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DRAFT REPORT

on measures to prevent and combat mobbing and sexual harassment at
workplace, in public spaces, and political life in the EU
(2018/2055(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Pina Picierno

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU (2018/2055(INI))

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, which entered into force with the Treaty of Lisbon in December 2009¹, and, in particular, Articles 20, 21, 23 and 31 thereof,
- having regard to the 2014 report by the European Union Agency for Fundamental Rights (FRA) entitled ‘Violence against women: an EU-wide survey’²,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)³,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which defines and condemns harassment and sexual harassment⁴,
- having regard to the Gender Equality Index of the European Institute for Gender Equality (EIGE),
- having regard to the EU Presidency Trio declaration of 19 July 2017 by Estonia, Bulgaria and Austria on equality between women and men,
- having regard to the United Nations legal instruments in the field of human rights and notably of women’s rights, such as the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Eliminations of All Forms of Discrimination Against Women and its Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to other UN instruments on sexual harassment and violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights, the Declaration by the United Nations General Assembly on the Elimination of Violence against Women of 20 December 1993, the Resolution on crime prevention and criminal justice measures to eliminate violence against women of 21 July 1997, the reports by the UN Special Rapporteurs on violence against women, General recommendation No 19 by the

¹ OJ C 326, 26.10.2012, p. 391.

² <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

³ OJ L 204, 26.7.2006, p. 23.

⁴ OJ L 373, 21.12.2004, p. 37.

CEDAW committee,

- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing +5 (2000), Beijing +10 (2005), Beijing +15 (2010) and Beijing +20 (2015) special sessions,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the Victims' Rights Directive)⁵,
- having regard to the Framework Agreement on Harassment and Violence at Work of 26 April 2007 between ETUC/CES, BUSINESSEUROPE, UEAPME and CEEP,
- having regard to the report of the European Network of Equality Bodies (EQUINET) entitled 'The Persistence of Discrimination, Harassment and Inequality for Women. The work of equality bodies informing a new European Commission Strategy for Gender Equality', published in 2015,
- having regard to the Istanbul Convention on preventing and combating violence against women and domestic violence, in particular Articles 2 and 40 thereof⁶, and to Parliament's resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence⁷,
- having regard to its resolutions of 20 September 2001 on harassment at the workplace⁸, of 26 November 2009 on the elimination of violence against women⁹, of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women¹⁰, of 15 December 2011 on the mid-term review of the European strategy 2007-2012 on health and safety at work¹¹, of 25 February 2014 with recommendations to the Commission on combating Violence Against Women¹² and the accompanying European Added Value Assessment of November 2013, and of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women¹³,
- having regard to its resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015¹⁴, of 10 March 2015 on progress on equality between women and men in the European Union in 2013¹⁵, and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when

⁵ OJ L 315, 14.11.2012, p. 57.

⁶ <https://rm.coe.int/168008482e>

⁷ Texts adopted, P8_TA(2017)0329.

⁸ OJ C 77 E, 28.3.2002, p. 138.

⁹ OJ C 285 E, 21.10.2010, p. 53.

¹⁰ OJ C 296 E, 2.10.2012, p. 26.

¹¹ OJ C 168 E, 14.6.2013, p. 102.

¹² OJ C 285, 29.8.2017, p. 2.

¹³ Texts adopted, P8_TA(2016)0451.

¹⁴ Texts adopted, P8_TA(2017)0073.

¹⁵ Texts adopted, P8_TA(2015)0050.

