moment.

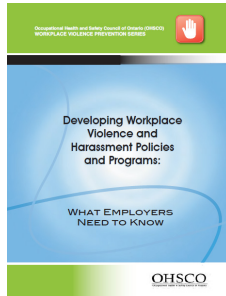
Diagnostic instruments

› A policy of risk management implies an information gathering process - resorting to inquiries, questionnaires, evaluation grids, indicators lists and other instruments - as preventive measure to minimize the risk of violence at work.

› Next, we present some simple and short auto fill instruments which allow the autarchies to gather pertinent information for the risk management regarding different work-related - internal or external - violence forms: including threat, aggression, intimidation, moral or sexual harassment, persecution and/or violence episodes in intimate relations.

Questionnaire on violence at work

› To ensure the informed consent of any inquiry, one must explain in its introduction the goal, the objectives and who is the recipient of the gathered information, as well as the data treatment and results diffusion procedure. To ensure the information reliability, the approached forms of violence must be defined, by way of a glossary, at the introduction or in the presentation of the questions themselves. There must always be the concern of guaranteeing the anonymity and confidentiality of the person's report.



› The questionnaire presented here was adapted from the inquiry developed by the Ontario Safety Association for Community and Healthcare, being an instrument referenced by the Occupational Health & Safety Council of Ontario (OHSCO, 2010a).

Glossary Example

- **Threat:** gesture, signal, word or any other symbolic act which provokes fear or distress and forces a person to do something unwanted in order to avoid an unfair and severe evil against life, physical integrity, personal freedom, sexual freedom and self-determination or patrimonial goods of considerable value.
- **Physical aggression:** any physical behaviour with the intent of inflicting damage or bodily injury or causing harm to a person, going against that person's life or physical integrity.
- **Moral harassment:** any abusive conduct, configured through gestures, words, inadequate behaviours and attitudes withdraw from what is generally accepted by society and that, in virtue of its repetition or systematisation affronts a person's character, dignity or psychological integrity, threatening the respective job or degrading the working environment.
- **Sexual Harassment:** any undesired sexual nature behaviour, under verbal, non-verbal or physical form with the intent or effect of violating a person's dignity, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Intimidation:** any act, gesture, signal or word through which a person tries generating fear in someone else so that the second person does what the first wants.
- **Persecution:** repetitively threaten someone, following the person, forcing undesired communications or informing the person that he/she's being intentionally watched, making the person fear for personal safety.
- **Violence in intimate relations:** behavioural pattern used by a person to control or exert power over another with whom the first maintains or had an intimate relationship. Such behavioural pattern may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, persecution and the use of technological tools to harass or control.

› INCIDENTS AT WORK

Yes No

Were you ever the target of threat/physical aggression/harassment/persecution while working in this organization?

If you answered yes, describe the incident [open question]

Yes No

Did you report the incident?

Who to?

Leader or supervisor

Union delegate

Unionist

Working persons 'Council

Work safety and health Commission

Representatives of Work Safety and Health

Another person

How?

Orally

Writing

Who threatened, aggressed, harassed or persecuted you?

Client

Member of the public

Colleague

Partner or ex-partner

Leaders or supervisor

Another person

Na sua opinião, que medidas devem ser tomadas para tornar o seu local de trabalho mais seguro?
[pergunta aberta]

› REPORTING INCIDENTS AT WORK

Yes **No**

Is it mandatory to report threats or acts of violence occurred at your workplace?

If yes, are you afraid of suffering any reprisal or retaliation?

Are there internal mechanisms for the reception of denunciations?

Are there internal mechanisms for the reception of denunciations?

Do your supervisors promptly investigate the reported incidents?

Do your supervisors promptly sanction the infractions?

Are the police or the emergency services immediately called when a crime is denounced?

Are there counselling and support services for target-persons or witnesses of violence at work?

Comments:

[open question]

› SENSITIZATION AND TRAINING

Yes **No**

Do you know how to - and next to whom - report a threat or a violent incident?

Did you receive training to identify/recognize, prevent or respond to violence situations at work?

Do you feel prepared to deal with a threat or a violent situation?

Did you receive training or information about domestic violence at your workplace?

Comments:

[open question] (Here you may add other questions about training in working context, such as, for example, the way to ask for help, the way to temper the situation, the way to transmit information about certain behaviour of some client, etc.)

› SPECIFIC QUESTIONS WITH THE WORKING CONTEXT IN THE MUNICIPALITY

	Yes	No	N/A
If you work in a street context, do you have access to any of these auxiliary supports?			
Previous information about the neighbours or the neighbourhood in general			
Police assistance in risk situations			
Mobile phone, walkie-talkie or radio transmitter			
A contact person			
Specific information about a certain person's violence record or behavioural problems			
Timely assistance when a problem is reported			
Are there other aids which you consider protective of your safety? If yes, please specify here: [open question]			

Check-list on information about denunciation, investigation and sanction mechanisms and procedures

- In case of violence, intimidation and/or moral and sexual harassment at work, what knowledge do you have about the denunciation, investigation and sanction procedures of the situation?
- Do you possess information on how and next to whom you must report a denunciation?
- Do you possess information on the guarantee of confidentiality of the complaint forms and tools (e.g.: online form, indication of a person representing the staff, ethical council, external entity, etc.)?
- Do you possess information about functions, roles and responsibilities attributed to the employing entity, to leaderships, managers/supervising persons, work colleagues in order to assess the duties of the persons involved in the reported violence situation?
- Do you possess information about how and when the investigation must be conducted?
- Do you possess information on what must be the investigation's object?
- Do you possess information on organizing an investigation proceeding (detailed description)?
- Do you possess information on when the proceeding should be filed?
- Do you possess information about the sanctions that should be applied to the determined infraction?

