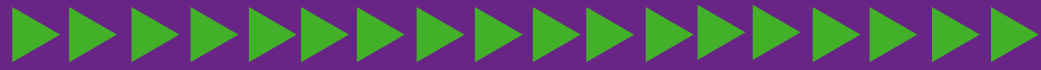# ETF Guidance

▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶▶

Addressing violence and harassment against women in the world of work

Addressing violence and harassment against women in the world of work

European Transport Workers' Federation
Galerie Agora
Rue du Marché aux Herbes 105, Boîte 11
1000 Brussels – BELGIUM
Tel: +32 2 285 46 60 – Fax: +32 2 280 08 17
www.etf-europe.org
www.facebook.com/ETFwomen/
@ETF_women

ETF represents more than 5 million transport workers from more
than 230 transport unions and 41 European countries, in the following
sectors: railways, road transport and logistics, maritime transport, inland
waterways, civil aviation, ports and docks, tourism and fisheries.

Contents

Summary

Ending violence and harassment against women is one of the pillars of the ETF's campaign on making the transport sector fit for women to work in. It is closely connected to ending gender inequalities and discrimination against womentransport workers.

In the context of the COVID-19 pandemic ending violence and harassment has become all the more urgent in the transport sector. The alarming increase in violence and harassment against transport workers from customers, passengers and the public, and a significant increase in domestic violence[1] during lockdowns across Europe, require urgent and coordinated action from governments and employers.

Violence and harassment against women transport workers by third-parties (customers and passengers and the public) has become a very serious issue. Even before the COVID-19 pandemic, the ETF's 2017 survey revealed that half of the women responding to the survey had experienced violence and harassment by passengers and customers, and that this was a regular part of their job.

A further worrying development is that transport workers have been physically and verbally attacked, abused and spat at for requesting passengers to wear masks, in some cases with devastating and fatal consequences. It should not be the responsibility of transport workers to police the wearing of masks in order to enforce rules and obligations introduced by governments to stop the spread of COVID-19. Additional resources are needed for the provision of security and policing services for that role.

In turn, at the global level the ITF[2] has made some important demands for a gender-responsive approach to the COVID-19 pandemic and recovery in order to address to the fact that women are disproportionately suffering from the negative impacts of the COVID-19 crisis. ITF calls on employers, governments and investors to work in the interests of women transport workers and ensure women are protected during this crisis, that their rights are strengthened and reinforced, and that inequalities, including violence against women, are not reproduced, perpetuated or intensified. ITF stresses that these priority areas must be negotiated with trade unions, with women's participation and with all actors using their leverage to ensure the same high standards of protection throughout supply chains.

Trade unions across the world, including in the transport sector, fought hard for the adoption of the ILO Violence and Harassment Convention no. 190 at the International

---

[1] UN Women, COVID-19 and ending violence against women and girls.
https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls
[2] https://www.itfglobal.org/en/news/women-transport-workers-rights-and-covid-19

Labour Conference in 2019. An important part of the global campaign was to ensure that it had a central focus on gender-based violence in the world of work. Trade unions across the world are now campaigning for their governments to ratify the Convention.[3] This will be the basis for a comprehensive framework which can inform negotiations on gender-responsive workplace policies and procedures, risk assessments, prevention programmes, awareness raising, training and joint guidance in the workplace. At the global level, the ITF is continuing its coordination with the ITUC and other Global Unions to build a global campaign for ratification and implementation, including strategies to support transport unions in awareness raising about the Convention, negotiation of Convention language in collective agreements and policies, and lobbying governments for ratification.

---

[3] See C190 Ratification campaign of ITUC and global unions: https://www.ituc-csi.org/GBV

Aims of the ETF guidance

This guidance aims to increase awareness about violence and harassment against women transport workers and ways to prevent and address the problem. While all transport workers face risks of violence and harassment, women transport workers face specific risks working in a male dominated working environment and in providing customer-facing services. During COVID-19 pandemic women have faced added risks of violence and harassment owing to their customer-facing roles and an increase in working in isolation. It is therefore important to implement gender-responsive safety measures and reporting and complaints procedures for workers, including the added safety measures required to address rising levels of violence and harassment against women by third-parties (customers and passengers and the public).

Women transport workers often experience damaging and harmful forms of physical, verbal and non-verbal sexual harassment, including sexual abuse and sexual assault. Black women, for example, often experience both racialised and sexualised forms of abuse at work.

The guidance includes checklists and information about how transport trade unions in Europe can play a role in preventing and addressing violence and harassment in the world of work. It builds on the minimum standards set out in the ILO Violence and Harassment Convention No. 190 and Recommendation No. 206. The guidance is split into two main sections.

1. **A comprehensive workplace policy and procedure** on preventing and addressing violence and harassment against women

This includes a model policy and procedure and checklist of issues to consider including in a policy and complaints procedure. This covers all forms of violence and harassment against women perpetrated by colleagues/managers and/or third-parties (customers and passengers and the public), and also domestic violence when it impacts the workplace. The model policy and procedure cover the following:

- ▶ measures to prevent violence and harassment by addressing gender-related risks and measures to prevent violence and harassment;

- ▶ effective system for making, handling and investigating complaints;

- ▶ remedies and support for survivors of workplace violence and harassment;

- ▶ holding perpetrators accountable;

- ▶ ensuring accessible information, awareness raising and training that contributes to a workplace culture based on respect and dignity of women workers.

The guidance aims to be gender-responsive, so that the specific situation and experiences of women are addressed in a comprehensive way.

2. A step-by-step guide and checklist for gender-responsive risk assessment on and prevention of violence and harassment against women

With increasing attention being given to uncovering the causes of gender-based violence and harassment, guidance is given about how to address specific risks faced by women transport workers in a gender-responsive way as part of the management of occupational safety and health.

This is designed to help trade unions to identify specific risks that women workers may face taking into account issues such as the organisation of work; risks from third-parties (customers and passengers and the public), and risks relating to gender inequalities and unequal social norms. This means ensuring that existing workplace risk assessments address risks of violence and harassment in a gender-responsive way, for example, risks related to gender inequalities in the workplace, such as working in a male dominated working environment, and risks associated with domestic violence when it impacts the workplace.

The guidance and checklists are evidence-based and rooted in the legal framework of existing European Union Directives on gender equality and safety and health at work. Of particular relevance is the framework for eliminating violence and harassment in the world of work in the ILO Violence and Harassment Convention No. 190 and accompanying Recommendation No. 206, agreed in 2019. The Convention and Recommendation provide a roadmap for an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.

Addressing and preventing violence against women transport workers requires multiple actions from governments and employers in the workplace and in wider society. This means taking into account gender inequalities and recognising the diversity of women and the fact that some women may experience multiple forms of discrimination. It also requires measures to improve workplace culture; promote safe and effective work organisation; prevent and address actual and potential risks of violence against women and implement effective human resource procedures that are trusted by women workers. In the end, this means that everyone plays their part in taking a stand to eliminate violence and harassment against women transport workers.

Section 1: Introduction

Overview

This ETF guidance, which is part of ETF's campaign on making the transport sector fit for women to work in, aims to increase awareness about and provide tools for ending violence and harassment against women transport workers.

Violence against women is one of the pillars of the ETF's 2019 survey of women transport workers 'Making the Transport Sector Fit for Women to Work in'. The survey noted many barriers to women's careers in transport, including a masculinist work culture and worrying levels of workplace violence and harassment.

The COVID-19 pandemic has put a spotlight on the need for effective workplace policies and prevention programmes. The pandemic has revealed even greater levels of third-party violence and harassment against women transport workers, including increasing levels of sexist verbal abuse and assault. There are greater risks from third-parties (customers, passengers and the public) when front-line transport workers are expected to police the wearing of masks by customers, and when women work in customer facing services or in isolated work settings. Women transport workers have reported that a passenger without a ticket or a mask is often more aggressive towards a woman ticket controller.

Lockdowns have exacerbated risks of violence, abuse or harassment against women and there has been an alarming increase in domestic violence. This is affecting women transport workers who have been temporarily laid off when transport shut down during the lockdowns or who are working remotely / teleworking. As a result, gender-responsive measures are needed to address these greater risks of violence and harassment against women transport workers, including ensuring that the employer's duty of care to protect an employee against violence and harassment continues during teleworking.

The guidance is focussed on two sets of tools to assist trade unions in preventing and addressing violence and harassment in the world of work:

- A model **workplace policy and procedure**, including a checklist of issues to consider include in a policy and procedure.
- A step-by-step **guide and checklist for gender-responsive risk assessment** on and prevention of violence and harassment against women.

The guidance and checklists are evidence-based and build on the standards established in policies and agreements in Europe (see summary in Appendix 1) and the ILO Violence and Harassment Convention No. 190 and Recommendation No.206, agreed in 2019 (see summary in Appendix 2 for an overview of these standards).

Together they provide a solid policy framework for an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.