- disclosing the confidential information of companies and public bodies¹⁶,
- having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU¹⁷,
 - having regard to the report ‘Safe at home, safe at work – Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women’,
 - having regard to the report for the Meeting of Experts on Violence against Women and Men in the World of Work (3–6 October 2016), organised by the International Labour Organisation,
 - having regard to the study by the Inter-Parliamentary Union entitled ‘Sexism, harassment and violence against women parliamentarians (2016)’¹⁸,
 - having regard to the study on Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU¹⁹,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A8-0000/2018),
- A. whereas gender equality is a core value of the EU, recognised in the Treaties and the Charter of Fundamental Rights; whereas gender-based violence stems from unequal power relationships between men and women and is linked to patriarchy;
- B. whereas sexual harassment is defined in Directive 2002/73/EC as ‘where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment’;
- C. whereas that definition should be redrafted in the light of social and technological developments and attitudes, which have all evolved and changed over time;
- D. whereas sexual harassment is a form of violence and is the most extreme, yet persistent, form of gender-based discrimination; whereas some 90 % of victims of sexual harassment are female and approximately 10 % are male; whereas, according to the EU-wide FRA study of 2014 entitled ‘Violence against women’, one in three women have experienced physical or sexual violence during their adult lives; whereas up to 55 % of women have been sexually harassed in the EU; whereas 32 % of all victims in the EU reported that the perpetrator was a superior, colleague or customer; whereas 75 % of women in professions requiring specific qualifications or in senior management jobs have been sexually harassed; whereas 61 % of women employed in the service sector

¹⁶ Texts adopted, P8_TA(2017)0402.

¹⁷ Texts adopted, P8_TA(2017)0417.

¹⁸ <https://www.ipu.org/resources/publications/reports/2016-10/sexism-harassment-and-violence-against-women-parliamentarians>

¹⁹ Study by the Policy Department for Citizens’ Rights and Constitutional Affairs, Directorate-General for Internal Policies of the Union, March 2018, PE 604.909.

have been subjected to sexual harassment; whereas, overall, 5-10 % of the European workforce is at any one time being subjected to bullying at the workplace;

- E. whereas sexual and psychological harassment are prohibited in employment at EU level, including in relation to access to employment, vocational training and promotion, and comes under health and safety considerations;
- F. whereas cases of sexual harassment are significantly underreported due to low social awareness of the issue, fear of talking about the topic, insufficient reporting and monitoring channels, as well as the normalisation of violence;
- G. whereas bullying and sexual harassment continue to represent serious problems in a variety of social settings, including the workplace, in public spaces and in political life;
- H. whereas sexual and psychological harassment are phenomena that involve victims and perpetrators of all ages, educational backgrounds, incomes and social statuses, and whereas this phenomenon has physical, sexual, emotional and psychological consequences for the victim; whereas gender stereotypes and sexism, including sexist hate speech, offline and online, are root causes of many forms of violence and discrimination against women and prevent women's empowerment;
- I. whereas the Victims' Rights Directive defines gender-based violence as a violation of the fundamental freedoms of the victim and includes sexual violence (including rape, sexual assault and harassment); whereas female victims of gender-based violence and their children often require special support and protection because of the high risk of repeat victimisation, intimidation and retaliation connected with such violence;
- J. whereas violence in the world of work is often addressed in a piecemeal fashion, which mainly focuses on more visible forms, such as physical violence; whereas, however, sexual and psychological harassment can have even more destructive effects on the individual concerned;
- K. whereas the effects of both physical and verbal harassment, including that perpetrated online, are harmful not only in the short term but also in the long term and can include, for instance, stress and severe clinical depression;
- L. whereas EU law requires that Member States must ensure that an equality body is in place to provide independent assistance to victims of harassment, conduct independent surveys, collect relevant, disaggregated, comparable data, conduct research on definitions and classifications, publish independent reports and make recommendations on matters of employment and training, on access to and the supply of goods and services, and for the self-employed;
- M. whereas women in the European Union are not equally protected against gender-based violence and sexual and psychological harassment owing to differing policies and legislation across the Member States; whereas judicial systems do not always provide sufficient support to women; whereas the perpetrators of gender-based violence are often already known to the victim, and whereas, in many cases, the victim is in a position of dependence, which exacerbates their fear of reporting the violence;