Adapted from OMLOHSB (2010)

Some monitoring indicators

- › For their self-regulation, the autarchies may define indicators lists for the monitoring of the policies and programs under implementation to prevent and fight violence at work.

- › The information' diffusion is an essential process for an effective acknowledgment of these policies and prevention programs. All this information need to be known by all the professionals' team, especially of the human resource departments, of the work safety and health commissions or representatives, union delegates or consultancy firms (when the service is externally contracted).

- › According to the 5th Gender and Domestic Prevention and Combate National Plan (V Plano Nacional de Prevenção e Combate à Violência Doméstica e de Género 2014 -2017 - V PNPCVDG - PCM, 2013), the municipalities have an extra responsibility in the prevention and combat against domestic and gender-based violence.

- › Beyond having the obligation of acting adequately when facing specific incidents or of implementing prevention measures, it's in the autarchy's interest, as an employing entity, knowing how to recognize violence signs in intimate relations, evaluating the potential risk of the victim, work colleagues and other persons present, apart from elaborating measures and procedure methods to control the risks.

- › By applying measures related with personal safety or by forwarding to the adequate communal resources, a healthier and more productive work force is promoted, beyond preventing serious injuries and/or other fatalities (OHSCO, 2010b).

- › In this sense, we also propose some indicators grids suitable for signaling violence situations in intimate relations in work context and to the evaluation and risk management regarding this type of violence. These grids were adapted from the Guide for the attendance to women in violence situations: understanding the problematic for a better intervention (Guia para o atendimento a mulheres em situação de violência: compreendendo a problemática para uma melhor intervenção - RAMSV, 2013), of Montijo's Women in Violence Situation Support Network (Rede de Apoio a Mulheres em Situação de Violência do Montijo), and from the manual Domestic violence doesn't stop

when your worker arrives at work: What employers need to know to help, of the Occupational Health & Safety Council of Ontario (OHSCO, 2010b).

Indicators in violence cases in intimate relations

How to identify a violence situation in intimate relations?

A work colleague may be target of domestic violence but has difficulty in revealing or denouncing that situation. In these circumstances, if signs of violence are identified, the person may be advised to seek a victims' support structure.

Among others, the following signs should be taken into account:

- _ Wounds on the head, face, neck, chest, arms or legs
- _ Not seeking medical assistance
- _ Inconsistent explanation for the type of wounds
- _ Painful symptomatology without apparent cause
- _ Psychological problems such as depression, suicidal ideation, anxiety, sleep disorders
- _ Not having one's personal documents

a) When suspecting of violence in intimate relations: what to do?

Examples of direct Questions

- Tell me how you got those injuries?
- Did you ever feel afraid of your partner or husband?
- Does your partner often lose his temper with you?
 - Does your partner consume drugs or alcohol in excess?
- Did your partner ever threaten to hurt you, destroyed or broke things that you like, hurt you or beat you?

Adapted from RAMSV (2013)

Before doing direct questions, more open questions should be made, such as:

- _ How's the environment at home? How's the family relation?
 - _ What are the current domestic concerns?
- › Another technique which might also be useful in the approach to violence situations in intimate relations is the universalization, meaning, proceeding to questions about violence which normalize the experience and break the victim's isolation feeling:

_ “Lots of women live with partners that frighten them...”

_ “Domestic violence or violence in intimate relations is so common, but I have no idea how I would respond if it happened to me...”

Steps to motivate seeking for support

Explore the aggression's frequency

- Was it the first time?
- Is this kind of situation frequent?

Support and validate the victim's experience

- It's not your fault.
- You're not alone.
- You need to defend yourself.
- What would you like to do regarding this?
- How do you feel about this?

Adapted from RAMSV (2013)

b) When the existence of violence in intimate relations is confirmed

It's very likely that the person we are talking to has already looked for help, but it's also likely that the help she/he got was inadequate, or that the person felt pressured to do something without being prepared. The intervention will be advantageous if we manage to establish a non-blameful relation, respectful of the person's evaluation of the situation (Martins et al., 2008), motivating the seeking of a local victims' support structure.

c) Before denial of the existence of violence situations in intimate relations

In spite of the existence of great suspicion that the colleague may be victim of violence in intimate relations or domestic violence, the person may deny the aggression's existence. Before this scenario, one shouldn't feel that the intervention was unsuccessful. Very often, victims become at greater risk when they try to act. The choice of the right time to act needs to be the person's but either way now she/he knows there are persons who can help.

Regarding safety at the workplace

Risk can be defined as the probability of occurrence of something adverse or dangerous (Martins et al., 2008). To increase safety at the workplace, a victim of violence in intimate relations should:

_ Inform the supervisors or the hierarchically superior person about what's happening

_ Ask colleagues to register the persons that call her/him to the workplace

_ Inform - one or more persons - about the paths and public transports used

- _ Change to different itineraries than those made when living with the aggressing person

- _ Plan what to do after leaving the workplace and inform one or more persons about it.

Regarding safety in a crisis situation occurred at the workplace

Some violence episodes in intimate relations may imply the victim's removal from the respective work for protection and safety of all the persons frequenting or working at the place. These are the designated crisis situations and they occur when the experienced situation seems to threaten or endanger the person's physical and/or psychological integrity. The victim may be with little capacity to deal with the circumstances.

- › To identify these moments, a quick analysis may be performed allowing to answer three fundamental questions:

Violence degree

- _ Is the victim persecuted?

- _ Is the person's life endangered?

- _ Has visible aggression marks?

Capacity to overcome the situation

- _ Does the victim fears returning home?

- _ Does the person believes being endangered?