The importance of addressing gender-based violence and intersecting discrimination

Violence and harassment against women is a form of gender-based violence and includes sexual harassment, sexual assault, stalking and domestic violence. It exists because of discrimination, power and control of women, resulting in women holding unequal power in the workplace and in the wider society. The ETF's most recent survey on gender equality carried out in 2019 found that one significant barrier faced by women is a masculinist culture.[4] The survey also found that nearly half of women transport workers said that their workplace does not prioritise a safe and adequate environment for women.

Women transport workers in less powerful positions in the workplace, for example, women working on zero-hours contracts, in temporary positions or as trainees, may be particularly at risk of sexual harassment from a superior, as they may fear loss of the potential for the renewal of a contract or a job in the company in the future.

Further risks arise when there are changes in work organisation that have the potential increase women's vulnerability to sexual harassment and assault from third-parties (customers, passengers and the public), for example, if they are more isolated or working alone, instead of working in pairs, or when they a bus driver or a railway ticket inspector is expected to enforce the wearing of masks in public transport.

ETF recognises the diversity of women working in the transport sector and the specific risks that arise when women are faced with multiple and intersecting forms of discrimination at work. For this reason, ending violence and harassment against women is closely connected to ending discrimination at work. This means taking account of the fact that some women experience multiple forms of discrimination – sometimes defined as intersectionality - which can be based on their sex, age, class, ability, race, ethnicity, sexual orientation, gender identity and migration status. Black and minority ethnic women, disabled women, older and younger women, for example, are often more vulnerable to violence and harassment. Black women may experience higher levels of racialised and sexualised forms of discrimination, such as sexist and racist verbal abuse and harassment in their dealings with customers. The ETF's 2017 survey on violence against women found that migrant, black and minority ethnic women frequently face high risks of violence and harassment, which is often highly the sexualised. Respondents to the survey highlighted the need to end a workplace culture where sexually offensive suggestions and intimidating personal remarks and gestures are commonplace.

---

[4] ETF, Making the transport sector fit for women to work on – findings from a survey of women transport workers by the ETF, August 2020.: https://www.etf-europe.org/wp-content/uploads/2020/10/ETF-Report-Making-the-Transport-Sector-Fit-for-Women-to-Work-in-Findings-from-a-survey-of-women-transport-workers.pdf

The need for a gender-responsive approach that addresses multiple and intersecting forms of discrimination is set out in the Preamble to ILO Convention No. 190:

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

In addition, this ETF guidance incudes domestic violence experienced by women transport workers, recognising that domestic violence may impact on employment, productivity and safety and health at work.

Domestic violence: a workplace issue[5]

Domestic violence is a form of workplace violence, impacting on the lives of working women. It involves physical, sexual, psychological and financial abuse, coercive control and stalking, and repeated threats of assault. It can affect women and men in all types of relationships, including same-sex relationships, although women are predominately affected and men are overwhelmingly the perpetrators.

Domestic violence, and particularly coercive control, can strip away women's confidence and capacity to work. Survivors of domestic violence have fewer opportunities to progress in their careers and to remain financially independent. It affects attendance, the ability to meet work and productivity targets, and may result in them taking sick leave and eventually leaving their jobs. Ensuring women stay working and with the possibility of financial independence is crucial to enable them to leave and recover from an abusive relationship.

Domestic violence can also affect the security and safety of women survivors, and potentially of their colleagues in the workplace. Psychological and coercive control affect women's attendance at work and their productivity, while cases of physical assault and stalking, and in some cases of femicide, can occur in the workplace itself because that is where an abuser could find a woman. During the lockdowns across Europe, the increase in domestic violence also became an important workplace issue for women working remotely and teleworking.

The Preamble to the ILO Violence and Harassment Convention No. 190 recognises domestic violence as a form of workplace violence: "Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence."

Many employers and trade unions are involved in negotiating workplace policies that give support to survivors of domestic violence, enabling them to continue working safely in their jobs, including when working remotely and teleworking. This works well when there is a policy in place that workers trust and where managers and trade union representatives are trained to **recognise** the problem, to **respond** appropriately with workplace supports and safety measures, and to **refer** to specialist domestic violence organisations for expert legal advice, counselling and safety.

---

[5] ILO Domestic violence and its impact on the world of work:
https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf

A gender equality approach

The **model policy and risk assessment** are embedded in a gender-equality approach. The model policy sets out a comprehensive approach including prevention, procedures for making and handling complaints, the role played by workplace representatives, and training and awareness raising about the policy, and its implementation. It is based on best practice approaches, joint action by unions and employers, and encourages the active involvement of everyone in the workplace. Similarly, the guidance on workplace risk assessments, which form a part of the policy, aims to change attitudes and awareness towards the prevention of violence and harassment against women. This promotes a gender-responsive approach, taking into account factors such as gender inequalities and cultural and social norms that increase the risk of violence and harassment against women.

Definitions of violence and harassment against women

Violence against women transport workers can take many forms. It can include verbal, non-verbal, physical and other forms of offensive conduct, stalking and sexual abuse, as well as online cyber abuse and harassment by text message, email and social media. Sexual harassment arises because of discrimination and unequal gender roles and relations.

The most prominent form of violence against women is sexual harassment. Sexual harassment is defined as unwelcome conduct of a sexual nature that the victim perceives has the purpose to offend or humiliate her that it interferes with her work and/or creates an intimidating, offensive or hostile workplace. It is offensive and it affects the dignity of a worker. Sexual harassment is also defined as 'quid pro quo', whereby approval or rejection of sexual harassment is the basis for a decision when making appointments, career progression, salary increases and bonuses, the allocation of work tasks or extending a contract. Not complying and cooperating can lead to further and more serious sexual harassment and/or loss of a job or chance to progress in a career.

As the ETF's 2017 survey on violence against women transport workers found, this conduct can include sexual violence and assault, including rape, unwanted pressure for sexual favours and dates, stalking, making sexually lewd comments or unwanted pressure for communications of a sexual nature. It can also include cyber-harassment, including sexually explicit emails and posts on social networking sites. The survey found that managers, colleagues and customers regularly offended women subjecting them to jokes of a sexual nature, or comments and unwanted deliberate touching which disturbed a women's ability to work.

ETF surveys have identified high levels of violence and harassment against women transport workers

The ETF 2017 survey on violence against women and the ETF 2019 survey on making transport fit for women to work both found that many women transport workers experience repeated, hostile and offensive verbal, non-verbal and physical forms of violence, including sexual harassment by colleagues, managers and third parties.

 "Verbal attacks...sexual assaults and the like. Touching of the rear and breasts, threats on the part of superiors if I complain [I am told]: 'a woman must be able to cope when she works in a men's profession." (Railway worker, Germany)

"Gross use of language about certain parts of the body, intimidation ... indecent suggestions, waiting in the car park and grabbing me tightly and then calling it a "joke", etc. It is the normal state of affairs that comments are made openly about certain parts of the body, you get asked about your (sexual) experiences, etc. Afterwards you still have to work with the perpetrator and colleagues, which only makes it worse ... I have reported nothing." (Civil aviation worker, Belgium)

"I feel worse. I sleep worse. I have become afraid. I have not regained the energy I had before the sexual harassment ... and the constant harassment from passengers breaks you down. The great lack of support from the employers makes it sometimes very heavy." (Bus driver, Sweden)

"An attempt to rape me was unsuccessful, I had attended self-defence classes and was able to defend myself. I was in shock for a few days, but I had to work through it because there was no one I could go to with the problem (I am the only woman in the workplace where the incidents occurred). My boss threatened me because I didn't want to have sexual contact with him and he also threatened not to give me any more work...He did so, too, but he couldn't keep me without work because there was too much pressure on the company and too few staff ... If you can't prove the facts it's difficult. If you tell about what happened you often get even more problems ... so not making a report was the 'easiest' solution." (Ports, Belgium)

"Verbal aggression is a weekly occurrence; unfortunately, you get used to it. It really happens a great deal. I have become hard. Ten years ago, it affected me deeply in my soul. Now I laugh about it." (Road Transport worker, Belgium)

"When we are alone as women on a ship with only men, they are not nice. They think they can say and do everything! Like sending text message with pictures and wanting to…" (Maritime worker) (ETF Survey, 2019)

For many women transport workers, the risks of violence and harassment, including sexual harassment, are much higher because their workplace is a public space, their work is mobile, and there is regular contact with customers – and these risks are heightened when women work in the evenings, at night and alone. The ETF's survey gives many examples of these risks and of how women are exposed to regular physical and verbal abuse and threats of a sexual nature from customers and the general public.

Violence and harassment against women may also occur outside of working hours, for example, when travelling to and from work and when walking to the car park or taking public transport. It can include sexual harassment taking place after working hours. Examples of this from the ETF's survey include a woman who is harassed by a colleague outside of working hours by email or social media; an intern whose supervisor calls at her house after work with an expectation that she will go on a date and have sex with him in return for a paid job; and a woman transport worker who is stalked by a customer who follows her home after work late at night. We know that these risks faced by women transport workers have increased during the COVID-19 pandemic, making the need to find solutions all the more urgent.