- N. whereas all Member States have signed the Istanbul Convention, but not all have ratified it;
- O. whereas sexism and the sexual and psychological harassment of women parliamentarians is real and widespread; whereas the perpetrators of harassment and violence not only belong to the ranks of political opponents, but can also be members of the same political party, as well as religious leaders, local authorities, and even family members;
- P. whereas politicians, as elected representatives of citizens, have a crucial responsibility to act as positive role models in preventing and combating sexual harassment in society;
- Q. whereas the legitimacy of women in the political sphere is still sometimes challenged, and women are victims of stereotypes, which discourage them from engaging in politics;
- R. whereas neither all national and regional parliaments, nor all local councils have specific structures and internal rules in place establishing proper channels for ensuring the safe, confidential lodging and treatment of harassment complaints; whereas training on sexual and psychological harassment should be compulsory for all staff and members of parliament;
- S. whereas sexual and psychological harassment not only take place at work, but also in public spaces, including in formal and informal educational settings, in healthcare and leisure facilities, in the streets and on public transport;
- T. whereas cyber stalking and cyber harassment involve the use of information and communications technologies to stalk, harass, control, or manipulate a person; whereas cyber harassment is a particular problem for young women due to their greater use of these mediums; whereas 20 % of young women (between the ages of 18 and 29) in the EU-28 have experienced cyber harassment;

General Recommendations

1. Strongly condemns all kinds of violence against women (VAW);
2. Highlights the central role of all men in ending all forms of harassment and sexual violence; calls on the Commission and all Member States to actively involve men in awareness-raising and prevention campaigns, as well as education campaigns for gender equality;
3. Calls on the Commission to monitor the correct implementation of the EU directives prohibiting sexual harassment;
4. Calls on the Member States to develop comprehensive national action plans on VAW, paying due attention to providing adequate resources for equality bodies;
5. Calls on the Commission to compile examples of best practices in combating sexual and psychological harassment at the workplace and in other spheres, and to disseminate the results of this assessment widely;

6. Calls on the Commission and the Member States to ensure proper and adequate funding mechanisms for programmes and actions to combat sexual and psychological harassment against women;
7. Calls on all Member States which have not already done so to ratify and fully implement the Istanbul Convention without delay;
8. Calls on the Commission and Member States to obtain a clear picture of the issue of sexual harassment across the EU with better and scientifically more robust studies, including new challenges such as cyber bullying;
9. Welcomes the new widespread public debate, including on social media, which is contributing to redrawing the boundaries in relation to sexual harassment and acceptable behaviours;
10. Calls on the Commission to submit a legislative proposal to combat mobbing and sexual harassment in the workplace, in public spaces and in political life, and to include in it an updated and comprehensive definition of harassment (be it sexual or otherwise) and mobbing;
11. Calls on the Commission and the Member States, in cooperation with Eurostat and the EIGE, to improve and promote the collection of relevant, disaggregated, comparable data on cases of sexual and psychological harassment;
12. Calls on the Commission and Member States to adopt common definitions of the different types of VAW and common legal standards on criminalising VAW, based on women's stories and first-hand experience;
13. Calls on Member States to ensure that law enforcement officers and judges are trained to understand violence and harassment at the workplace and beyond;
14. Calls on Member States to guarantee quality and adequately funded specialised services for victims of gender-based violence and sexual and psychological harassment and to acknowledge that these manifestations of VAW are interconnected and that they have to be tackled on the basis of a holistic approach;

Violence at the Workplace

15. Stresses the urgent need for Member States, employers' organisations and trade unions to support and encourage women to report cases of sexual harassment, gender-based discrimination, and bullying;
16. Emphasises the urgent need for an international labour standard on violence and harassment at work, which should provide a legislative framework for governments, employers, companies and trade union action;
17. Notes that some sectors and occupations have a higher exposure to violence, particularly healthcare, public emergency services, education, transport, domestic work, agriculture and the rural economy, as well as the textiles, clothing, leather and footwear sectors;