- _ Asks for help to leave home?

- _ Is there a suicide danger?

Aggravated risk indicators in case of violence in intimate relations

- Previous violence history
 - Violence escalation
 - Sexual violence
 - Gun access or ownership
 - Homicidal and/or suicidal threats
 - Alcohol or drugs abuse
 - Feeling of possession and jealousy
 - Psychopathic indicators in the aggressor
 - Persecution or stalking
 - Attempt of separation or rupture of the relation
 - Presentation of criminal complaint
 - Judicial hearings
 - Visits in the context of parental responsibilities
 - Judicial notifications or from other official services
 - Violation of judicial measures
- Adapted from RAMSV(2013)

Support after the traumatic event

- _ Was or needs to be assisted by health professional?
- _ Has support from family member, friends, neighbours?
- _ Filed a complaint?

› The specially critical moments in which risk can be aggravated are those interpreted by the aggressing person as challenges to his/her authority and power: when realizing the loss of control, the person may try to reinforce dominion through the aggravation of intimidation and violence (AMCV, 2013).

› In these circumstances, the risk assessment needs to be made by specialists, with resource to scientifically validated instruments. The evaluation and risk assessment should be a continuous and dynamic process and take each victim's specificities into account, as well as those of other persons, potential collateral victims, such as family members, friends or work colleagues. This information gathering may be made by several organisations, according to their specific competences, in narrow, joint and protocolled articulation (AMCV, 2013).

› In these circumstances, the victim's forwarding to specialized support structures is essential, as well as the elaboration of a Safety Plan. A simple conversation with the victim, exploring practical aspects, may be enough to ensure her/his protection.

› A safety plan needs to include:

- _ Contact of a domestic violence victims' support organisation
- _ Emergency numbers, such as 112, 144 and 800202148
- _ Safety measures at the household

_ The identification of a safe place to which, in case of danger, the victim may recur

_ The identification and the contact of the natural support network

_ Quick Access to Money, medications and important documents

How to approach a person who is an aggressor?

Violence in intimate relations transforms into violence at the workplace when it affects or occurs in the workplace, notably when victim and aggressor share the same workplace. In these situations, one must intervene. However, approaching the aggressing person may seem hard. Thus, a motivations' check-list or range of arguments to overcome the hesitation to act and avoid being a mere witness is also presented.

Check-list to intervene next to the aggressing person

- Choose an appropriate place and an adequate time to deeply discuss the matter.
- Approach the person when he/she is calm.
- Confront the person directly, describing the observed situations.
- Enhance that one considers such behaviour inappropriate.
- Avoid making comments or moral judgments on the person: focus on the violent behaviour.
- Do not validate the attempts of blaming the victim or other subjects for the person's behaviour: reinforce that the violent behaviour is the acting/aggressing person's responsibility!
- Focus the conversation on your worries with the victim's safety and physical integrity.
- Advise the person to seek specialized help to avoid abusive behaviours.
- Never argue with the person about the abusive behaviours nor physically intervene. An approach leading to disputes or confrontations may make the situation worse and increase the risk for the victim.
- Inform your supervisor or the hierarchically superior person about the situation.
- Call the police if the victim's safety is at risk.
- Do not intrude in an aggression. In case of emergency, call the police!

Adapted from OHSCO (2010c)

› ARGUMENTARY FOR THE ACTION

CONCERN POINTS	CONSIDERATION POINTS
You feel it doesn't concern you.	It may be a matter of life or death. Violence in intimate relations is a public crime.
You don't know how to approach the matter.	You may start by saying that you're worried about the situation.
Your intervention may make the situation worse.	Not intervening may legitimate the abuse and make the situation worse.
It's not serious enough to justify calling the police.	The police has adequate training to intervene in narrow articulation with other specialized support structures.
You're afraid of being target of threats.	Approach the matter discreetly. Warn the police in case you're victim of threats.
You believe the victim is ok in the relation for not leaving home.	The victim may not have the necessary support.
You're afraid that the person gets angry at you.	Maybe, but you have the opportunity of offering your help.
Both persons are your friends.	A friend is being target of violence and lives in fear.
You believe that if the person wanted to change, she/he would have already asked you for help.	Maybe that person is embarrassed to ask for help.

What must the autarchy do as an employing entity?

If an autarchy is aware that a violence situation in intimate relations may be taking place among its technical or superior staff, measures need to be taken to minimize the risk. Those measures depend on each situation's circumstances and their goal is avoiding an incident at the workplace.

Check-list to intervene in violence situations in intimate relations

- Elaborate a clear declaration that any violence act in intimate relations will not be tolerated at the workplace.
- Offer regular training opportunities for the supervisors and the workers about violence in intimate relations and the support structures available in the community.
- Provide leaflets and other informative materials on the available resources for victims in the bathrooms, waiting rooms and in the autarchy's internet portal.
- Publicize the telephonic lines for reporting potential risk situations.
- Define procedures and measures for the victim's protection and the liability of the aggressors, in case they are autarchy's employees, to be taken when aware of an incident, threat or violence situation in intimate relations.
- Guarantee, as much as possible, the confidentiality in the reporting of violence situations in intimate relations (acknowledging that, in certain circumstances, the autarchy may provide some information in order to fulfil its duty of protecting the workers and make sure that all the victims understand these constraints).
- Guarantee the victim's safety at the workplace, which includes the elaboration of a safety plan at the workplace.
- Elaborate authorized removal provisions which allow the victim to deal with legal matters, searching for housing, providing care for the children – and take time to recover.
- Elaborate regulations for the payment of the period of absence from work, removal from work for an extensive period of time and relocation options for working persons who are facing violence situations in intimate relations.
- Have alternative work plans available, ex. Schedule flexibility, change of the start and end of the working day; transfer to a different work location, etc.
- Elaborate a practical guide with strategies to deal with the aggressors (whether they are working persons or visitants).