Addressing and preventing violence and harassment against women

Addressing and preventing violence against women transport workers requires multiple actions from governments and employers, in the workplace and in the wider society to:

- **Tackle gender inequalities** that arise from social norms and unequal gender roles and relations, a promote a workplace that values women's inclusion and contribution in the transport sector.

- **Ensure gender-responsive actions and solutions to the COVID-19 pandemic and recovery,** in addressing the disproportionate effect of the crisis on women and the added risks of violence and harassment faced by women transport workers.

- **Recognise the diversity of women,** the risks faced by different groups of women and impact of multiple and intersecting discrimination.

- **Improve workplace culture** so that there is respect and dignity of all workers, and a zero-tolerance approach to violence and harassment, offensive and discriminatory behaviour.

- **Promote effective work organisation** and ensure that changes in work organisation do not lead to further stress and harassment.

- **Prevent and address actual and potential risks of violence and harassment** against women through gender-responsive occupational safety and health measures, including gender-responsive risk assessments and prevention programmes.

- **Implement robust human resources policies and procedures** that are trusted by workers, enabling them to confidentially report cases of violence and harassment and have resolution of them.

- **Ensure that everyone plays an active part in ending violence against women** – employers, managers, supervisors, colleagues, and bystanders, including passengers, customers and the public.

Section 2: Drawing up a comprehensive workplace policy and procedure

This section contains the first set of guidance for a model policy. It contains guidance, information and checklists of issues to consider when drawing up and/or reviewing a workplace policy and procedure on violence and harassment against women in the transport sector.[6]

The model policy and checklist cover all forms of violence and harassment against women, including physical, verbal and non-verbal sexual harassment and abuse, and domestic violence. It takes account of multiple and intersecting discrimination in order to reflect the diversity of women working in the transport, for example, sexist and racist abuse and harassment experienced by many black and minority ethnic women.

The guidance on a workplace policy and procedure can be used to support and inform:

▶ The development of a stand-alone workplace policy on gender-based violence and harassment, with a specific focus on violence and harassment against women.

▶ The integration of a gender-responsive approach in a new workplace policy on violence and harassment against women and men in the world of work.

▶ To check whether an existing workplace policy on violence and harassment is 'fit for purpose' so that it is comprehensive, gender-responsive and inclusive of all types of violence and harassment faced by all groups of women working in transport.

The aim is to ensure that violence against women transport workers is treated as a serious workplace health and safety and gender equality issue, and addressed in a comprehensive way.

---

[6] This updates the model policy and checklist that was published by the ETF in 2019, bringing it in line with the minimum standards set out in ILO Violence and Harassment Convention No. 109 and Recommendation No. 206, and including new provisions incorporating the impact of domestic violence in the world of work.

Article 9 of the ILO's Violence and Harassment Convention (No.190) states:

Each Member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:

a) Adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;

b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;

c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and

d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.

This is guided by the provisions in **ILO Recommendation No. 206** which specifies that a workplace policy should contain the following provisions:

a) State that violence and harassment will not be tolerated;

b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;

c) specify the rights and responsibilities of the workers and the employer;

d) contain information on complaint and investigation procedures;

e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;

f) specify the right to privacy of individuals and confidentiality, as referred to in Article 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards; and

g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.

With this guidance it is hoped that trade unions in the transport sector can integrate a gender-responsive approach in drawing up and implementing workplace policies, procedures and prevention programmes and to include these in collective bargaining and workplace social dialogue. This will ensure that everyone – every manager, colleague, and customer – understands that violence against women is not tolerated in the world of work.

The model policy and checklist cover:

1. Introduction, objectives, definitions and who is covered by the policy
2. Scope and coverage of the policy
3. Prevention of violence and harassment against women transport workers
4. Workplace committee to prevent and address violence and harassment against women
5. Non-discriminatory recruitment and promotion procedures
6. Procedures for making and handling complaints, including investigations
7. Workplace supports for women workers affected by violence and harassment
8. Workplace information and supports for survivors of domestic violence[7]
9. Perpetrator accountability
10. Women's advocates, active bystanders and civic courage within the company and by passengers and customers.
11. Training
12. Awareness raising
13. Provision of clear and accessible information14. Implementation, training and monitoring of the policy

---

[7] The issues covered go beyond the minimum standards in the ILO Violence and Harassment Convention Recommendation. For example, the recommendation refers to leave, without specifying it as paid leave. Best practices in existing agreements and workplace policies, including in legislation in several countries across the world, show that a minimum of 10 days domestic violence leave is an appropriate standard to attain to.

A model comprehensive workplace policy and procedure on ending violence and harassment against women transport workers

1. Introduction, objectives, definitions and who is covered by the policy

Checklist of issues to consider:

☐ **Objective:** to create an inclusive and safe workplace, where violence and harassment against women in the world of work is not tolerated. This covers all forms of violence and harassment, including violence and harassment from third-parties, colleagues and managers. It also includes a commitment from the company to mitigate the impact of domestic violence in the workplace.

☐ **A statement and commitment from senior managers:** the policy is of vital importance in creating a working environment free from violence and harassment against women, with the aim to contribute to the wellbeing, safety and health of the workforce, and the dignity and equal value of women and men working in transport. A key issue is also that perpetrators – third-parties and employees – will be held accountable.

☐ **Emphasis should be given to spelling out the employer's 'duty of care'** in the policy to ensure that workers are protected against violence and harassment (in areas of prevention, early detection of problems, early resolution of complaints, early intervention to prevent recurrence of violence and harassment against women, and support for workers affected by violence and harassment). Even if not provided for in national laws, workplace policies should ensure that the employer's 'duty of care' to protect workers from violence and harassment also covers third-party violence and harassment (customers, passengers, the public) and that the employer takes responsibility if there is evidence that they did not take steps to prevent the violence and harassment, for example, through risk management and mitigation measures. The employer's 'duty of care' also covers women working from home and teleworking. For example, the 'duty of care' can also cover a woman who experiences domestic violence while carrying out her work duties at home.

☐ **Link to discrimination and gender inequalities:** there is acknowledgement that violence and harassment against women occurs because of social and cultural norms that result in gender inequalities at work and at home; and that some groups of women experience face additional vulnerabilities because of multiple and intersecting discrimination or because of the type of job they carry out.

☐ **Definitions:** there is a clear and comprehensive definition of violence and harassment against women, taking into account the diversity of women working in transport, including:

▸ Physical, psychological, verbal and non-verbal forms of sexual harassment and sexual assault and abuse, perpetrated by managers, colleagues and third-parties

- A definition of domestic violence impacts in the world of work (covering physical, sexual, psychological and verbal violence and abuse, cyber harassment and abuse, and includes stalking, coercive control, economic/financial abuse)

- Recognition of intersecting discrimination, for example, that violence and harassment may involve racist and sexist verbal abuse and threats, and that black women or disabled women may be disproportionately affected.

☐ **Make the policy country-relevant:** reference the policy to relevant national laws and national definitions on violence and harassment against women, but recognises that the policy goes further than current legal provisions and the minimum provisions contained in C190 and R206.

☐ **A responsibility for everyone:** strong encouragement is given in the policy for everyone – women and men – in unions, as employers and as workers, to be proactive and to play their active part in ending violence against women. By working together, it is possible to end violence and harassment against women.

2. Scope and coverage of the policy

Checklist of issues to consider:

☐ **The policy covers all forms of violence and harassment against women:** physical, psychological, verbal or non-verbal sexual harassment from colleagues/managers or third-parties, and domestic violence when it impacts the workplace (perpetrators and survivors). It has a specific focus on third-party violence and harassment against women (by customers and the public), and it addresses the new realities of teleworking arising from the COVID-19 pandemic.

☐ **The policy covers all workplace activities and practices:** including but not limited to recruitment, promotion, occupational safety and health, specific safety measures for women, gender equality and non-discrimination, training and awareness raising.

☐ **Violence against women that takes place during work hours:** including public and private spaces where they are a place of work (which can include teleworking / working remotely from home as has been increasingly the case during the COVID-19 pandemic). It also covers places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing or changing facilities; during work-related travel, business trips and meetings outside of the workplace; work-related social events; work related communications, employer-provided accommodation, and travel to and from work.

☐ **Violence and harassment against women that also takes place outside of work hours:** where it involves cyber harassment by email, internet, phones, following/stalking of woman after work hours etc.

☐ **Inclusion of all workers regardless of contractual status:** full- and part-time employees, interns, trainees, contractors, volunteers, or temporary workers engaged by the company or in any workplace location.

3. Prevention of violence and harassment against women transport workers

Checklist of issues to consider:

☐ **Comprehensive workplace prevention plan:** the employer, with union representatives[8] and in consultation with women workers, has the responsibility to draw up an agreement[9] for a comprehensive gender-responsive prevention plan to end violence and harassment against women transport workers. This must include specific risks of violence and harassment from **third-parties,** and ways to address these risks, e.g. self-defence and de-escalation training, security alarms and response measures, better security services at night, amongst others.