18. Notes that some groups of workers can be more affected by bullying and violence at the workplace, especially pregnant women and parents, women with disabilities, migrant women, indigenous women, LGBTI people and women working part-time or on temporary contracts;
19. Calls on Member States to introduce measures to prevent and combat violence and harassment at the workplace through policies which set out prevention measures, effective, transparent and confidential procedures to deal with complaints, sanctions for perpetrators, and information to ensure that workers understand policies and procedures; stresses that these measures should not be incorporated into existing structures if these structures already have inbuilt gender barriers;
20. Calls on Member States to invest in the training of labour inspectors and ensure that companies and organisations provide skilled professional and psychosocial support for victims;
21. Calls on the Member States to take measures to ensure equal pay as a means of avoiding the abuse of power and to promote gender equality, which is fundamental to combating VAW;
22. Considers that a comprehensive approach to violence at the workplace is necessary, which should include the acknowledgement of the co-existence of bullying and sexual harassment, various forms of unpaid work in the formal and informal economies (such as subsistence agriculture, food preparation, care for children and the elderly) and a range of work experience schemes (such as apprenticeships, internships and voluntary work);
23. Acknowledges that domestic violence often spills over into the workplace, with a negative impact on workers' lives and the productivity of enterprises, and that this spillover can also go in the opposite direction, from the workplace to home; calls, in this context, on the Commission to provide guidance on the applicability of European protection orders in the workplace and to clarify the issue of employers' responsibilities;

Violence in Political Life

24. Calls on all politicians to be held to the highest standards of conduct and act as responsible role models in preventing and combating sexual harassment in parliaments and beyond;
25. Is concerned by the harassment against female politicians on social media in the form of 'trolling', involving the posting of sexist and abusive messages, including death and rape threats;
26. Stresses the importance of establishing cross-party policies and procedures to protect individuals elected to political office, as well as employees;
27. Acknowledges that parity lists play a key role in enabling the participation of women in politics;

28. Calls on all political parties to take concrete steps to tackle this problem, including revising internal party regulations to introduce a zero-tolerance policy for perpetrators of sexual harassment and the bullying of women in politics;
29. Calls on national and regional parliaments and on local councils to fully support victims in the framework of internal procedures and/or with the police, to investigate cases, to maintain a confidential register of cases over time, to ensure mandatory training for all staff and members on respect and dignity, and to adopt other best practices to guarantee zero tolerance at all levels in their respective institutions;
30. Calls on politicians to encourage management training in order to avoid laissez-faire attitudes on the part of leadership and to identify situations in which VAW occurs;

Violence in Public Spaces

31. Calls on the Commission to come up with a definition of public space, taking into account evolving communication technologies, and therefore to include in that definition also ‘virtual’ public spaces such as social networks and websites;
 32. Calls on Member States to consider introducing specific legislation on harassment in public spaces, including intervention programmes, with a specific focus on the role of intervention on the part of bystanders;
 33. Calls on the Commission and Member States to carry out further research into the causes and consequences of sexual harassment in public spaces;
 34. Highlights that awareness-raising campaigns are among the best tools in helping to address gender-based violence in public spaces;
 35. Highlights that education at every level is a fundamental tool in avoiding these forms of misconduct;
 36. Notes that some measures taken in Member States have proven effective at reducing harassment in public spaces, such as formal surveillance (increasing the presence of police and/or transport staff on public transport, closed-circuit television (CCTV)) and natural surveillance (better visibility and improved lighting);
 37. Calls on Member States to remind internet service providers of their duty to protect their online consumers by addressing cases of repetitive abuse or stalking in order to protect the victim, inform the perpetrator that they cannot act with impunity, and thus change the perpetrator’s behaviour;
 38. Calls on the Commission and Member States to unify legislation in order to increase the effectiveness of law against harassment and mobbing;
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39. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

Sexual harassment and mobbing are two of the most extreme yet widespread forms of gender-based discrimination, for which 90% of the victims are female. Up to 55% of women have been sexually harassed in the EU and one in ten women have been subjected to sexual harassment or stalking using new technologies. Despite the fact that sexual violence and harassment represent a blatant disregard for gender equality, and therefore a contradiction to one of the EU's core values and many decades' worth of comprehensive international legislation, they are a very real and persistent problem in almost every country in the world.