Adapted from OHSCO (2010b)

Best practices. Which examples?

› A good practice results from an idea, preferentially innovating, which presents as a solution for a certain problem, in a certain context, and which recognition must be based upon a participated successful experience which went beyond the fulfilment of the law.

Good-practices typologies

- _ Information gathering and data production

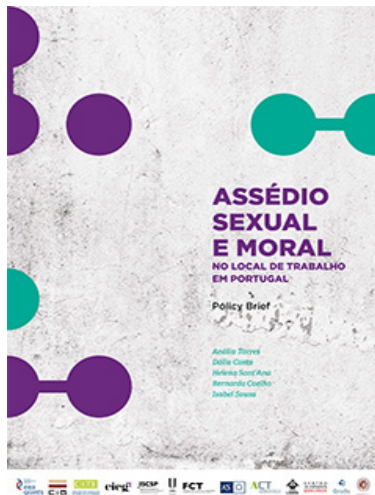
- _ Advocacy, community awareness and mobilization

- _ Women empowerment and creation of strategic partnerships

- _ Strategic agent's capacitation

- _ Integration of Gender-based Violence/Gender Equality in the autarchic practices and in the services' providing to the community

Information gathering and data production



http://www.cite.gov.pt/pt/acite/projetos_eea_grants_001_04.html

› With the goal of enjoying objective and updated information about the phenomenon of sexual and moral harassment at the workplace in Portugal which could support the public authorities' action (but also that of the employing entities, workers and their representatives), the Commission for Equality in Labour and Employment (Comissão para a Igualdade no Trabalho e no Emprego - CITE) promoted in 2015 the execution of the second national inquiry on harassment at work. In sexual as well as in moral harassment, the study verified the existence of highly significant numbers, superior to those which verify in the European countries' average, being more frequently practiced by hierarchical superiors and direct supervisors over persons in an inferior hierarchical position at the organisation (Torres et al., 2016). This study involved several partner entities, such as Lisbon's City Council, the Authority for the Working Conditions (Autoridade para as Condições de Trabalho - ACT), the Lawyers' Order (Ordem dos Advogados), the Judiciary Studies' Centre (Centro de Estudos Judiciários - CEJ) or the Norwegian Association of Local and Regional Authorities (among others) with the intent of promoting the reflexion and the debate about the found reality with the concerned parties. The results were posteriorly presented and disclosed to the community through the social communication means and in seminars open to the public.

Advocacy, community awareness and mobilization



<http://assediosexual.umarfeminismos.org/>

› Lisbon's City Council endorsed the multimedia campaign "Sexual Harassment is Violence, Right to work with dignity!" ("Assédio Sexual e Violência, Direito ao trabalho com dignidade!"), promoted by UMAR in the framework of the project "Sexual Harassment: Break Invisibilities. Build a Prevention and Intervention Culture" ("Assédio Sexual: Quebrar Invisibilidades. Construir uma Cultura de Prevenção e Intervenção"). The campaign intended to give visibility and frame the problematic of sexual harassment in the economic, social and cultural tissue, sorting to specific techniques for the diverse agents on the field and society in general, namely through printed tools (production of an informative kit which included leaflets, postcards, posters and an informative publication) and audio visual means (production of a advertisement spot, with the participation of four Portuguese public figures: the journalist Fernanda Freitas, the singer David Fonseca and the actresses São José Lapa and Ana Brandão). The support of Lisbon's City Council consisted in ceding urban furniture for the exhibition of the printed materials in privileged locations in Lisbon's city centre- posters' affixation on the main traffic axes - and institutional publicity space



<http://www.cgtp.pt/informacao/propaganda/category/56-campanha-romper-com-o-assedio>
<https://www.ugt.pt/comissoes/comissoes-57?ano=2015&newsid=815>

for the visualization of the referred spot. The campaign's deployment in the Portuguese public television allowed the marking of the 25th of November. To increase the visibility next to the younger population, the campaign also relied on free postcards' distribution at university (Teaching circuit), restoration and recreation (Leisure circuit) facilities (Múrias et al., 2015). These activities were inscribed on the Domestic and Gender-based Violence Prevention and Combat Municipal Plan (I Plano Municipal de Prevenção e Combate à Violência Doméstica e de Género) of this autarchy.

Women empowerment and strategic partnerships' creation

› The women's departments of both the Portuguese unions' confederations, namely the Women's Commission of the União Geral de Trabalhadores (CM/UGT, 2015) and the Commission for the Equality between Women and Men of the Confederação Geral de Trabalhadores Portugueses, Intersindical Nacional (CIMH/CGTPIN, 2015), have been supporting all the working persons (unionized or not) who recurred to their legal support cabinets for denunciation of moral or sexual harassment. Through the participation in financed projects, these structures have also been encourage the creation of strategic partnerships with the intent of promoting the enforcement, by the public and private entities, of the European framework agreement on harassment and violence at work (European Commission, 2007), and the compliance to the Information Guide for the Prevention and Combat to harassment situations at the workplace (Guia informativo para a prevenção e combate de situações de assédio no local de trabalho - CITE, 2013). Notably, promoting, jointly with the unions' local federations, the insertion - in specific clauses of the collective labour agreements- of the prohibition of any act of harassment and violence at the workplace (of physical, psychological, moral and/or sexual order), resulting from conducts of supervisors, colleagues, clients and/or suppliers. They have also published informative material, guides and posters to support union's intervention, diffusing it next to unionists, as well as next to their associates.