☐ **Gender-responsive risk assessment (see the more detailed guidance on risk assessment below)** should be carried out as part of the prevention plan: a gender-responsive approach is implemented in all risk assessments and health and safety measures; they are inclusive of women's concerns and assess the risk or potential risk of violence and harassment, with a strategy to mitigate the risks arising from:

a) third parties such as clients, passengers, customers and members of the public;
b) working conditions and arrangements, work organisation and human resource management, as appropriate;
c) discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.[10]

☐ **Specific gender-related risks:** these may arise, for example, if there is a hostile work environment in male dominated workplaces or when women work in male dominated sectors, such as in ports and shipping, which not inclusive and fair for women workers. Risks of third-party violence and harassment need to take into account the specific vulnerabilities faced by women working alone and/or in customer facing services where e.g. on buses, in customer service information offices, in ticket inspection and collection; or women's access to sanitary facilities or changing facilities.

☐ **Domestic violence risk assessment:** an immediate risk assessment is carried out if there is a threat or suspicion of domestic violence in the workplace following a disclosure by a women worker (e.g. stalking, assault, cyber harassment etc.).

☐ **Domestic violence safety plan:** address these risks with a safety plan, which can be draw up with the assistance of a domestic violence organisation, allowing

---

[8] Union representative is a generic term used here for works council representatives, shop stewards, staff representatives, equality/disability representatives etc.
[9] The agreement could be in the form of a workplace / works council agreement or a clause for inclusion in the enterprise or sectoral collective bargaining agreement.
[10] These are referred to in Article 9c of ILO Convention No. 190 and elaborated on in para. 7 of Recommendation 206.

for change of work duties (e.g. shifting to a back-office role; changing a bus route or shift; implementation of security alerts) (see domestic violence below).

4. Workplace committee to prevent and address violence and harassment against women

Checklist of issues to consider:

☐ **Workplace violence and harassment committee:** established in the workplace with representatives from employers and workers, either as a sub-committee of the safety and health committee or a stand-alone committee. It should include all relevant personnel from HR, safety and health, legal and security. The committee has the following roles:

a) to monitor the implementation of the policy, oversee prevention initiatives, run awareness and training programmes, and to oversee the handling of complaints and investigations;

b) to ensure there is a gender-based approach and linked to wider social norms change;

c) to carry out training for all committee members and draw up guidance to ensure understanding of how to identify and detect gender-related risks of violence and implement gender- responsive actions and solutions;

d) assess and review prevention measures from a gender perspective, for example, through risk assessments (see above); reviewing past incidents to inform new prevention measures and implement organizational change that promotes women's inclusion and safety.

5. Non-discriminatory recruitment and promotion procedures

Checklist of issues to consider:

☐ Transparent and non-discriminatory recruitment and promotion procedures are established.

☐ Establish gender-balanced selection committees, drawing up appropriate and gender-neutral interview questions and ensuring that there are no questions that are perceived to be quid-pro-quo sexual harassment, where getting the job or promotion is conditional on accepting the sexual harassment.

6. Procedures for making and handling complaints, including investigations

Checklist of issues to consider:

☐ **A complaints procedure** is established and trusted by complainants (covering all workers, bystanders, whistle-blowers, witnesses, including when passengers and customers have been witnesses of violence and harassment), with clear **formal and informal complaints procedures,** allowing complaints to be made confidentially to the employer/joint committee through multiple routes. It

applies to all forms of violence and harassment, including violence and harassment by third-parties (customers and passengers and the public).

☐ All complaints will be dealt with seriously, expeditiously, sensitively and confidentially.

☐ There is a designated person in HR who gives advice about making a complaint and who will be the contact point for making an informal or a formal complaint.

☐ Systems are in place for making confidential anonymous complaints, including violence and harassment against women by third-parties (customers and passengers and the public).

☐ The employer is responsible for ensuring that there is protection for complainants, particularly to avoid further victimisation and retaliation; this includes no retaliation against person(s) supporting a woman victim (second-order sexual harassment), as well as bystanders, witnesses and whistle-blowers.

☐ In complaints handling, ensure that the burden of proof rests with the alleged perpetrator, not the woman, in line with European law.

☐ Informal and formal complaints procedures are accessible, clear and are understood by all women workers.

☐ **Informal complaints procedure**: this is followed diligently in pursuit of an early resolution, before any formal procedure is opened.

☐ **Formal complaints procedure and investigations:** If the complaint is not resolved through the informal procedure, a formal procedure involving an investigation can be implemented. However, the victim may want to follow the formal procedure from the outset.

▸ **Step 1:** Inform both parties of the process and expected timeframes.

▸ **Step 2:** Refer the complaint to the CEO and the senior HR manager, and if it exists to the complaints committee.

▸ **Step 3:** Carry out an internal or external investigation (investigations are gender-responsive, and take account of the situations of vulnerability and risks faced by women transport workers; and investigators have expertise in investigating cases of violence and harassment against women).

▸ **Step 4:** Inform both parties of the outcome and where relevant, apply disciplinary procedures (see perpetrator accountability below).

☐ The woman's informed consent is given before information is shared about a complaint, or an investigation is held.

☐ Women workers are informed about available support from workplace representatives and trade unions during the complaints process.

☐ No women should be asked to sign a confidential/non-disclosure agreement (NDA) as part of the resolution of a complaint; however, a woman's right to confidentiality, where possible, should be respected. The use of NDA's is not

permitted as this keeps the issue hidden, provides anonymity to perpetrators, and prevents an organisation from learning from an incident and to prevent it occurring in the future.

☐ Survivors of violence and harassment should be informed of their rights under the law and that they may be able to lodge a complaint outside of the company for investigation by the state equality body (such as the Ombuds Office/Equality Authority).

☐ Cases of violence and harassment dating back over many years should not be subject to statutes of limitations and can still be heard and investigated.

☐ Complaints made about third-party violence and harassment should result in gender-responsive solutions that address women's safety at work, even if the perpetrator is not known. Where a perpetrator has been identified, it is important that the case is reported to security and the police.

7. Workplace supports for women workers affected by violence and harassment

Checklist of issues to consider:

- ☐ **Employers, managers and work colleagues**: where a woman discloses violence and harassment, employers, managers and work colleagues have clearly defined roles and responsibilities.

- ☐ **Confidentiality and non-retaliation:** confidentiality and non-retaliation are embedded in the policy in order to build trust and encourage workers to speak up and report violence and harassment, and to enable them to receive psychological support, information and advice.

- ☐ **Named person to contact:** a named person in HR is available to hold a confidential discussion about options about making a complaint, getting support and putting a survivor in contact with a women's advocate (see below) or other confidential support services etc.

- ☐ **Women's advocates:** are trained to provide confidential advice and information to women experiencing violence and harassment at work, including domestic violence (sometimes referred to as 'persons of confidence/trust', 'workplace champions', 'workplace advisors'). An advocate is an employee nominated by either the trade union or employer. She provides information about the policy and what support she is entitled to in the workplace, information and support in making a complaint, as well as information about women-centred victim support and domestic violence support services. In cooperation with the employer, resources are provided for training of workplace advocates and agreement for them to provide advice and support as part of their regular job.

- ☐ In view of the harm caused by violence and harassment, **workplace supports should be provided to help a woman recover and heal;** this can include paid leave, flexible working hours, rearrangement of work tasks, access to counselling and psychological support paid for by the employer.

8. Workplace information and supports for survivors of domestic violence[11]

Checklist of issues to consider:

☐ Confidential advice and information is provided if a woman discloses domestic violence (e.g. by women's advocates, managers, HR). Confidentiality is assured, and upheld through confidentiality protocols.

☐ Managers have been trained in how to respond to, communicate with and provide workplace supports, including upholding confidentiality.

☐ Provision of specific workplace supports and safety planning for women teleworking and working remotely, e.g. agreed ways to communicate, code words if help is needed, information and referrals to domestic violence support services, help in finding safe accommodation if she is at risk etc.

☐ **Workplace supports** can include:

a) paid domestic violence leave (a minimum of 10 days paid leave per year), for example, to attend counselling, police, court or medial support, with a provision that it can be extended in exceptional circumstances; the leave is in addition to all existing leave entitlements.

b) flexible working time for a defined period of time to attend appointments, information or external specialist support during working hours, that may conflict with usual working hours;

c) financial assistance/support in cases of emergency and/or financial abuse e.g. advance payment of salary, loans or financial to pay for emergency accommodation;

d) provision of counselling;

- ☐ **Where a safety risk is identified:** as noted above carry out an immediate risk assessment, involving and maintaining confidentiality amongst relevant managers and the survivor, and implement a safety plan to address risks identified. Examples of safety measures include:

a) Make changes in work tasks and responsibilities, if relevant, such as changing a bus route if there is a risk of stalking from a partner or ex-partner, working in a back office for a designated period of time, or changing shift working patterns.

b) If feasible, facilitate and support a woman requesting a transfer to another geographic location.