The **legislation** enacted to address violence and harassment varies across the EU, reflecting social, cultural, legal, and administrative differences in Member States – especially in terms of health and safety at work. Most Member States deal with violence and harassment through equal treatment legislation or general labour law rather than through specific occupational safety and health (OSH) legislation. These differences are also reflected in the varying definitions of sexual harassment, violence, and mobbing. Working towards an EU-wide approach on defining violence against women, and studying its causes and consequences is essential for EU-level initiatives.

Sexual harassment is defined in EU law as 'where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment'. Furthermore, the Victims' Rights Directive defines gender-based violence as a violation of the fundamental freedoms of the victim and includes sexual violence (including rape, sexual assault and harassment).

Sexual harassment and mobbing are phenomena that involve victims and perpetrators of all ages, educational backgrounds, and socio-economic statuses. It has its roots in gender stereotyping and sexism, including sexist hate speech, which can give rise to further forms of demoralising violence affecting not only the victim themselves but also their family.

The differences between Member States in defining sexual harassment and violence and drawing up legislation on it impacts whether or not a case is considered a violation of someone's dignity and thus whether it will be reported as a case of violence and harassment. For example, women do not always realise that the action taken against them constitutes sexual harassment or mobbing and will therefore not report it. Furthermore, many victims of violence and harassment do not take legal action because of the limited prospects of success or because of the risk of retaliation. Underreporting is thus a common problem across the world, including the EU.

The main reasons for low acknowledgement of sexual harassment and mobbing at the country level include a lack of awareness of what constitutes sexual harassment, few appropriate tools/methods for assessing and managing the issue, low prioritisation of the issue by governments and organisations, limited scientific evidence, and few specific regulations on the matter.

Often, in the **workplace**, sexual harassment and mobbing can be exacerbated by problems such as the working structure of a company or organisation, incompetent management, the social vulnerabilities of the target, a negative or hostile environment, and a culture which

accepts or even inadvertently rewards harassment.

In terms of **political life**, violence against women is often used to discourage women from being or becoming active in politics. Worldwide campaigns combatting violence against women in politics, such as #NotTheCost have emerged. The discouragements stem from the stereotype that women are not cut out for politics and such attitudes hinder many women from engaging in politics. Those perpetuating these ideas range from political adversaries, to dissatisfied citizens, sometimes including other dominant authority figures such as religious leaders or even members of the person's own family.

Although sexual harassment in **public spaces** is widespread, it is often not reported and not covered by research or appropriate legislation. It may happen on public transport, in the street, in bars and restaurants. It also happens in online forums, since the expansion in access to new technologies has created even more possibilities for harassment and violence in every level and area of society and for perpetrators to act with impunity due to online anonymity.

Sexual harassment and mobbing can have lasting damaging **effects** on the victims, including profound implications on psychological (anxiety and fear), and physical (bruising, wounds and even death) health. The individual consequences of workplace harassment can vary from minor stress episodes to long-term sick leave, and may sometimes even be a cause of suicide. Furthermore, violence does not only have an impact on the victim but also his/her family. Female victims of gender-based violence and their children often require special support and protection because of the high risk of repeat harassment and violence.

As this report demonstrates, there is an urgent need for increased knowledge, for example through the collection of relevant disaggregated comparable data, and understanding of the risks and consequences of violence and harassment at work, in public spaces, and in political life in order to find possible ways and methods to address them. It is also necessary to clarify the terms, definitions and classifications used in relation to different types of sexual and gender-based violence.