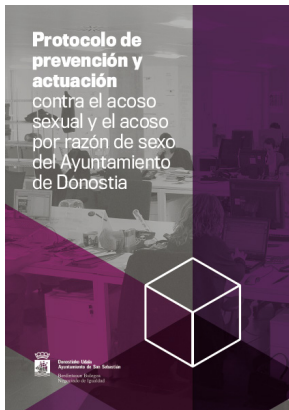
Strategic agents' capacitation



<http://assediosexual.umarfeminismos.org/index.php/agenda-2/sensibilizacao/acoes-de-sensibilizacao>

› In the framework of the project “Sexual harassment: Break Invisibilities. Build a Prevention and Intervention Culture”, promoted by UMAR, several autarchies of Lisbon’s metropolitan area, such as Lisbon’s City Council, Cascais’ City Council, Seixal’s City Council, Loures’ City Council and Odivelas’ City Council, have capacitated - through several sensitization actions in small group room - different strategic agents including leaders and autarchy’s professionals, union delegates and professionals of the entities composing the sexual networks, reinforcing competences for the prevention and combat to sexual and moral harassment at the workplace in their municipalities. These actions were inscribed in Cascais’ Municipal Strategy for Gender Equality, in Seixal’s Gender and Opportunities Equality Municipal Plan and in Lisbon’s Domestic and Gender-based Violence Prevention and Combat Municipal Plan.

Integration of Gender-based Violence /Gender Equality in the autarchic practices and in the services’ providing to the community



https://www.donostia.eus/info/ciudadano/igualdad_plan.nsf/vowebContenidosId/NT000009A2?OpenDocument&idioma=cas&id=A374066376363&doc=D

› The autarchies of Donostia/San Sebastián, Madrid, Granada, Burgos, Pamplona, Gijón, Barberà del Vallès (Barcelona), among others, approved protocols against sexual harassment with the purpose of creating a working environment which is respectful of the working person’s diversity and favours the building of equalitarian labour relations. The Donostia/San Sebastián’s protocol results of a participative process and of debate promoted by the Equality Commission (composed by union representatives, technical staff of the labour risks prevention, - safety and health at work - and of the equality area, of the human resources department and of the Counsellor for Equality), and responds to the Organic Law 3/2007 for the Effective Equality Between Men and Women (Lei Orgânica 3/2007 para a Igualdade Efetiva entre Mulheres e Homens - LOIEMH), which compels the Spanish public administration to adopt an action protocol against sexual harassment (article 62). If in Spain this measure corresponds to the fulfilment of the law, its transference to the Portuguese reality will be considered a good equality promoting practice in the autarchies and in the services’ providing to the community.

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ANNEX

Model of good practice code

Best practices code model

Adapted from the code of practice on measures to combat sexual harassment, attached to the Commission's Recommendation (92/131/EEC) regarding women and men's dignity protection at work (European Commission, 1991), this model was elaborated in conformity with the European legislation, already transposed to the national legislation, and may be applied at local level. However, it's especially important that small and medium dimension autarchies adapt some of the practical orientations to their specific needs.

Code on Prevention and combat sexual harassment

1. Introduction

The present code aims at providing the municipalities with practical guidelines related with women and men's dignity protection at work. The code may be applied in the autarchies as well as in the public sector - municipalized services - or in the private sector - firms or other employing entities based at the municipality. Every entity is urged to follow the contained recommendation in the more adequate way to its dimension and structure.

The present code's objective is preventing the occurrence of sexual harassment and, in case it occurs, enforcing the application of the more adequate measures to solve the problem and prevent its repetition. Thus, the code intends to encourage the elaboration and the application of policies and practices which allow the creation of sexual harassment absence working environments in which men and women mutually respect their human integrity.

Literature revealed that sexual harassment is a severe problem to a great number of working women in the European Union, and investigations carried out in the member-states proved that sexual harassment at work is not an isolated phenomenon. On the contrary, it's quite evident that for thousands of women in the European Community, sexual harassment constitutes an unpleasant and inevitable aspect of their professional life. Even at the carrier top, they are still targeted by this behaviour, including harassment practiced by clients, service users or suppliers, or practiced through the new information and communication technologies. This, in the framework of the intervention on sexual harassment, consolidates the need to conceive the workplace in a broad way, including external persons with whom professional relations are maintained. Men may also be victims of sexual harassment and must, obviously, have the same rights as women in what concerns their dignity's protection.

Some specific groups are especially vulnerable to sexual harassment. Beyond documenting the relation between the sexual harassment risk and the victim's perception of self-vulnerability, investigations carried out in several member-states also document a relation with the vulnerability perceived by the harassing person, suggesting that divorced and separated women, young women and those who are newcomers to the labour market, those who have a precarious or irregular work contract, women who occupy non-traditional working posts, women with handicaps, lesbians and yet those belonging to ethnical or racial minorities are exposed to a disproportionate risk. Homosexual men and young men are also vulnerable to sexual harassment. More than a discrimination, sexual harassment at the workplace is a gender-based violence, which translates in the violation and disrespect for Human Rights, in particular, of the human persons' dignity in working context.

More than a sexual conduct, it is an exercise of power, an abusive manifestation of the historically unequal relations between women and men which led to women discrimination based on the gender social roles which structure the organisations and workplaces. It cannot, therefore, be disconnected of more generic inequality forms in the access to resources, powers and reputation.

Sexual harassment disturbs the working environment and may have a devastating effect on the health, trust, working capacity and return of the persons suffering with. The anxiety and tension provoked by sexual harassment usually leads the targeted persons to take sick leave, to be less efficient at work or to leave the job in order to seek work somewhere else. The workers frequently suffer the harmful consequences of sexual harassment itself, and the short and long term damages for their career perspectives if they are forced to change job. Sexual harassment also has a negative impact on the witnesses or persons who are aware of it.