---

[11] These supports that are listed here go beyond those set out in ILO Convention No.190 and Recommendation No.206. For example, the recommendation refers to leave, without specifying it as paid leave. Best practices in existing agreements and workplace policies, including in legislation in several countries across the world, show that a minimum of 10 days domestic violence leave is an appropriate standard to attain to.

c) Support a woman to stay safe when travelling to and from work, ensure she has access to safe parking, and assist her to be aware of her own security.

d) For women carrying out telework and working remotely it may be difficult to carry out a risk assessment; find safe ways to communicate and stay in regular contact, provide information about legal or other specialist support, and if carrying out work tasks is difficult, offer paid leave or reduce work tasks for an agreed period of time.

☐ **Information about, make referrals to and partnerships with domestic violence organizations**: keep up to date information about specialist domestic violence organisations for legal advice, counselling, safe housing etc.; and partner with domestic violence organizations to assist the organization in planning its policy and in providing training.

9. Perpetrator accountability

Checklist of issues to consider:

☐ Ensure a consistent approach to perpetrator accountability – there should be no protection or special treatment of 'high value' or senior managers.

☐ Following a complaint / investigation apply disciplinary procedures (sanctions, verbal or written warnings, dismissal, mediation, counselling or ongoing supervision).

☐ Disciplinary action should be proportional to offence and consistent with previous cases.

☐ Put measures in place to ensure where possible that a perpetrator does not go on to repeat violence and harassment. Inform perpetrators that violence and harassment against women is not acceptable and encourage them to perpetrator counselling/treatment help to change violence behaviour.

☐ Direct serial harassers to perpetrator treatment/counselling programmes as a condition of continuous employment.

☐ Ensure that third-parties are reported to the police and that action is taken to end violence, harassment and stalking.

Perpetrators of domestic violence who are employees:

☐ Give support if the perpetrator wants to change their behaviour.

☐ Give perpetrators information about perpetrator treatment and counselling programmes, and if necessary, make this a condition of their continued employment.

☐ Where workplace resources (e.g. computers, telephones, email) have been used to harass an intimate partner during or outside of work hours this should be

subjected to disciplinary proceedings, including the possibility of dismissal; this applies even if the intimate partner does not work for the same employer.

☐ Manage any misuse of work time or resources.

10. The role of women's advocates, and encouraging civic courage and active bystanders in the company and among customers and passengers

Checklist of issues to consider:

Women's advocates:

☐ As noted in Section 7 above, trained women's advocates provide confidential advice, information, and support for women survivors of violence and harassment, including domestic violence.

Civic courage and active bystanders/upstanders in and around the workplace:

☐ Encourage and support workers, customers, passengers and other bystanders to become active bystanders/upstanders by safely intervening and challenging violence and harassment that they witness.

☐ Provide resources and training on how to be an active bystander and to engage in non- confrontational behaviour change.

☐ Encourage male and female workers to participate in active bystander/upstander training so that they can develop skills to identify inappropriate behaviour in the workplace and workplace attitudes that contribute to a culture of gender inequality.

☐ Work in partnership with passenger groups and organisations to encourage civic courage amongst passengers, and implement information campaigns and safety measures to end violence and harassment against women workers and passengers by third-parties.

☐ Help colleagues work together to challenge inappropriate behaviour and to empower them to take appropriate action - and in particular encourage men to play an active role.

☐ Raise awareness by asking managers, unions, workers, customers and the wider community living and working around transport hubs to 'take a stand against violence against women in transport' and by asking them, 'What will you do as an active bystander to end violence and harassment against women?'

11. Training

Checklist of issues to consider in training programmes which can be provided for:

☐ social partners and members of negotiating teams, on building awareness of gender equality and how to prevent and address gender-based violence in the world of work, including in risk assessments and prevention programmes;

☐ workers, on how to stay safe in situations of potential or actual conflict from third-parties that could lead to violence and harassment, for example, de-escalation and self-defence training, training in avoiding and managing conflicts, to prevent them escalating into more serious forms of violence and sexual harassment against women;

☐ managers, supervisors and workers on complaints procedures and handling of complaints in gender-responsive ways - complaints handling training is provided at the level at which complaints should be dealt with;

☐ building understanding of the effects of violence against women, how to change social norms and promote gender equality;

☐ guidance and training for trade union representatives, managers and workers on how to communicate with empathy and understanding and respond appropriately to disclosures of violence and harassment, including domestic violence.

12. Awareness raising

Checklist of issues to consider:

☐ Regular awareness raising and information campaigns are held in the workplace on zero-tolerance of violence against women.

☐ Display of signs, such as 'No to violence at work', in public areas in and around transport hubs and on buses and trains, and in railway stations and other transport facilities.

☐ Organise, participate in and/or support campaigns with domestic violence organisations and women's and men's organisations, in the community on ending violence against women, particularly during 16-days of Activism and International Day for the Elimination of Violence Against Women (held 25 November each year).

☐ Make it clear that any violence or harassment targeting women, whether by customers, colleagues, managers, intimate partners or anyone else, is prohibited and punishable by law.

☐ Regular awareness-raising campaigns are held with messages that give a positive image of the transport sector and the understanding that 'by working together we can all end violence and harassment against women.'

13. Provision of clear and accessible information

Checklist of issues to consider:

☐ Information and advice is provided for women workers about company policies and complaints procedures, including advice about seeking support from a trade union representative or a women's advocate.

☐ Information about how a woman can access support when making an informal or a formal complaint and to be accompanied by a support person or trade union representative during the informal or formal process, and that her complaint will be dealt with seriously and without retaliation.

☐ Information about how women worker can access support inside and outside the workplace for legal, medical, psychological and financial support.

☐ Access to counselling, paid for by the employer, to enable a survivor to recover from the negative impact of violence and harassment, including domestic violence.

☐ For survivors of domestic violence, advice and information about specialist organisations working on violence against women, including specialist domestic violence supports such as legal advice in gaining a protection order, access to safety planning and safe housing.

14. Implementation, training and monitoring of the policy

Checklist of issues to consider:

☐ **Implementation of the policy:**

there is a plan for dissemination and implementation of the policy, including raising awareness about how violence and harassment against women can be prevented and addressed, including violence and harassment by third-parties;

senior management of the company is responsible for ensuring that the policy is fully implemented;

adequate resources are put in place, including training associated with the implementation of the policy and to ensure that it is gender-responsive.

☐ **Monitoring and review of the policy:**

An agreed timeframe to monitor the implementation of the policy and periodically update the policy, if needed.

A procedure is agreed to review the policy every three years to ensure that it is fit for purpose, taking into account data collected on complaints and reports of violence against women.

Consultations with women workers (e.g. anonymous survey or focus groups) about the policy and how it has been implemented.

☐ **Learning from complaints:**

A process is in place to learn from complaints, how they were handled and resolved, the effect of existing preventative measures in reducing violence and harassment against women, including prevention of violence and harassment by third-parties.

Gender disaggregated data is held on all types of complaints (anonymous, formal, informal), the outcomes of formal and informal procedures, as a basis for identifying trends, types of cases and gender-based learning about complaints.

Section 3: Gender-responsive risk assessments on violence and harassment

The second part of the guidance provides information and checklists about carrying out gender-responsive risk assessments on violence and harassment.

Ending violence and harassment against women is an occupational safety and health and a gender equality issue. In particular, women experiencing violence and harassment often suffer physical and psychological health problems which can affect work performance, leading them to take time off work and if it continues unchecked, to eventually to leave the job. [12]

Furthermore, women will be more at risk of violence and harassment if occupational safety and health policies are not implemented fully or if risk assessments do not identify specific risks faced by different groups of women. For example, night shifts in isolated areas may result in women become more vulnerable when travelling to and from work, and restricted access to toilet breaks can be both denigrating and lead to physical and psychological health problems. Changes in work organisation where ticket collection or checking is carried out alone rather than in pairs makes women particularly vulnerable to sexist remarks and sexual assault, and this is particularly the case for black and minority ethnic women.

By virtue of existing EU legal framework (see Appendix 1) risk assessment an integral part of the prevention of occupational safety and health hazards in the workplace and in the European Union, and a requirement under the EU's Framework Directive on occupational safety and health.[13] On the basis of these frameworks, risk assessments and prevention measures must cover all forms of violence and harassment in the workplace, including third-party violence and harassment and the risk of workplace stress, where a risk is identified.