Sexual harassment also has ominous consequences for the employing entity - since it directly affects the profitability whenever the staff takes sick leave or quits the job in result of sexual harassment - and for the economic efficiency always that productivity decreases due to the existence of a workplace where the person's integrity is not respected. Nonetheless, a striking transformation in the way women react to the sexual harassment situations at the workplace has been noted. That change reveals itself in the sense of a lower passivity before sexual harassment, immediately showing discontent with the experienced situation and confronting the harassing person demanding that it doesn't repeat, or the demonstration of irritation and of the offensive character of the occurrence.

For lack of social visibility, sexual harassment constitutes an obstacle for the labour integration of women and other socially vulnerable groups, while the autarchy is committed in encouraging the development of actions to improve that integration.

2. Definition

Sexual Harassment means an undesired behaviour or other behaviours in virtue of sex which affect women and men's dignity at work. This definition may include any other undesired behaviours of physical, verbal or non-verbal type.

Consequently, there's a whole series of behaviours which may be considered as sexual harassment. Sexual behaviour is unacceptable when undesired, unreasonable and offensive for the receiving person; if a rejection or submission reaction of a person to such conduct - coming

from any professional (including leaders, supervisors, hierarchically superior persons or colleagues -), is used explicitly or implicitly as foundation for a decision which will affect this person's access to professional training or to employment, the continuance at the job, the promotion, the wage or any other decision regarding the job and/or if such conduct generates an intimidating, hostile or degrading working environment.

The key characteristic of sexual harassment is being undesired, and it's up to each individual to determine which behaviour one understands as acceptable and what is understood as offensive. The sexual approach only becomes sexual harassment if it's persistent and after the receiving person has clearly shown considering that conduct offensive, even if a single harassment incident may constitute sexual harassment when it's severe enough. It is the undesired nature of this conduct that distinguishes sexual harassment from the friendly behaviour, which is welcomed and repaid.

3. Legislation and the employing entity's responsibilities

A sexual character behaviour or other behaviours in virtue of sex which affect women and men's dignity at work may be opposite to the treatment and opportunities' equality principle, in the sense of the articles 1.st and 2.nd of the European Parliament's 2006/54/EC Directive, of the 5th of July 2006, regarding the enforcement of the equal opportunities and equal treatment of men and women in matters of employment and occupation principle (reformulation). This principle implies the absence of any direct or indirect discrimination in virtue of sex, including harassment and sexual harassment, as well of any less favourable treatment in virtue of the rejection or submission to such behaviours.

They are also contrary to the protection of the fundamental rights and to the promotion of equality and non-discrimination, in the sense of the article 4.o of the Council of Europe Convention on preventing and combating violence against women and domestic violence adopted in Istanbul in May 2011 and in force since the 1st of August 2014.

In certain circumstances, and according to the national legislation, sexual harassment may be considered a felony or constitute an infraction to other legal obligations, notably health and safety obligations, or any obligation, contractual or not, which impends the employing

entity. Given that sexual harassment is a form of misconduct from any person working or providing services in a certain organisation or workplace, the employing entity is responsible not only for tackling its occurrence the same way it does with any other form of professionals' misconduct, but also of abstaining itself from harassing the persons working in it. Since sexual harassment constitutes a risk for the health and safety, the employing entity is responsible for taking measures in order to minimize this risk, as it does with other dangers. Since sexual harassment frequently generates power abuse, the employing entity may be held responsible for the abuse of authority delegated by it.

However, this code perceives sexual harassment as a gender discrimination problem. According to the labour legislation, sexual harassment is gender discrimination because the receiving person's sex is the factor determining who suffers harassment. Sexual nature behaviours, or any other behaviour in virtue of sex, which affect women and men's dignity at work, are already considered - in some member-states - as transgressions to the national legislation on opportunities and treatment equality, and the employing entity has the obligation of pulling out all the stops in order to ensure a working environment free of such behaviours.

Since sexual harassment frequently occurs independently of the women's' statute in the job hierarchy, the most favourable policies to combat sexual harassment are probably those which relate to a broader policy of human rights protection, of gender equality and women empowerment promotion, and of violence prevention and combat at the workplace. In the same way, a procedure aimed at treating sexual harassment complaints must only be considered as one more element of a strategy to deal with the problem. The main objective must be changing the behaviours and attitudes, seeking to prevent sexual harassment.

4. Collective bargaining

Most of the recommendations contained in this code are destined to the employing entity, given its clear responsibilities concerning women and men's dignity protection at the workplace. The unions also have responsibilities before their members and not only can but should play an important role in sexual harassment prevention at the workplace. It is recommended to them that, in the context of the negotiation process of collective conventions, they study the possibility of including appropriate clauses aiming at creating a working environment free of

sexual nature undesired behaviours or other behaviours in virtue of sex which affect women and men's dignity at work and where no reprisals are exerted against the persons who report a complaint or against the persons who intend to testify or those who testify in case of complaint.

5. Recommendations to the employing entity

The following recommended policies and procedures should be adopted, according to each case, after consultation or negotiation with the unions or with working persons' representatives. Experience shows that the most effective strategies for creating and maintaining a working environment in which the person's dignity is respected are those decided in common agreement. It is timely to enhance that one of the most striking characteristics of sexual harassment is the fact the persons who are victims of it are frequently reluctant to file a complaint.