Traditionally women's needs and risks were invisible in occupational safety and health in the transport sector. However, in recent years much greater attention has been giving to the specific risks – physical and psychosocial - faced by women, including the prevention of violence and harassment faced by women transport workers. One way this has been done is to ensure that risk assessments are gender-

---

[12] EU-OSHA (2016) Sexual harassment and violence in the workplace – explained in infographics. Available at: https://osha.europa.eu/en/highlights/sexual-harassment-and-violence-workplace-explained-infographics. EU-OSHA (2019) Domestic violence and the workplace : https://oshwiki.eu/wiki/Domestic_violence_and_the_workplace. ETF survey reports on violence against women transport workers: https://www.etf-europe.org/violence-against-women-transport-workers-etf-study-reveals-the-facts/

[13] See Framework Directive 89/391 of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work. The Directive introduced the principle of risk assessment and defines its main elements (e.g. hazard identification, worker participation, introduction of adequate measures with the priority of eliminating risk at source, documentation and periodical re-assessment of workplace hazards).

responsive. In recent years women in trade unions[14] and EU-OSHA[15] have been looking at ways to ensure that occupational safety and health measures, including risk assessment, take account of the specific risks faced by women. This has meant challenging traditional approaches to occupational health and safety which are based on gender stereotypes about women's and men's roles and/or that treat men and women as if they were the same.

In contrast, a gender-responsive approach acknowledges and makes visible the differences that exist between male and female workers, identifying their differing risks and proposing control measures so that effective solutions are provided for everyone.

It is essential that risk assessments and mitigation measures are gender-responsive during each of the main steps involved in risk assessments:[16]

1. Hazard identification: potential hazards or risks are identified
2. Risk assessment: an assessment is carried out of the seriousness of the risk and who might be harmed
3. Implementation of solutions: measures to mitigate risks are identified
4. Monitoring: including records of findings of the risk assessment and its implementation
5. Review: of the risk assessment and progress in implementing the measures introduced to mitigate the risk

Carrying out risk assessments on violence and harassment, including gender-based violence and harassment and domestic violence, is one of the measures included in ILO Violence and Harassment Convention No.190 and Recommendation No. 206 (see summary in Appendix 1).

---

[14] See for example, guide on gender-responsive occupational safety, including risks of violence against women, drawn up by TUC, Gender in Occupational Safety:
https://www.tuc.org.uk/sites/default/files/GenderHS2017.pdf
[15] EU-OSHA, Including gender issues in risk assessments: Fact Sheet 43.
https://osha.europa.eu/en/publications/factsheet-43-including-gender-issues-risk-assessment/view
[16] ILO, A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments. Available in multiple languages:
https://www.ilo.org/safework/info/publications/WCMS_232886/lang--en/index.htm

Risk assessment on violence and harassment against women in the transport sector

The following five steps on risk assessment give illustrative examples of risk factors that may be associated with violence and harassment against women in the transport sector.

These risks are affected by the type of work carried out by different groups of women workers and the conditions under which work is carried out. These risks are also affected by social and cultural norms and gender inequalities.

Step 1: Do existing risk assessments cover violence and harassment against women workers?

This first step asks whether existing risk assessments in the workplace address violence and harassment against women workers? This can be looked at under the following four headings.

Under each heading, ask whether women's experiences of violence and harassment been included in the most recent risk assessment. It give some illustrative examples of potential risks that may lead to violence and harassment, which can be adapted to each transport sector.

I. **Third parties / customers, passengers and members of the public.** Have risks of violence and harassment been assessed for their impact on women workers arising from:

- A culture of sexism and aggression from customers, passengers and members of the public, particularly affecting women working alone/in isolation e.g. women ticket collectors working alone.

- Work involving customer facing roles, work situations where the customer has physical access to a worker e.g. driver, front office/customer office/ticket office.

- Work involving fare collection, ticket inspection and enforcement of fares.

- Working on unsafe transport routes where there is regular aggression from passengers towards women workers, particularly late at night.

- Exposure to a hostile work environment e.g. when customers are stressed, intoxicated and aggressive due to transport delays or cancellations.

- Poor systems for addressing third-party violence and harassment for making complaints, responding to and learning from cases.

- Lack of measures for workers to safely call for help if violence or harassment occurs.

- Poor lighting on the transport itself, at bus stops, transport hubs etc.

- No training / guidance on dealing with potential incidents of gender-based violence and harassment e.g. de-escalation training, dealing with violent customers, high-risk locations or situations, self-defence training etc.

II. **Working conditions and arrangements, work organization and human resource management.** Have risks of violence and harassment been assessed for their impact on women workers arising from:

- Stress resulting from organisation of work e.g. shifts, hours worked and the way that work is organised.
- Lack of control over work, work location and work processes.
- Working late/early shifts and risks associated with commuting (walking to isolated car parks, availability of public transport etc.)
- Unsafe office locations / working in isolation.
- Limited or ineffective security systems.
- Unsafe toilet and changing facilities.
- Attendance at training or meetings outside of the workplace.
- Inadequate or poorly implemented human resources procedures / lack of policy and procedures for making complaints that workers trust.
- A masculine workplace culture, that does not respect or value women.
- Lack of training and awareness on the risks faced by women workers.

III. **Discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.** Have risks of violence and harassment, including from managers, colleagues and third-parties, been assessed for their impact on women workers arising from:

- Gender inequalities leading to sexist attitudes and unconscious bias in the workplace; cultural and social norms foster violence and harassment, leading to disrespect from customers and passengers.
- Discrimination, including multiple discrimination e.g. gender, sexual orientation, gender identity, race, religion, age.
- Risks to a woman's reproductive and sexual health e.g. provision of toilets and female facilities on transport routes or ships, awareness about menstruation/period dignity, lack of job security after maternity leave.
- Gender power differences / male dominated workplaces and lack of diversity and/or gender-balance in the workplace, and low numbers of women in senior and leadership positions.
- Persistent gender inequalities e.g. women employed in lower valued, insecure, temporary and lower paid jobs; gender pay gap exists and no action taken to reduce the gender pay gap.
- Work culture reflects a from 'male' toxic culture, where sexism and racism are common; where it is considered ok for jokes and banter to be sexualised.
- Work culture devalues and belittles women or other groups that do not conform to social norms of masculinity and heteronormativity (i.e. where heterosexuality and relations between opposite sex couples is the norm), affecting LGBTI people.

- A culture where 'high value' employees are protected (e.g. because they are in senior and influencing positions).

- Workers and managers have not received training or guidance or leadership on what is acceptable behaviour in the workplace.

IV. **Domestic violence impacts on the workplace.** Have risks of domestic violence been assessed for their impact on women workers arising from:

- Lack of guidance, training or a workplace policy and/or guidance and training on how to respond effectively to domestic violence.

- A culture of silence around this issue, making it difficult for survivors to seek help from a manager, colleague or union representative.

- Threats of assault or stalking in the workplace by a woman's partner or former partner, and this accentuated when the workplace is mobile e.g. women bus drivers, ticket collectors, customer-facing service counters and/or working alone.

- An office worker is visible to customers/visitors and there is a risk that she could be assaulted by a partner or ex-partner.

- Lack of system for assessing and responding to an immediate risks domestic violence in the workplace, when there are threats of, or harassment, by a partner or former partner at work (individual risk assessment).

- Effects on a woman's productivity and attendance at work.

- Risks of domestic violence and stalking by a partner or ex-partner are greater when travelling to and from work after a late shift.

- The car park is unlit and potentially unsafe, resulting in a risk of stalking and assault when the survivor goes to the car at night, on early or late shifts, or is alone.

- Online, email and telephone abuse from a former or current intimate partner.

- Women doing telework / working remotely from home experience heightened levels of domestic violence and abuse, with reduced access to workplace supports.

If there are gaps, suggest ways to fill these gaps and with recommendations to safety and health committees for including these gender-related risks in future risk assessments.

This guidance on risk assessment will aim to help you check whether risk assessments are gender-responsive and to identify what else needs to be done to ensure that all relevant risks of violence and harassment faced by women transport workers are assessed and acted upon. This will also help raise awareness about whether existing risk assessments take into account the diversity of women and multiple forms of discrimination.

Step 2: Do existing measures to address and mitigate risk identified adopt a gender-responsive approach?

In this next step consider whether existing prevention plans to mitigate risks have a gender-responsive approach.

If there are areas omitted, suggest ways to address these and make recommendations for including measures to address gender-related risks in future prevention plans.

In response to the alarming increase in violence against women, particularly from third-parties in the transport sector, many transport companies and transport unions have carried out joint risk assessments and implemented a range of safety measures. Where risks of violence and harassment against women are identified, measures to ensure safety could include:

- Introducing measures to ensure that women do not work alone, particularly at night.

- Issuing of alarm systems and security to assist isolated workers when they are in difficult situations.

- Implementing security measures such as protective screens on one-person pay buses, in offices and customer service counters.

- Ensuring women have safe access to toilets and changing facilities.

- Safety planning, de-escalation training, self-defence, incident response training and raising awareness amongst workers about how to respond and protect themselves in potentially threatening or dangerous situations, carried out in a gender-responsive way.

- Gender-responsive systems for reporting third-party violence, with learning from, responding to and implementing measures to prevent its reoccurrence.

Step 3: How to identify risks of violence and harassment faced by women transport workers?

Gender-based violence and harassment is often a hidden issue in the workplace, particularly in a male dominated sector such as transport. However, it is important to build trust amongst women in the workplace to participate in the identification of risks of gender-based violence and harassment.

Consulting with women workers about their safety concerns is essential in order to take into account the impact of gender inequalities, work organisation, lone working and other changes that may impact on their risk of violence and harassment in the workplace.

The following are some of the ways to identify risks of gender-based violence and harassment in the transport sector:

- Consultations with women workers through focus group discussions, confidential surveys, participatory research etc.

- Holding discussions with women workers and listening to them about their safety concerns and safety measures that would benefit them.

▶ Safety walks, safety audits and mapping with women in different transport sectors and occupations to identify areas in the world of work where violence and harassment against women are more likely to occur. These can help to identify where workers may be at risk from unsafe transport routes or locations.

▶ Training with occupational safety and health teams in road, rail, road haulage, shipping etc. to improve awareness of risks of gender-based violence and harassment.

Step 4: Ensuring that future risk assessments are gender-responsive

A starting point to future-proofing risk assessments, is to agree a framework for a gender-responsive approach to risk assessment in the trade union as a sub-group of the occupational safety and health committee and/or women's committee.

Ensure there is a diversity of women involved in the risk assessment team and ensure that consultations with women in the workplace include a diversity of women workers e.g. black women, women from minority ethnic groups, migrant women, older and younger women, disabled women, amongst others. Include LGBTI workers who may experience violence and harassment and discrimination because they are seen to step outside of established gender and social norms.

Some of the risks, for example, addressing gender inequalities and social norms, require continuous, sustained and long-term actions. Consider the building-blocks to addressing them in the medium and long-term, as well as quick 'wins' as well as these will help to build awareness, confidence and a commitment to ending violence and harassment against women workers.

Identify risks of violence and harassment against women workers across different transport jobs and sectors. For example, there may be specific issues faced by women working away from home and in male dominated sectors e.g. working in shipping and road haulage; for women working night shifts e.g. buses and other late-night transport where there is a risk of sexist abuse and assault from aggressive passengers; or for women working in customer service / front desk positions. Discuss the issues that may be specific for your sector in your team and with women workers to identify further potential risks.

Use the **risk assessment checklists to guide discussions** and use it in training courses on gender equality, gender-based violence and occupational safety and health to help raise awareness about gender-responsive risk assessments and prevention programmes.

Step 5: Addressing risks of and preventing domestic violence

As mentioned above, women workers may experience risks of domestic violence and stalking in the world of work from current or former partners. It may occur when they are travelling to and from work, in the car park, on workplace premises such as in the office or depot, in interactions with customers such as a ticket office, or when she is mobile e.g. driving a bus. Domestic violence can severely affect a woman's health and wellbeing, her financial security (as financial abuse is a common form of domestic violence) and her ability to get to work, stay in work and be productive at

work. There may be a risk of assault (and threats of assault) to survivors of domestic violence, and also to their colleagues when at work.

During the COVID-19 pandemic domestic violence was described as the 'shadow pandemic'[17] as many women were confined at home with their abusers, often unable to get help and support. For women workers carrying out telework from home there are added risks that employers need to take into account, particularly as they have a 'duty of care' for their employees regardless of where they work. For some women workers, home has not been a safe place to work, where it has been difficult to carry out work tasks safely and securely. Confinement and lockdowns made it much harder for trade union representatives and managers to support colleagues affected by domestic violence. Signs of domestic violence are harder to spot when communications take place through online meetings, email or by telephone. However, signs that there may be domestic violence could include not participating in calls or online meetings, being non-responsive to emails or calls, appearing anxious or distressed during an online meeting, or where there are regular interruptions from a partner or damage to work equipment.

In response to the pandemic and the increasing incidence of domestic violence, some trade unions have been negotiating guidance and workplace supports, or adapting those that already exist, so that they are relevant to teleworking and working remotely.[18]

---

[17] UN Women (2020) The COVID-19 Shadow Pandemic: Domestic Violence in the World of Work - A Call to Action for the Private Sector: https://www.unwomen.org/en/digital-library/publications/2020/06/brief-domestic-violence-in-the-world-of-work

[18] For further guidance, including for trade unions, see DV@Work COVID-19 Briefings. Available at: http://dvatworknet.org/content/dvwork-covid-19-briefings See also ITUC web page: Union responses to gender-based violence and the COVID-19 pandemic https://www.ituc-csi.org/union-responses-to-gender-based

The following are steps to take in preventing domestic violence:

▶ If a woman worker discloses a risk of domestic violence, conduct an immediate risk assessment to identify actual or potential risks of domestic violence. If you are unsure about how to do this, seek advice of domestic violence specialists about these risks and how they may impact the workplace.

▶ Address all relevant risks affecting women transport workers who work in jobs that are office based, customer facing, mobile and that may occur when a woman works remotely from home, as has increasingly been the case during the COVID-19 pandemic where there was a 30%-50% increase in women seeking help.

▶ Give information to survivors of domestic violence on how to get support, if available, from a specialist domestic violence organization (for safety planning, obtaining legal advice, reporting incident to local law enforcement, getting a protection/restraining order, specialist counselling or safe housing etc.).

▶ Provide a range of workplace supports to enable a woman to continue working, but with possibilities for paid leave, flexible working time, change of work location or work tasks etc. (these are specified in the workplace policy above).

▶ Inform the police if a survivor of domestic violence is attacked or harassed at work, and/or if there is an immediate risk to her or her work colleagues.

▶ If relevant, inform the victim of options for getting a protection/restraining order that covers the workplace and travel to and from work.

▶ If the victim already has a protection or restraining order, check that the workplace can provide the full range of safety measures and that, in consultation with the survivor, relevant staff have been informed, in case there is a breach of the order.

▶ It is important to assure a victim's confidentiality. If relevant people in the workplace have to be informed, give the minimum amount of personal information.

▶ In drawing up a safety plan, involve the survivor and relevant managers, and hold regular meetings with her to assess security risks, monitor changes in or escalation of the risk.

The following are some illustrative situations and examples of possible safety risks that could occur in the workplace, with examples of what action can be taken in a security plan.

Possible safety risks	Examples of what to include in a safety plan
An employee drives a bus on a regular route, she is at risk of being stalked, assaulted and harassed by a partner an ex-partner.	• Review alternatives, such as changing the route or shifts. • Provide advice about personal safety e.g. having emergency/alarm, contacts for or the police in her mobile phone.
Parts of the car park are unlit and potentially unsafe. There is a risk of assault when she goes to her car at night or alone.	• Provide a safe parking space close to the entrance of the workplace. • Enable security personnel to accompany the survivor to and from their car. • Improve lighting, introduce a security camera, and an alarm such as a panic button or personal alarm.
The survivor receives regular harassing emails, texts and phone messages. There is a risk that this will continue and escalate.	• Divert telephone calls, text messages or emails to a work colleague. • If relevant, issue a new safe email address and mobile phone number. • Ensure the survivor can save harassing emails or messages in case evidence is needed.
A woman worker is carrying out telework and is experiencing heightened levels of abuse and control.	• Ensure regular communications and encourage a colleague to find a safe space to talk to someone and seek support. • Provide information about how to access domestic violence support services e.g. legal support, safety planning, safe housing etc. and how to safely store telephone numbers on a mobile phone.
Other work colleagues may be at risk.	• Ensure that work colleagues who may be potentially at risk e.g. reception and security staff, and colleagues who have received threats, know who to contact. • Ensure the security of reception and other work colleagues.
The employee works in an office that is visible to customers/visitors. There is a risk that a partner or ex-partner could assault them.	• Move the office desk to a less visible place. • Change office location. • Ensure the survivor is never working alone. • Provide an alert system e.g. panic button. • Provide an emergency contact number e.g. security personnel, police, or domestic violence organization.
There are ongoing risks for the employee and their personal safety.	• Assist the employee in making plans for their own security. • Ensure that the s/he has contact numbers and can access support or emergency services with these numbers easily preloaded on phone if she is at risk.
The perpetrator works in the same workplace, which may pose additional security risks.	• Find ways ensure security, if requested, e.g. changing work schedules or work locations. • Provide advice about how to access specialist legal and other support. • Ensure that the managers of both employees are aware of the real or potential risks.

Appendix 1: Relevant European legal provisions and agreements

Existing **EU legal provisions** for transposition into national law define the employers' duty to protect workers against violence and harassment at work covering equal treatment, non-discrimination and occupational safety and health. They include:

- Directive 2006/54/EC on equal treatment in employment and occupation (Recast Directive);
- Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
- Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- Directive 89/391/EEC 'Framework Directive' on the introduction of measures to encourage improvements in the safety and health of workers at work
- 2007 social partner autonomous 'Framework Agreement on Harassment and Harassment at Work'
- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Directive 2006/54/EC on equal treatment in employment and occupation notes that sexual harassment is a form of discrimination and is contrary to the principle of equal treatment between women and men and that is prohibited. The Directive defines sexual harassment as follows: "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." Under Article 26 (prevention of discrimination): "Member States shall encourage, in accordance with national law, CBAs or practice, employers and those responsible for access to vocational training to take effective measures 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."

Framework Directive 89/391/EEC on safety and health of workers at work sets out a range of requirements on employers, with trade unions, to draw up and implement occupational safety and health measures that address a range of risks, including risk assessments and measures to control these risks.

The European autonomous social partner framework agreement on violence and harassment (ETUC, BUSINESSEUROPE, UEAPME and CEEP), signed in 2007, has the objective to raise awareness amongst employers and trade unions about harassment and violence at work, and provides an action-oriented framework to identify, prevent and manage problems of harassment and violence at work. It applies to all workplaces and all workers, irrespective of the form of employment contract or relationship. Violence and harassment at work is defined as including physical,

psychological and/or sexual dimensions, whether in one-off incidents or more systematic patterns of behaviour. It states that violence can be perpetrated amongst colleagues, between supervisors and subordinates or by third parties (e.g. customers, clients, patients, pupils), and that harassment and violence can be carried out by one or more managers or workers with the objective of creating a hostile work environment.

The **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**, entering into force on 1 August 2014, sets out a framework for national laws and programmes to prevent and end violence against women through an integrated approach, with the overall objective of changing socially and culturally based attitudes and behaviour. It also introduces a set of obligations for States, in accordance with the due diligence principle, to take the measures necessary to prevent, investigate, punish and provide reparation for acts of violence against women. Reference is made to the workplace in relation to sexual harassment at work, and programmes on preventing domestic violence can be implied as having a role for employers and the workplace.

Appendix 2: Summary of ILO Violence and Harassment Convention No. 190 and Recommendation No. 206

The ILO Violence and Harassment Convention is historic and for the first time gives workers the right to a world of work that is free from violence and harassment.

Ending **gender-based violence and harassment** is at the centre of the Convention and Recommendation, as it acknowledges that women are disproportionately affected by violence and harassment in the world of work and that this is affected by social norms and unequal gender relations.

- It covers everyone in the world of work in all sectors, formal and informal, private or public;

- It defines the world of work as a broader concept than just the physical workplace and includes travel to and from work;

- It addresses third-party violence and harassment, and recognises that the transport sector exposes workers to a higher risk of violence and harassment;

- It recognises domestic violence as a workplace issue.

The Convention has wide scope and an inclusive definition of a worker, providing protection for all workers irrespective of their contractual status, covering workers in non-standard employment, in precarious jobs, working part-time, on temporary contracts or on zero-hours contracts.

An inclusive definition is given of a worker is that protection is also given for jobseekers, workers whose employment has been terminated, trainees, interns, apprentices and volunteers, as well as individuals exercising the authority, duties or responsibilities of an employer. Recognition is also given to the changing world of work.

Obligations are put on governments to spell out **positive duties on employers to protect workers and prevent violence and harassment** through a workplace policy, psychosocial risks in the management of occupational safety and health, identification of hazards and assess risks, and provision of information and training (Article 9). These prevention measures and risk assessments, workplace policies, complaints procedures, guidance, training and awareness raising measures should be drawn up in consultation with employers' and workers' organisations. (Article 11).

It recognises the need for a gender-responsive approach in addressing the underlying causes of violence and harassment, including risk factors. These must take account of unequal gender-based power relations and multiple discrimination.

The Convention highlights the importance of **prevention of violence and harassment in occupational safety and health.** Workplace risk assessments, as set out in the Convention and detailed further in the Recommendation, should also help

to change attitudes by taking into account factors that increase the likelihood of violence and harassment (such as gender, cultural and social norms). In relation to the **workplace risk assessment** (referred to in Article 9(c) of the Convention), particular attention is given to risk factors that increase the likelihood of violence and harassment, including psychosocial risks and hazards. The Recommendation states that account should be taken of risk factors that:

- Arise from working conditions and arrangements, work organization and human resource management, as appropriate;
- Involve third parties such as clients, customers, service providers, users, patients and members of the public; and
- Arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

The Recommendation (Para. 23) calls for guidance, training and awareness raising, including:

- Model codes of practice and risk assessment tools on violence and harassment in the world of work, either general or sector-specific, taking into account the specific situations of workers and other persons belonging to the groups referred to in Article 6 of the Convention;

The Convention sets out the need for easy access to **appropriate and effective remedies and safe, fair, and effective reporting and dispute resolution,** (Article 10(b)) such as:

- Complaint and investigation procedures;
- Dispute mechanisms at workplace level or external to the workplace;
- courts and tribunals;
- Protection from victimization or retaliation for complainants, victims, witnesses and whistle-blowers
- Support measures for victims;
- Legal, social, medical and administrative support measures for complainants and victims.

The effects of **domestic violence at work and ways to mitigate** them are covered in the Convention and Recommendation. It is noted in the Preamble to C.190:

"Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence."

It acknowledges that domestic violence has an impact on workers—especially women workers—and their livelihoods. C.190 lays out measures governments, employers and workers organizations can take to support victims/survivors of domestic violence, and to "recognize the effects of domestic violence and, so far as practicable,

mitigate its impact in the world of work". (Article 10f). Further guidance is given in the Recommendation of the measures that can be included in policies and procedures for mitigating risk in the workplace. They include measures to recognize the problem, respond appropriately and refer to appropriate specialist support, including:

- Leave for victims of domestic violence;
- Flexible work arrangements and protection for victims of domestic violence;
- Temporary protection against dismissal for victims of domestic violence, as appropriate.
- The inclusion of domestic violence in workplace risk assessments;
- A referral system to public mitigation measures for domestic violence, where they exist; and
- Awareness-raising about the effects of domestic violence. (r206, para.18).

For a more detailed summary of the Convention and Recommendation, with a focus on workers' organisations see: ILO (2020) ILO Policy Brief. ILO Violence and Harassment Convention No. 190 and Recommendation No. 206.
 http://www.ilo.ch/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/briefingnote/wcms_749786.pdf

Further reading and resources

▶ Business Europe, ETUC, CEEP, UEAPME (2007) European Autonomous Framework Agreement on Violence and Harassment at Work. (Brussels, Business Europe, ETUC, CEEP, UEAPME). https://www.etuc.org/fr/node/3171

▶ ETF (2017) Violence against women transport workers: Summary report. https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-summary-report-VAW-at-work-in-transport_EN.pdf

▶ ETF (2017) Violence against women transport workers: Supplementary report. https://www.etf-europe.org/wp-content/uploads/2018/09/ETF-Supplementary-report-VAW-at-work-in-transport_EN.pdf

▶ ETF (2018) Training resources on gender equality and violence and harassment against women: https://www.etf-europe.org/activity/gender-training-package/

▶ ETF, Training materials for a harassment and bullying-free workplace in shipping: www.etf-europe.org/how-to-eradicate-harassment- and-bullying-in-shipping/

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

▶ EU-OSHA (2003) Including gender issues in risk assessments: Fact Sheet 43. https://osha.europa.eu/en/publications/factsheet-43-including-gender-issues-risk-assessment/view

▶ EU-OSHA (2011) Workplace Violence and Harassment: A European Picture. Luxembourg, Publications Office of the European Union.

▶ 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.

▶ EU-OSHA (2019) Domestic violence and the workplace : https://oshwiki.eu/wiki/Domestic_violence_and_the_workplace

▶ ILO (2013) A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments. Available in multiple languages: https://www.ilo.org/safework/info/publications/WCMS_232886/lang--en/index.htm

▶ ILO (2019) Eliminating Violence and Harassment in the World of Work: Convention No. 190 and Recommendation No. 206. https://www.ilo.org/global/topics/violence-harassment/lang--en/index.htm

▶ ILO (2020) ILO Policy Brief. ILO Violence and Harassment Convention No. 190 and Recommendation No. 206. http://www.ilo.ch/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/briefingnote/wcms_749786.pdf

▶ ILO (2020) Sexual harassment in the world of work: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738115.pdf

▶ ITUC resources on gender-based violence at work: https://www.ituc-csi.org/GBV

▶ IUF (2019) Making women visible in occupational safety and health http://www.iuf.org/w/?q=node/7273

▶ Pillinger, J (2017) Violence and Harassment against Women and Men in the World of Work-Trade Union Perspective and Action. (Geneva, ILO). https://www.ilo.org/actrav/info/pubs/WCMS_546645/lang--en/index.htm

▶ TUC (2018) Gender in Occupational Safety: https://www.tuc.org.uk/sites/default/files/GenderHS2017.pdf

▶ UN Women (2020) COVID-19 and Ending Violence Against Women and Girls: https://www.weps.org/resource/covid-19-and-ending-violence-against-women-and-girls

▶ UN Women (2020) The COVID-19 Shadow Pandemic: Domestic Violence in the World of Work - A Call to Action for the Private Sector: https://www.unwomen.org/en/digital-library/publications/2020/06/brief-domestic-violence-in-the-world-of-work

▶ 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

▶ Unite (2012) Women's health, safety and well-being at work. Negotiators guide: https://unitetheunion.org/media/1480/womens-health-safety-well-being-at-work-unite-guide.pdf