The absence of sexual harassment related complaints in a certain organisation doesn't necessarily mean that they don't exist. It may, on the contrary, mean that those sexual harassment victims think that it's useless to press charges because nothing will be done, that their complaints will be vulgarised and they themselves will be exposed to ridiculous or still because they fear reprisals. The application of the following preventive and procedural character recommendations should ease creating a working climate in which these problems have no place.

A. PREVENTION

1) Principle declaration

A first step to be taken by the board to manifest its concern and commitment in the sexual harassment problem's resolution, would be that the employing entity releases a declaration of principles which clearly states that every working person is entitled to be treated with dignity, that sexual harassment at work won't be allowed or will be condemned, and that the persons are entitled to press charges in case they are victims of such behaviour. The declaration of principles must make very clear what is understood by sexual inappropriate behaviour at work and declare that, in certain circumstances, this behaviour may be illicit. It's recommended that the declaration imposes on the board,

leaderships and supervisors a positive duty of applying these principles and adopting corrective measures which guarantee their fulfilment. It should also impose on every person a positive duty of complying with these principles and watch out so that everyone is treated with respect and dignity.

It's also recommended that the declaration exposes the procedure to be followed by the persons who were target of sexual harassment at work, with the intent of obtaining assistance and knowing next to who one should report a complaint; this procedure must contain a compromise by which the allegations of sexual harassment are guaranteed to be treated seriously and in swift and confidential way, and that the persons will be protected against any type of reprisals or retaliations for the fact of having pressed charges for sexual harassment. It should equally indicate that adequate disciplinary measures will be enforced against the persons declared guilty of sexual harassment.

2) Principles' diffusion

Once established the principles, it's important to ensure their diffusion, so that every person of the autarchy takes note of the right of pressing charges and next to whom they can report, that their complaints will be hastily and impartially treated, and in order to make them aware of the likely consequences in which they incur by taking part in sexual harassment. This publicising should enhance the autarchy's commitment in the elimination of sexual harassment, promoting the establishment of a climate in which it cannot occur.

3) Responsibility

Every person has the responsibility of helping to create a working climate in which the dignity of the working persons of both sexes is respected and the board (including leaderships and supervisors under their sphere) has the special duty of zeal so that sexual harassment doesn't take place in the working areas under their responsibility. It's recommended that the board explains to the staff the autarchy's followed policy and taking steps in the sense of efficiently promoting that policy. The board must also pay due attention and support to any staff element complaining of sexual harassment, while keeping confidentiality in every sexual harassment case and ensuring that sexual harassment problems won't repeat and that no reprisals will be exerted after a complaint's resolution.

4) Awareness-raising and training

An important tool for zeal that sexual harassment doesn't take place, and that - in case it does - the problem is efficiently solved, is the training and awareness-raising of the board, leaderships and supervisors' training and awareness-raising. This awareness-raising and training must focus on the identification of the factors which favour a working environment exempt of sexual harassment and for the acquaintance of participants with the respective responsibilities in the context of the employing entity's policy, as well as with any they may find.

Furthermore, the persons who are officially part in any sexual harassment formal complaint process must receive specialised training, such as that mentioned above.

It would be equally recommendable that the training and introduction programs included information about the autarchy's policy on sexual harassment and the procedures to be followed for its application.

B. PROCEDURES

The elaboration of clear and precise procedures to deal with the sexual harassment cases is of great importance. The procedures should guarantee the problem's efficient resolution. In order to have a greater probability of confronting sexual harassment and its consequences at an early stage, it's convenient providing every person with practical guidelines on how to approach this problem. Evidently, such guidelines should call every person's attention to their rights before the law and for the limits within which they may be exerted.

1) Informal problems' resolution

Most of the harassed persons only want the harassment to stop. For that, there should be formal and informal methods. The workers should be advised to try and informally solve the problem in a first phase, if possible. In some cases, it may be sufficient clearly explaining to the involved person that went down the route of the undesired conduct that such behaviour is unwelcome and offensive, or disturbs and interferes with their work.

In circumstances in which it becomes too hard or embarrassing for a person to take these measures in its own name, an alternative would be seeking the support of a person's friend or confidant, to eventually ask that person to take the first step.

If the conduct persists or if it isn't convenient to solve the problem informally, the formal complaint report procedure must be deployed.

2) Advice and Assistance

It's recommended that the employing entity nominates someone to provide the victims of sexual harassment with counselling and assistance. This person should, whenever possible, be invested of the responsibility of formally or informally assisting in any problem's resolution. It may be advantageous that the person is appointed with the union's - or work health and safety commissions or of working persons' representatives - thus reinforcing the respective acceptance. These persons may be selected, for example, from the human resources' service or from the gender equality department. In some organisations, they are called "counsellors for equality". This role is, frequently, played by a union, work health and safety commission, working persons' representatives or by members of the women's' support structures.

Wherever this responsibility is located inside the organisation, it's recommended that the appointed person receives adequate training over every aspect characterizing the organisation's policy and procedures, and the best problem fixing resources, in order to be able to efficiently exert the functions. It's also important that this person holds the adequate resources to fulfil the task, apart from the protection against reprisals for providing assistance to a sexual harassment victim.

3) Complaints procedure

In the case the complaining person refused the informal resolution attempts or considered them inappropriate, or if they had unsatisfactory results, the deployment of the formal complaint presentation procedure is recommended. The procedure must transmit the confidence in that the sexual harassment allegations will be taken seriously by the organisation.

For its own nature, sexual harassment may difficult the use of the regular complaint reporting channels, due to decency, fears that it won't be taken seriously, fears of damaging one's reputation, retaliation fears or the perspective of harming the working environment. Consequently, a formal procedure must indicate next to whom the person will press charges and must provide an alternative in case special circumstances don't allow the regular procedure, for instance, whenever the alleged infringing person is hierarchically superior of the person pressing charges. It's also recommendable to anticipate a provision allowing persons to start by reporting the complaint to someone of the same sex, if such is desired. It is a good practice that the employing entity controls and reviews the sexual harassment complaints and the way they were resolved, with the intent of checking the efficiency of the applied measures.

4) Investigations

It's important to zeal so that the internal investigations regarding any complaint are taken seriously, with sensitivity and in due respect for both the rights of the person pressing charges and those of the allegedly infringing person. Precaution is necessary so that the investigations take place in an independent and objective manner. The persons conducting the investigations must not be linked- in any way - to the allegations and all the efforts must be endeavoured to hastily solve the complaints. The procedure must establish a deadline for the complaint's study, taking in due consideration the national legislation's established deadlines concerning legal charges.

A good practice recommendation is that either the person presenting charges, whether the person allegedly harassing are entitled to be accompanied and/or represented by a representative of their respective union, work health and safety commission or by a person of their relations, even if a colleague; that thorough information is given to the allegedly harassing person over the complaint's nature and the opportunity to answer; and that the most strict confidentiality is maintained during the whole investigation process. The greatest importance must be given to confidentiality whenever it's necessary hearing to witnesses.

It matters to acknowledge that reporting a sexual harassment experience multiple times is hard and susceptible of attempting against dignity. Therefore, it mustn't be demanded that the person unnecessarily repeats the event's story. The investigation must concern the facts consist of the complaint and it is recommendable that the employing entity saves a full account of every meeting and investigation.

5) Disciplinary offence

It's recommended that the infractions to the person's dignity protection policy applied by the organisation are considered disciplinary offence and that the disciplinary norms clearly define what is understood as incorrect behaviour at work. It is also a good practice clearly mentioning the sanctions in which the infracting persons incur for violating the disciplinary norms, and that any reprisals or retaliations against a person who - in good faith - pressed charges for sexual harassment will be considered a disciplinary offence.

Whenever the complaint is accepted and the necessity of reallocate or transferring one of the parts is determined, the person presenting the charge must be given, if possible, the opportunity of choosing between remaining in the respective working post, or being transferred to another location. The person who presented a complaint which was accepted mustn't appear associated to any sanction and - furthermore -, whenever a complaint is accepted, the employing entity must monitor the situation and make sure that the harassment has ceased.

Even in the cases in which the complaint isn't accepted - for instance, because the available proofs were declared inconclusive - the possibility of transferring or rescheduling one of the involved persons' work must be faced, preferably to demanding them to continue working together against any of the parties' will.

6. Recommendations for the trade unions

Sexual harassment is a problem which concerns the unions as much as the employing entities. It's a good practice recommendation that the unions formulate and release declarations of principles on sexual harassment and take measures in order to promote the awareness to this problem at the workplace, with the intent of helping to create a working climate in which sexual harassment isn't sanctioned or ignored. For instance, the unions may seek to provide training to professionals and representatives in the equality problematic framework, including the approach to sexual harassment as well as information about this theme in the training courses they perform or approve, and finally information regarding the followed policy in this domain. The unions should consider the possibility of declaring sexual harassment as an incorrect behaviour, and it's suggested as a good practice that they inform their members and professionals of the consequences that may originate from it. The unions must approach the sexual harassment problem with the employing entities and zeal in the organisation for the application of

the adequate policies and procedures for the protection of women and men's dignity at work. It's recommended that the unions inform their members of the right not to be sexually harassed at work and provide them clear guidelines about what they have to do if they are victims of sexual harassment, including guidelines on the pertinent legal rights.

When the complaints arise, it's important that the unions dwell on them seriously and with understanding and making sure that the persons who press charges are given the opportunity to make themselves represented should the complaint follow its formalities. It's important to create a favourable environment for complaints to be presented and that the persons know that they will be welcomed and will be able to count on the understanding of local union delegates. The unions should face the possibility of nominating professionals specialised in equality and gender-based violence to assist and advise their members with sexual harassment complaints and to act in their name if necessary, which will represent a fundamental support . It will equally be prudent making sure that there are enough female sex representatives to support the women victims of sexual harassment, in case that is their will.

Whenever a union simultaneously represents the person pressing charges and the allegedly harassing person for complaint procedure effects, it's also recommended that it is clearly stated that the union isn't tolerating an offensive behaviour for the fact of providing representation. In either case, both parts mustn't be represented by the same person.

A good practice is recommending the members to proceed to a registry of the incidents in case they are targets of sexual harassment, since this registry may contribute for any formal or informal action to be conclusive, and communicate them that the union would like being informed of any sexual harassment situations, being this information of confidential character. It's also recommendable that the union observes and analyses its own registries at the moment of answering to complaints and when representing alleged harassing or harassed persons, in order to confer efficiency to its responses.

7. Workers responsibilities

The workers have a well-defined role to play in the establishment of a working climate in which sexual harassment becomes unacceptable. They may contribute for the prevention of sexual harassment through the awareness and sensitivity for this problem and zeal so that the behaviour patterns towards themselves and other persons are not offensive.

The workers may give an invaluable contribute to discourage sexual harassment stating very clearly that they consider such behaviour unacceptable and by supporting colleagues who are victims of this treatment and intend to press charges.

The workers who are, themselves, targets of sexual harassment should, whenever possible, warn the harassing person that this behaviour is undesired and unacceptable. For the behaviour to cease, the explicit understanding of its inconvenience may be sufficient. If the referred behaviour persists, the workers must inform the direction/board and/or the work health and safety commission and/or working persons' representatives through the appropriate channels and request-through the informal or the formal channel - assistance to bring the harassment to a halt.

PROMOTER:



PARTNERS:



FUNDING:

