

# ETUC ‘Safe at Home, Safe at Work’

## UNITED KINGDOM<sup>1</sup>

### Draft<sup>2</sup>

## 1. Introduction

### 1.1 Overview

This report gives an overview of the UK country case study. It documents the measures taken by UK unions to address gender-based violence at work. It covers two specific areas: gender-based violence in the workplace and the impact of domestic violence on the workplace. Both aspects of the report are discussed in relation to the overall legal context, the role of collective bargaining and other union initiatives, as well as the challenges faced by unions and the recommendations made by unions for the future.

### 1.2 Methodology

The report draws on published reports and data provided by unions, as well as interviews with the following unions, held in London, 24-25 May 2016.

- Scarlet Harris, Women’s Equality Officer, TUC (UK Coordinator)
- Sarah Green, Acting Director of End Violence Against Women
- Bev Bambrough, Community trade union
- Mamida Ali, Equality and Diversity Officer, Equity
- Sharon Greene, Women’s Officer, Unison
- Helen Carr, National Head of Equality and Participation, UCU
- Telephone interview with Thomas Foster, USDAW
- Telephone interview with Ann Henderson, Assistant Secretary, STUC

## 2. Context and legal background

### 2.1 Gender-based violence at work

The legal framework on gender-based violence at work is contained in the Equality Act 2010, which defines harassment as:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

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<sup>1</sup> I would like to thank Scarlet Harris, TUC, and member of the ETUC Steering Committee, for her expert advice and for her assistance in arranging interviews with unions in the UK.

<sup>2</sup> Note: A separate Appendix contains two examples of workplace agreements on domestic violence at work, examples of sample clauses/agreements drawn up by trade unions, as well as photos of covers of campaign and awareness raising materials. (Not attached to this report). In addition, a case study from Scotland is being prepared on the basis of a consultation taking place with the Women’s Committee in the STUC at the beginning of September. The report will be updated when this has taken place.

Harassment is unlawful under the Equality Act 2010 when it is related to one of the protected characteristics age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation. The Equality Act integrates the provisions of the former Sex Discrimination Act, which made it unlawful for to treat women (or men) less favourably because of their sex, which includes sexual harassment. Sex discrimination can be direct or indirect, harassment or victimisation. Although workplace policies often focus on bullying at work, bullying is not defined in the legislation.

Section 40 of the Equality Act 2010 previously placed a duty on employers to protect employees from third party harassment – the employer could be held liable if there had been two previous incidents of harassment, the employer was aware of the incidents and the employer failed to take reasonable steps to prevent it from happening again. However, in 2013 Section 40 of the Act was repealed, despite the fact that over 70 per cent of respondents to the government consultation on the proposal opposed it. The repeal of Section 40 means that employers cannot be held to account in instances where employees are faced with harassment by clients and customers. The TUC has called for the reinstatement of Section 40 to protect workers against third-party harassment particularly because sexual harassment is often perpetrated by customers, clients or patients, in sectors such as retail, hospitality, healthcare, care and transport. (TUC, 2016:2)

Further, the TUC argues that having access to justice is crucial if women are to take cases to court (in the first instance, to employment tribunals). In 2013, the government introduced fees, amounting to £1,200 to bring a case before employment tribunals, which is a further barrier for workers to bring cases against an employer. Ministry of Justice statistics show that the number of sex discrimination claims fell by 76% after tribunal fees were introduced. A further problem identified by the TUC is that employment tribunals can now only make recommendations for an individual claimant and no longer have the power to make wider recommendations for the benefit of the workforce in cases of discrimination.

## **2.2 Domestic violence at work**

The legal framework protecting victims of domestic violence and abuse includes the Offences Against the Person Act 1861, Sexual Offences Act 2003, the Criminal Justice Act 1988, the Public Order Act 1986, and most recently the amended Serious Crime Act 2015.

Domestic violence and abuse is an offence under the Serious Crime Act 2015. Section 76 of the Act created a new offence of controlling or coercive behaviour in intimate or familial relationships, including ongoing harassment and stalking. The new offence closes a gap in the law concerning patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members, with a maximum sentence of 5 years' imprisonment, a fine or both. Statutory guidance has been produced by the Home Office to implement these provisions.<sup>3</sup> The statutory guidance states that:

Controlling or coercive behaviour is primarily a form of violence against women and girls and is underpinned by wider societal gender inequality. This can contribute to the ability of the offender to retain power and control, and ultimately the ability of the victim to access support and leave safely. It is, therefore, important to consider the role of gender in the context of power and control within a relationship when identifying controlling or coercive behaviour in heterosexual relationships. (p.7)

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<sup>3</sup> Home Office (2015) Controlling or Coercive Behaviour in an Intimate or Family Relationship Statutory Guidance Framework, December 2015. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482528/Controlling\\_or\\_coercive\\_behaviour\\_-\\_statutory\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf)

Coercive control leads to loss of confidence and choice, and can lead to women to be isolated from friends, family and work colleagues, and control over use of telephones or email, control over money and decisions about children. These dynamics of coercive control play out in the workplace – an employee may see someone’s behaviour has changed, they may be more anxious or show other signs.

The UK’s cross-government strategy on Violence against Women and Girls<sup>4</sup>, agreed in 2016, sets out four main pillars to end all forms of violence against women and girls based on prevention, provision of services, partnership working and pursuing perpetrators. Domestic violence and abuse is defined as:

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexual orientation. This can encompass, but is not limited to, the following types of abuse: psychological; physical; sexual; financial and emotional.

The Strategy specifies that it is everyone’s business, including the responsibility of employers, to prevent domestic violence and abuse. However, no reference is made to the role that trade unions can play, particularly in negotiating workplace policies and in providing support to union members. The Strategy states that: “Employers have a critical role in both identifying abuse and developing robust workplace policies to support employees who may be victims of violence, abuse or stalking” and that continued efforts will be made “to encourage employers to make this important pledge to raise awareness of domestic violence and abuse in the workplace.” (p.39) The Strategy’s outcomes framework specifies that by 2020: “Consideration of violence and abuse is mainstreamed across businesses with more employers introducing policies to support staff who may be victims of domestic abuse or stalking.”

The Strategy reports that to date, over 60 companies have signed up to the Domestic Abuse Responsibility Pledge which has been promoted by the joint Health and Work Unit and the Corporate Alliance Against Domestic Violence. An example is given of a partnership between Refuge and the Co-operative Bank of a campaign called ‘My money, my life’ to raise awareness of financial abuse in intimate relationships, after their research revealed that one-in-five people in the UK reported that they have experienced financial abuse within an intimate relationship.

The role of employers is also set out in specific legislation and guidance in the Scottish and Welsh strategies on violence against women and girls. The Scottish Government Strategy<sup>5</sup> states that: “Challenging all employers, particularly public sector employers, to support those who may be experiencing or at risk of violence or abusive behaviour – and furthermore how they can develop a culture which contributes to the prevention of violence against women and girls through their HR policies and staff training.”

The Welsh Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 provides a specific framework for improving the public sector response to gender-based violence, domestic abuse and sexual violence. An implementation plan has been drawn up, the first National Adviser for Wales on Violence against Women has been appointed and statutory guidance was issued in 2015 setting out the roles of the public service and to equip

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<sup>4</sup> HR Government (2016) Ending Violence against Women and Girls Strategy 2016 – 2020. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522166/VAWG\\_Strategy\\_FINAL\\_PUBLICATION\\_MASTER\\_vRB.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF)

<sup>5</sup> Government of Scotland (2014) Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls. Available at: <http://www.gov.scot/Resource/0045/00454152.pdf>

professionals to respond effectively to disclosures of abuse. In particular, the guidance foresees training and professional qualifications for public sector staff and the implementation of the “Ask and Act” principles provide early intervention for victims of violence and abuse. The explanatory memorandum for the implementation of the Act specifies the introduction of workplace policies to promote the well-being of people affected by gender-based violence, domestic abuse and sexual violence.

## **2.3 Collective bargaining**

In the UK collective bargaining is voluntary and agreements are not legally binding on the signatories. In 2012, only 29.2% of employees were covered by collective bargaining.

However, collective bargaining coverage is not even across the economy. In the public sector 63.7% of employees are covered by collective bargaining compared with only 16.0% in the private sector. In the private sector bargaining principally takes place at company or workplace level, whereas in the public sector national sectoral agreements are common. An increasing number of public sector employers bargain at the level of a single organisation, for example, for different government departments or the health sector. The proportion of public sector workplaces using multi-employer bargaining fell from 58% in 2004 to 44% in 2011. There is no legal requirement for the employer to negotiate with the union except where there has been a legally binding decision that the unions should be ‘recognised’ for bargaining. In these cases, which are increasingly rare, unions have the right to bargain over pay, hours and holidays.

UK unions have criticised the government’s attempts to reduce the rights of trade unions, including the strike, under the 2016 Trade Union Act, which further curb unions’ ability to organise and bargain.

## **3. Gender-based violence at work**

### **3.1 Introduction: the role of unions in preventing and tackling gender-based violence at work**

In the UK, trade unions have played a very active role in promoting gender equality and non-discrimination. Unions have played an instrumental role in negotiating workplace agreements and policies on different elements of violence against women and sexual harassment. Many are addressed within a broad framework of bullying and harassment at work as both an equality and safety and health issue.

For many years unions have campaigned for workplaces free from violence and sexual harassment, and workplace policies agreed with trade unions are commonplace in larger private sector organisations and in the public sector. Although there have been challenges in integrating violence against women into occupational safety and health initiatives, the TUC gender and occupational safety and health ‘Gender sensitivity checklist’ provides guidance on how to include a wide range of gender equality issues, including violence against women and sexual harassment.

In recent years, revelations about increasing levels of sexual harassment at work have led some unions to refocus their attention on the issue and to argue for a specific focus on violence against women and sexual harassment at work, with a specific focus is given to how inequality, discrimination and unequal power relations impact on women’s vulnerability and risk of violence and harassment in the workplace. Unions, particularly in the public sector have campaigned for and have agreed with some success workplace policies on domestic violence at work (the latter are discussed in Section 4).

## 3.2 Data and evidence

### *TUC survey on sexual harassment*

A major study of sexual harassment at work by the TUC and the Everyday Sexism Project, published on 10 August 2016, revealed that sexual harassment against women is widespread in UK workplaces. The poll of 1,533 women in Great Britain found that the impact of harassment is devastating for victims and is bad for productivity and workforce morale:

- More than half of all women and nearly two-thirds of women aged 18 to 24 said they have experienced sexual harassment at work.
- 32% were subject to unwelcome sexual jokes and 28% were subject to sexual comments about their body or clothes.
- Nearly one in five women experienced unwanted sexual advances – with one in eight being touched intimately or kissed against their will.
- The survey showed that most workplace harassers are men (in 9 out of 10 of all reported cases) and in 17% of cases the harasser was someone with line management responsibility for the victim.
- The majority (79%) of the women who said they were victims of sexual harassment did not tell their employer. Reasons given included fear that reporting would affect their relationships at work (28%) or their career prospects (15%).
- Nearly a quarter (24%) of those who did not report abuse said it was because they felt that they would not be believed or taken seriously and 20% said they were too embarrassed. A fear retaliation and the impact on their prospects for promotion were cited as reasons why they did not complain and that sexual harassment can be embarrassing, humiliating and undermining.
- One in five stated they avoided certain work situations as a result of sexual harassment, and 15% said they felt less confident at work.

In my last day at work a colleague told me that his biggest regret was that he didn't get the chance to have sex with me in the store room before I left. For months I had been scared to go into that room on my own because he always said things like, 'I'm coming to get you', and 'Don't go in there alone, I'll jump on you'."

"The most senior person in the organisation made a series of jokes over the course of six months about how I might want to give my boss a 'rub down' or a 'massage'. Another director tried to grab my breasts at a social gathering."

**Quotes from: TUC and Everyday Sexism Report (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016. London, TUC**

### *University sector*

Recent revelations of sexual harassment in universities shows that sexual harassment of staff and students is widespread but invisible.<sup>6</sup> Universities appear to make widespread use of confidentiality clauses and non-disclosure agreements in sexual harassment cases to enable alleged perpetrators to protect their careers and move to other institutions, where they can offend again. Universities' use of non-disclosure agreements (NDAs) in sexual harassment

<sup>6</sup> See Guardian, Sexual harassment of students by university staff hidden by non-disclosure agreements, 26 August 2016. Available at:

[https://www.theguardian.com/education/2016/aug/26/sexual-harassment-of-students-by-university-staff-hidden-by-non-disclosure-agreements?utm\\_source=esp&utm\\_medium=Email&utm\\_campaign=GU+Today+main+NEW+H+categories&utm\\_term=187794&subid=15970568&CMP=EMCNEWEML661912](https://www.theguardian.com/education/2016/aug/26/sexual-harassment-of-students-by-university-staff-hidden-by-non-disclosure-agreements?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+main+NEW+H+categories&utm_term=187794&subid=15970568&CMP=EMCNEWEML661912)

cases involving staff and students is allowing alleged perpetrators to move to other institutions where they could offend again. It prevents complaints being settled or mediated and creates a culture of silence, where young women are afraid to make complaints.

A survey by the National Union of Students in 2014<sup>7</sup> of 2,000 women and men students found that more than a third of women (37%) reported they had experienced unwelcome sexual advances. Two thirds of respondents to the survey said they have seen students encountering unwanted sexual comments. Over half of survey respondents believed that women students are more vulnerable than men, and 60% stated that they were not aware of any codes of conduct implemented by their university or students' unions that prohibit or tackle sexual harassment, including sexual conversations, sexual comments, unwelcomed sexual advances, group intimidation and verbal harassment.

A 2016 survey of the University and College Union's (UCU) women members on sexual harassment in the university/college sector, found that of the 1,953 responses:

- 54% reported a personal experience of some form of sexual harassment at work.
- The most common form (experienced by 57%) was in relation to unwelcome or derogatory comments about their appearance or clothing; followed by leering and suggestive gestures and remarks (42%); physical contact such as invading personal space and unwelcome touching (38%). The least common forms of sexual harassment were offensive comments by social media (9%) and sexual assault (2%).
- 47% had spoken to someone about their concerns, although a small number spoke to a union representative or HR manager (89% did not speak to a union rep).
- Fears of reporting, lack of confidence that complaints would be taken seriously or potential consequences (retaliatory action, professional status or relationships with colleagues) meant that many did not report. This is of particular concern as 75% worked in organisations that had a policy and procedures on sexual harassment.
- Effects included impact on relationships with colleagues, loss of confidence and self-esteem, anxiety and irritability. Some experienced serious mental health impacts.
- The survey received more than 2000 comments, which revealed a prevalent culture of sexual harassment. The survey comments included evidence that sexual harassment undermines the confidence of staff, including those in senior and leading academic positions. Some academics spoke about how sexual harassment had destroyed them and that they were angry with themselves for not being able to deal with it. Many did not trust the system for fear of retaliation and loss of career advancement and promotional opportunities. In particular, young academics on precarious contracts were very vulnerable to sexual harassment. Some women spoke about how they changed the way that they dressed and behaved in the workplace.
- Specific suggestions were made about what unions can do: raise awareness, provide support to victims, take action to ensure that workplaces have policies on sexual harassment and ensure they are implemented and monitored; provide training to staff and managers in recognizing and responding to sexual harassment.

### ***Entertainment sector***

Some union surveys, which have covered general workplace bullying and harassment, have nonetheless revealed extensive sexual harassment. A survey with 4,000 responses, carried out by the Federation of Entertainment Unions (BECTU, NUJ, Equity, Musicians' Union and the Writers' Guild)<sup>8</sup> revealed that the creative industries are a 'hotspot' for bullying and

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<sup>7</sup> National Union of Students. Available at: <http://www.nus.org.uk/en/news/nus-research-reveals-one-in-four-students-suffer-unwelcome-sexual-advances/>

<sup>8</sup> Federation of Entertainment Unions (BECTU, NUJ, Equity, Musicians' Union and the Writers' Guild) (2015) Creating Without Conflict. A Federation of Unions report examining bullying, harassment and discrimination in the

harassment, primarily because the majority of workers work on short term contracts or work on a freelance basis with few statutory rights.

- Sexual harassment was the most commonly reported form of bullying and harassment – it took many forms and included pressure to enter a sexual relationship by a person in a position of power, physical molestation, lewd gestures, comments and unwanted advances. Often the intimate working environments of the entertainment and media industries provided opportunities for abuse to take place.
- Women were the most vulnerable to bullying and harassment (64% of women, compared to 49% of men).
- 34% of women who identified gender or sexuality as a factor in their ill-treatment and disclosed it, reported experiences of sexual harassment.
- The survey painted a picture of women (and some men) becoming prey to sexual harassment at the beginning of their career, over time they learned to develop strategies to avoid it.
- One in ten respondents in theatre, television and film witnessed sexuality- related harassment.
- Responses detailed incidents of superiors in the workplace or agents harassing young women (and some young men) into sexual relationships, sometimes with the promise of promotion or further work, often bullying followed from the perpetrator if a relationship was withheld or ended.

The NASUWT teaching union carried a survey on online harassment and abuse in 2016 and found that 50% of members were aware of comments or information being posted online about them in relation to their role as a teacher. Information posted online was often extremely abusive and derogatory, and included sexist comments and sexual harassment. One teacher reported rape threats being posted online. Many also reported online harassment of girls by boys in the school, including circulating naked photographs without consent.

### ***Other research and data on sexual harassment***

The TUC's 2016 survey report refers to other research and surveys reveal the extent of sexual harassment at work:

- A 2013 survey by the law firm Slater Gordon found that some 60% of women had experienced “inappropriate behaviour” from a male colleague in the workplace and nearly half of those surveyed had been warned to expect inappropriate behaviour from particular colleagues when they had started their job. Only 27 per cent of those surveyed felt able to report the behaviour to someone senior.<sup>9</sup>
- A 2016 survey of British women's experiences of sexual harassment in public places by the End Violence Against Women (EVAW) coalition found that 85 per cent of women aged 18–24 years had experienced unwanted sexual attention in public places and 45 per cent have experienced unwanted sexual touching.<sup>10</sup>
- A survey 2015 by Girlguiding UK found that seventy-five per cent of girls and young women said anxiety about potentially experiencing sexual harassment affects their lives in some way.<sup>11</sup>

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entertainment and media industries. Available at:

<http://www.musiciansunion.org.uk/Files/Reports/Campaigns/FEU-Creating-without-Conflict-Survey-Report>

<sup>9</sup> Slater Gordon (2013) [www.slatergordon.co.uk/media-centre/press-releases/2013/10/sexualharassment-rife-in-the-workplace-new-study-reveals/](http://www.slatergordon.co.uk/media-centre/press-releases/2013/10/sexualharassment-rife-in-the-workplace-new-study-reveals/)

<sup>10</sup> [www.endviolenceagainstown.org.uk/news/234/85-of-younger-women-in-uk-have-beensexually-harassed-in-public#sthash.h2rGXrL6.dpuf](http://www.endviolenceagainstown.org.uk/news/234/85-of-younger-women-in-uk-have-beensexually-harassed-in-public#sthash.h2rGXrL6.dpuf)

<sup>11</sup> [www.girlguiding.org.uk/pdf/GAS\\_15\\_website.pdf](http://www.girlguiding.org.uk/pdf/GAS_15_website.pdf)

- Several studies have found that perpetrators of sexual harassment tend to be in a position of power over the target of the harassment<sup>12</sup> and that women are often reluctant to label what they have experienced as sexual harassment.<sup>13</sup>

### 3.3 Collective agreements and workplace policies

ACAS has drawn up guidance for employers/managers<sup>14</sup> and employees<sup>15</sup> on how to address bullying and harassment in the workplace. The guidance defines and gives examples of bullying/harassing behaviour including verbal abuse, exclusion or victimisations, unfair treatment, misuse of power or position, unwelcome sexual advances (such as touching, standing too close, display of offensive materials, asking for sexual favours etc.) making threats about job security and undermining a worker by overloading, constant criticism, blocking promotion or training activities. This also includes face-to-face bullying and harassment as well as written communications, email, phone and automatic supervision methods.

The employers' guidance specifies that: "Harassment of a sexual nature is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010 as is harassment related to relevant protected characteristics. It is in the interest of your organisation for you to take steps to make clear what sort of behaviour would be considered sexual harassment." It sets out responsibilities for employers, supervisors and managers, the importance of training and of informing employees of the workplace policy. Specific guidance is given on workplace policies (with a checklist setting out a statement that bullying and harassment are unlawful, confidential complaints and disciplinary procedures, prevention, support and protection for victims). The guidance for employees summarises the law and responsibilities of employers, outlines options open to employees and provides sources of further information and advice, including conciliation provided by ACAS in informally resolving complaints.

Unions in the UK play an important role in negotiating workplace policies on a range of gender equality issues, including violence and sexual harassment at work, often drawn up as anti-bullying codes. However, the TUC stated that general anti-bullying codes in the workplace often do not refer to sexual harassment and often fail to define the specific nature of sexual harassment in the workplace.

A search of workplace policies collected Labour Research Department (LRD) database<sup>16</sup> found that the majority of workplace equality and diversity policies use the language of 'unfair and unlawful discrimination, bullying, harassment and victimisation' and take an integrated approach outlawing harassment on the grounds of race, disability, gender, religion or belief, sexual orientation, age. In many large workplaces mediators/advisors provide confidential advice and support to victims of harassment. Most workplace policies include specific clauses and procedures that are defined in the context of a non-discrimination approach (where gender is one of multiple grounds) and/or includes a dignity at work approach which has a focus on harassment and bullying. Often reference is made in an equality and diversity policy to a

<sup>12</sup> Wilson, F. and Thompson, P. "Sexual Harassment as an Exercise Of Power" *Gender Work and Organization* 8 (1): 61-83, and Gruber, J. and Smith, M. *In the Company of Men: Male Dominance and Sexual Harassment* Northeastern University Press, Boston (2005)

<sup>13</sup> EOC (2007) *Sexual Harassment in the Workplace: a literature review*, Working Paper Series No. 59

<sup>14</sup> ACAS *Bullying and harassment at work. A guide for managers and employers.*

<http://www.acas.org.uk/media/pdf/i/t/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

<sup>15</sup> ACAS *Bullying and harassment at work. What employees can do.*

<http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

<sup>16</sup> Lionel Fulton, LRD, kindly carried out a search of the LRD database for the purposes of this research.



separate anti-bullying policy. Examples of the typical language are given in two workplace policies to illustrate the approach taken:

- A workplace equality and diversity agreement with the supermarket chain, Sainsbury's Retail, agreed on 4 May 2011 states that: "The workplace should be free from discrimination, harassment or bullying, where everyone feels valued and respected. This means we don't tolerate discrimination, harassment, bullying or victimisation by colleagues or managers against their other colleagues, managers, third part contractors or customers."
- The equality and diversity policy of the University of Bedfordshire, agreed on 1 June 2011, states that: "The University is committed to promoting equality of opportunity in all of its activities. The University aims to enable students and staff to reach their full potential, and provide them with an environment which is free from unfair and unlawful discrimination, bullying, harassment and victimisation."

The Federation of Entertainment Unions carried out their survey (see above) at the time of significant media attention to the shocking revelations of historic sexual abuse perpetrated by former media personalities (the most serious of which was systematic abuse perpetrated by the entertainer Jimmy Savile). These revelations led the BBC to review the culture of bullying and harassment, which led to new workplace policies being drawn up jointly with unions. One of the main achievements was to argue for the principle of external investigations and to strengthen procedures and raise awareness about the culture of sex discrimination. However, the policy that was drawn up by the BBC failed to cover the risks faced by freelancers working in radio and television, whose precarious working conditions were revealed in the Federation's survey to be a major cause of sexual harassment in the industry. Coupled with a culture of sexual harassment and bullying the actor's union Equity spoke of the blatant disregard for women's rights in a sector where discrimination and sexual harassment is rarely reported.

The TUC model equality clause makes reference to harassment for internal union employment practices, which in 2014 had been adopted by 75% of all unions. The following is the relevant model clause: "To oppose actively all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic."

### **3.4 Union awareness raising, campaigns and training programmes**

#### ***Awareness raising***

UK unions provide information for members on their web sites, and distribute printed leaflets and posters on bullying and harassment at work – these resources often refer to sexual harassment and the provisions on harassment in the Equality Act – in addition to specific guidance or campaign materials on sexual harassment. Examples include:

- The TUC provides a range of guidance materials and information on bullying at work, including guidance for safety representatives on dealing with bullying at work and information about the TUC supported annual 'Ban Bullying at Work Day'.<sup>17</sup>
- A TUC guide on 'Tackling sexual harassment in the workplace' gives guidance to trade union activists on how to address and negotiate sexual harassment policies, and contains checklists for union representatives employers.<sup>18</sup>

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<sup>17</sup> <https://www.tuc.org.uk/workplace-issues/health-and-safety/bullying>

<sup>18</sup> <https://www.tuc.org.uk/equality-issues/sexual-harassment/tackling-sexual-harassment-workplace-tuc-guide-trade-union>

- A TUC guide 'Know your Rights: Protection from Sexual Harassment' sets out the legal framework, the impact of sexual harassment, what workers can do if they are being sexually harassed, and how to take claims to Employment Tribunals.<sup>19</sup>
- A Unison guide on 'Harassment at work: A Unison Guide' was updated in May 2014, and includes a model 'Dignity at Work' workplace policy.<sup>20</sup> The Unison web site<sup>21</sup> gives information for workplace representatives on how they can negotiate policies on bullying and work, including asking the employer to carry out a risk assessment. Some of this information refers specifically to sexual harassment.
- The union Unite has produced guidance and information about a zero tolerance approach to bullying and harassment at work, including a union member's guide to tackling bullying, posters for display in the workplace, information about union Bullying and Harassment Advisors who have been appointed in the workplace with the support of employers, and a checklist of what safety reps can do to address harassment or violence in the workplace.<sup>22</sup>
- The shop workers union USDAW, which represents women in a predominantly female sector has produced various campaign resources and guidance materials, as well as dedicated legal advice for victims of sexual harassment. These guidance materials have recently been updated and provide advice and information for union representatives about negotiating agreements, using the law, and supporting and representing victims. They include a guidance document on 'Sexual Harassment at Work: An advice booklet for USDAW reps',<sup>23</sup> and a shorter leaflet on 'Sexual Harassment at Work' for USDAW members.<sup>24</sup> The union has also produced an advice book for union representatives 'Let's Put a Stop to Bullying at Work',<sup>25</sup>

### **Union campaigns**

Many women's sections of trade unions have run campaigns calling for a zero-tolerance approach to sexual harassment.

Unions are aware that low reporting and a low level of complainants contacting a union representative (in the TUC survey on sexual harassment on 1% of those polled had spoken to a union representative), suggests that greater attention needs to be given to union awareness raising, and organising and recruitment activities, particularly of younger women, so that workers know better their rights and the type of support they can get from a union representative. The TUC survey on sexual harassment recommended that union awareness raising campaigns need to reach different audiences. This could include a poster campaign aimed at deterring perpetrators by highlighting the consequences of disciplinary action in the workplace, a campaign targeted to union members who have experienced sexual harassment, encouraging them to speak to their representative about it, or a campaign aimed at a union's wider membership.

- Equity has carried out several information campaigns and has developed a bullying reporting line to encourage people to report cases of bullying and harassment and cases are rerouted to relevant sectors in Equity.

<sup>19</sup> <https://www.tuc.org.uk/equality-issues/sexual-harassment/gender-equality/protection-sexual-harassment-know-your-rights>

<sup>20</sup> <https://www.unison.org.uk/content/uploads/2014/05/On-line-Catalogue223942.pdf>

<sup>21</sup> <https://www.unison.org.uk/get-help/knowledge/discrimination/bullying-and-harassment/>

<sup>22</sup> Unite Zero Tolerance - Dignity and Equality at Work Dealing with Harassment, Discrimination & Bullying.

Available at: <http://www.unitetheunion.org/uploaded/documents/ZeroToleranceGuide11-18154.pdf>

[http://www.unitetheunion.org/uploaded/documents/Bullying,%20harassment%20%26%20violence%20in%20the%20workplace%20\(Unite%20guide\)11-5110.pdf](http://www.unitetheunion.org/uploaded/documents/Bullying,%20harassment%20%26%20violence%20in%20the%20workplace%20(Unite%20guide)11-5110.pdf)

<sup>23</sup> <https://www.usdaw.org.uk/CMSPages/GetFile.aspx?guid=d45a53a7-7502-4788-b819-4d6382fb1119>

<sup>24</sup> <https://www.usdaw.org.uk/CMSPages/GetFile.aspx?guid=14dd8c17-f415-4cd6-8732-90f8fe2204d0>

<sup>25</sup> <http://www.usdaw.org.uk/CMSPages/GetFile.aspx?guid=0c63ab4e-36b1-4bd5-bacc-75f47b04a7bf>

- Unite has held a campaign on violence in the hotel sector, where many migrant women workers are at risk of violence and harassment.
- The NASUWT has run many campaigns on issues of interest to women teachers, including a Declaration of Intent for Global Equality for Women and Girls to commemorate World Teachers' Day in 2013. The Declaration calls for universal and free primary and secondary education for girls, sex and relationships education as an entitlement for all children, urgent action to ensure girls' access to education free from violence, intimidation and sexual abuse, positive action to increase the representation of women in leadership roles and an end to child labour.<sup>26</sup>
- The NUJ has organised campaigns and meetings on sexism in the media and it has spoken out about bullying and harassment across the media and particularly in the BBC. This has resulted in new members at the BBC and from across the wider sector.<sup>27</sup>
- USDAW regularly runs women's campaigns and recently these have included campaigns on women's safe journeys to work and on older women workers.<sup>28</sup>
- Prospect has addressed the discrimination faced by disabled members by running focus groups of our Disability Network members to explore their experiences of bullying and harassment in the workplace, following a members' survey that highlighted this as a significant issue. This has resulted in further guidance for reps and officers. We have also raised the profile of mental health issues and held seminars on neurodiversity and on mental health.<sup>29</sup>

### ***Training programmes***

Dealing with sexual harassment is a core part of many union rep courses and some unions offer specific training courses on sexual harassment.

- The issues of sexual violence/harassment and domestic violence at work have been included in TUC education programmes across the country. A training guide 'Working Women: A TUC education workbook for all trade unionists', provides information, briefings and training resources on the topic.
- The Federation of Entertainment Unions runs training course for members on bullying and harassment, and Equity runs an annual union training day, the most recent of which discussed the subject of bullying and harassment.
- Equity is currently commissioning a training programme on equality and diversity, which will have a focus on unconscious bias, which the union believes is of fundamental importance in raising awareness about sexual harassment and gender based discrimination.
- ATL provides equality training, which includes a section on violence against women and girls as well as broader discrimination issues.
- The seafarers' union Nautilus, has developed a DVD training package on bullying and harassment.
- UNISON training on equality is mandatory for organising staff and briefings on harassment, recruitment and selection are integrated into all UNISON training courses.
- Unite provides recruitment and selection training for those involved in recruitment, and a course called Respect and Dignity in the Workplace is currently being rolled out across the union.
- Following the revelations about sexual harassment in universities and colleges in the UCU survey, UCU has drawn up a one-day training course (commencing with a pilot in Autumn 2016) for union representatives on how to deal with sexual harassment in the workplace.

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<sup>26</sup> TUC (2014) TUC Equality Audit 2014. Available at:

[https://www.tuc.org.uk/sites/default/files/TUC%20Equality%20Audit%202014%20ALL%20FINAL%20LO\\_0.pdf](https://www.tuc.org.uk/sites/default/files/TUC%20Equality%20Audit%202014%20ALL%20FINAL%20LO_0.pdf)

<sup>27</sup> TUC (2014)

<sup>28</sup> TUC (2014)

<sup>29</sup> TUC (2014)

The one-day UCU course on sexual harassment,<sup>30</sup> covers the legislation, the impact of sexual harassment, policies and procedures for dealing with harassment, handling cases, challenging harassment in the workplace, involving members and organizing around equality. A key challenge is to ensure that male dominated union branches take the issues of gender equality seriously and to ensure that trade unionists learn to be empathetic and deal with cases of sexual harassment appropriately and confidently. As Helen Carr, UCU Equality Officer, argues “It is very important that shop stewards develop new soft skills – we have done this with mental health issues – and it is challenging for a lot of reps and it is important to be clear that reps know the boundaries of what they can and cannot do”.

### 3.5 Links and cooperation with civil society and women’s organisations

The TUC has established very good links with women’s organisations such as EVAW, Women’s Aid, UK Feminista, the Everyday Sexism Project, Southall Black Sisters, amongst others. Although the TUC believes that there is still some mistrust of trade unions, building networks has been important to build trust and cooperation.

The TUC is an active member of the **End Violence Against Women (EVAW)**<sup>31</sup> coalition, an umbrella organization for women’s NGOs working on VAWG, which takes a strategic approach to tackling violence against women and for lobbying the government to address all forms of violence and abuse against women in education, culture, local government and support services. It is made up of 60 member organisations working on all forms of abuse and violence against women. The TUC was an important founder member and the TUC identifies a broad focus on the issue of violence against women as the most effective and coherent way of tackling both domestic violence and other gender-based violence endured by girls and women. In the UK, the term “violence against women” includes, but is not restricted to domestic violence, rape and sexual violence, stalking, sexual harassment, forced marriage, Female Genital Mutilation, so called ‘honour’ crimes and killings, trafficking and forced prostitution. The TUC also plays an active part in EVAW’s ‘Making the Grade’ series which reports on the Government’s efforts to address violence against women in all its forms across all departments.

According to the Director of EVAW, Sarah Green:

For trade union members, you are most vulnerable to abuse where you lack power, women in flexible and insecure forms of employment are of the least unionised. There is also a responsibility for social movements to unionise as we can’t leave the most vulnerable women in the most vulnerable position – we need unions to address insecure employment and the impact for younger women entering insecure jobs where you are more vulnerable and where quid pro quo sexual harassment is more common because of this. In addition, some parts of our culture are extremely sexualised, young people are growing up with confusing messages about sexuality and sex, and then if you are in an insecure workplace

The **Everyday Sexism Project**<sup>32</sup>, launched by Laura Bates in 2012, which enables women to post examples of sexism online and on twitter, has successfully highlighted the pervasiveness of sexism in society, including sexual harassment at work. By providing a forum for women to share their experiences and allowing for testimony to be given anonymously, the project has

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<sup>30</sup> UCU “Dealing with Sexual Harassment in the Workplace”, course outline for one-day reps course in June 2016

<sup>31</sup> Further information about EVAW and access to information and resources can be found on its website <http://www.endviolenceagainstwomen.org.uk>

<sup>32</sup> The Everyday Sexism Project: <http://everydaysexism.com>.

shone a light on women's experiences of harassment and assault and the fact that many women perceive these offences as commonplace and inevitable. In response to the findings from the TUC's sexual harassment survey, carried out in association with the Everyday Sexism Project, the Everyday Sexism Project has launched a new platform, [www.shoutingback.org.uk](http://www.shoutingback.org.uk) which will bring together in one place for the first time information about legal rights, reporting options and available support for women experiencing workplace sexual harassment and other forms of discrimination and abuse.

### 3.6 Challenges faced by unions

Unions raised a range of challenges related to the government austerity measures and what they viewed as regressive legislative changes (in relation to taking third-party violence out of the scope of the Equality Act and charges introduced for lodging employment tribunal cases).

A significant challenge raised by unions is that an increase in casualisation in the workplace has led to an increase in the risk of sexual harassment, particularly for younger women. A TUC research report<sup>33</sup> 'Women and Casualisation: Women's experiences of job insecurity' gives evidence of the growing casualisation of women's work in sectors such as social care, retail, catering, cleaning and hospitality, as well as skilled professions such as university lecturers. An increase in zero-hours contract workers, agency workers and casual contracts leaves women vulnerable to sexual harassment and violence, discrimination and lack of protection of their rights. The research found that women without job security felt less able to take action against a colleague or employer because they fear retaliation, such as having their hours cut. Younger women are also less likely to be a member of a trade union. The TUC's 2016 survey on sexual harassment also suggested a link between high levels of sexual harassment experienced by younger women and the fact that younger women are more likely to be in low-paid and insecure work, including zero-hours contracts, temporary or agency work.

UCU also highlights casualisation in the university and college sector, which makes women more at risk of violence and sexual harassment, evidence of which was found in the survey on sexual harassment (described above). UCU's campaign against precarious contracts,<sup>34</sup> shows the impact on women's decisions and choices, such as women's decisions about children etc.

A further challenge, referred to by women's officers in unions, is ensuring that men in the unions take the issue of gender-based violence seriously, particularly in mainstreaming the issue into safety and health policies and workplace risk assessments. One of the difficulties is that a broad focus on bullying and harassment has had the effect of de-gendering the issue. Often sexual harassment is not defined or understood by unions as an issue of unequal gender roles and relations.

### 3.7 Recommendations from unions

It is very important that we define what sexual harassment is, and be clear that it is an issue about violence against women and girls, and based on power inequalities. We need to do something more radical and discuss sex and power relations. (Scarlet Harris, TUC Equality Officer)

- European and/or national funding should be made available to implement a national awareness raising campaign on ending sexual harassment.

<sup>33</sup> TUC (2015) Women and Casualisation: women's experiences of job insecurity

<sup>34</sup> UCU (2015) Stamp Out Casual Contracts: A report on UCU's campaign against casualisation 2014-15.

Available at: [https://www.ucu.org.uk/media/7063/UCUs-campaign-against-casualisation---annual-report-2014-15/pdf/ucu\\_anticasannualreport\\_1415v3.pdf](https://www.ucu.org.uk/media/7063/UCUs-campaign-against-casualisation---annual-report-2014-15/pdf/ucu_anticasannualreport_1415v3.pdf)

- Ensure that employers draw up specific policies and procedures to eradicate sexual harassment, either within specific workplace policies on the issue or defined as part of an overall workplace policy on bullying and harassment.
- There needs to be improved understanding and awareness about sexual harassment, including how sex-based harassment differs from sexual harassment.
- Unions should engage in strategic litigation with employers who do not provide a protective environment.
- More training for managers on how to identify, prevent and eliminate sexual harassment.
- Improve access to industrial tribunals and remove the fees imposed by the government in 2013, which has made it harder for women to bring cases against an employer. A reduction in the number of employment tribunal cases by 70% is directly related to the introduction of fees, amounting to £1,200 to bring a case before employment tribunals, introduced by the government in 2013.
- Ensure that protection in the law exists for workers against third-party sexual harassment, which is particularly important for women in front-line services such as buses and trains, in health and social care and in shops, bars and restaurants.
- Ensure that women have access to the full range of statutory employment rights, regardless of status or type of contract, thereby enabling women to report sexual harassment without fear of losing hours or pay.
- An important part of trade union work is to provide training on how union representatives and shop stewards can have conversations with workers who have experienced domestic violence, including how to act as a confidant, to have an empathetic ear, help a woman with initial safety planning and signpost women to specialist support services.
- Draw up specific guidelines on the role that trade union representatives, including shop stewards, health and safety reps and equality reps, can play so that they can effectively respond to a person in a vulnerable situation. This could include guidelines on how to communicate with, empower and enable a woman to come to make decisions for herself and negotiating practical support with the employer e.g. time off for woman going to court. Include in this the vulnerabilities for particular groups of workers, for example, pregnant women, disabled women, black and minority ethnic women.

## **4. Domestic violence at work**

### **4.1 Introduction: the role of unions in addressing domestic violence at work**

Trade unions in the UK have been active in recent years in promoting awareness and understanding of domestic violence at work, including providing guidance and model workplace policies for union representatives. There have been some successful and ground-breaking agreements in the workplace on the issue.

### **4.2 Data and evidence**

Government data shows that 92.4% of defendants in domestic abuse cases were male (2014-15) and that the proportion of recorded female victims has remained steady at 84%.<sup>35</sup>

Research by Sylvia Walby<sup>36</sup> estimates that providing public services to victims of domestic violence and the lost economic output of women amounted to £15.8 billion annually in the UK. The cost to health, housing and social services, criminal justice and civil legal services is estimated at £3.9 billion.

<sup>35</sup> Crown Prosecution Service (CPS) (2015) Violence Against Women and Girls Crime Report 2014/15.

<sup>36</sup> Walby, S (2009), The Cost of Domestic Violence Up-date 2009 Lancaster University

A Government report,<sup>37</sup> found that 20% of victims of domestic violence had taken a month or more off work in the previous year due to domestic abuse. Other research found that 56% of abused women arrived late for work at least five times a month and 53% missed at least three days off work.

According to the 'Refuge and Respect domestic violence resource manual for employers'<sup>38</sup> (see below) more than one in ten victims of domestic violence chooses to confide in a manager or colleague

TUC research covering UK and Ireland found that domestic violence affects performance and attendance at work. The survey carried out in 2014 found that of the 3,449 respondents 41.6% had an experience of domestic violence:

- Abuse stops women getting to work (40% said it affected their ability to get to work and of these nearly three-quarters of stated that this was due to physical injury or restraint; another quarter stated it was due to car keys or money for public transport being hidden or stolen by the abuser.
- Abuse carries on at work (over one in ten of those who experienced domestic violence reported that the violence continued in the workplace. 81% stated that this involved harassing or abuse emails or phone calls, and of these the abuse took the form of their abusive partner physically turning up at their workplace or stalking them outside the workplace.
- Few talk to their union or colleagues: Fewer than one in three of those experiencing domestic violence discussed the violence with anyone at work and less than 10% told their union rep what was going on. A further one-third said they even though they had not told anyone they believed their colleagues knew about the abuse. Fear, shame and issue of privacy were reasons given for not disclosing.
- When a victim tells someone nothing really changes: Of those who told someone about the abuse nothing really changed – 4% who told someone at work said that it made matters worse.

TUC research has also revealed the extend of domestic violence and coercive control that involves financial abuse of women.<sup>39</sup>

### **4.3 Collective agreements and workplace policies**

Various unions have played an active role in negotiating workplace policies on domestic violence at work, particularly in the public sector and large companies. However, employers are often reluctant to address the issue in the workplace. A study commissioned by the Corporate Alliance Against Domestic Violence, found that only 18 per cent of HR managers agree that domestic violence is a high priority for their business. A third believe they have no legal responsibility to protect their employees' safety. This is clearly an area where trade union negotiation can play a part in raising awareness amongst employers about the business and other benefits of negotiating workplace policies.

#### ***Employer and community led initiatives***

The **NHS Employers** organisation was one of the first employers' organisation in the UK to provide guidance and training to staff, as well as guidance to NHS trusts in drawing up a

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<sup>37</sup> Home office, 2009

<sup>38</sup> <http://www.refuge.org.uk/2010/07/27/new-manual-to-help-employers-tackle-domestic-violence/>

<sup>39</sup> TUC 'Unequal, Trapped and Controlled: Women's experiences of financial abuse and potential implications for Universal Credit'

workplace policy on domestic violence at work.<sup>40</sup> Information is given about an employer's perspective on tackling domestic abuse and helplines and contact information, the cost to employers, creating a domestic violence policy, and five easy, cost free ways to support staff. Reference is made to unions ('staff side') in drawing up a policy and in forming an implementation group, alongside representatives of the Board, occupational health and safety, human resources and legal advisers.

A violence toolkit for businesses has been published by **Public Health England (PHE)** gives a step-by-step guide for businesses on how they can tackle domestic violence and raise awareness of an issue that impacts health, wellbeing, and absence and turn over in the workplace.<sup>41</sup>

The **Equality and Human Rights Commission (EHRC) and the Chartered Institute for Personnel (CIPD)** has issued guidance on managing and supporting employees experiencing domestic abuse<sup>42</sup>

**The Corporate Alliance Against Domestic Violence**<sup>43</sup> was established to raise awareness amongst employers to reduce the social and economic impact of domestic violence in the workplace. Membership is open to any employer, trade union or representative body in the UK. However, unions have had little or no contact with the Alliance, and the TUC reports having one meeting with the coordinator.

The inter-agency **Belfast Domestic & Sexual Violence and Abuse Partnership** has produced a model workplace policy on domestic violence and abuse.<sup>44</sup> It specifically refers to the role of unions and states that staff experiencing domestic violence/abuse may report it to a union representative, a line manager, or colleague.

The **Refuge and Respect** domestic violence resource manual for employers has been drawn up by charities working with victims and perpetrators of domestic violence (led Refuge which is the country's largest single provider of specialist domestic violence services providing support to 3,700 women and children). It is a comprehensive resource designed to help employers and HR professionals respond to employees who are victims or perpetrators of abuse. It includes: a draft domestic violence policy, a template for implementation, posters for the workplace, personal testimonies and a DVD of awareness-raising materials. The Domestic Violence Resource Manual for Employers is supported by members of the Corporate alliance against domestic violence. The resource manual was piloted with a large county council and has been positively evaluated.<sup>45</sup> The manual is regarded by unions as the most progressive and inclusive resource available in the UK.

### ***Union led initiatives***

The **TUC** has carried out a range of awareness raising initiatives with unions and a TUC guidance document and model workplace policy was drawn up in 2002.<sup>46</sup>

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<sup>40</sup> <http://www.nhsemployers.org/your-workforce/retain-and-improve/staff-experience/health-work-and-wellbeing/protecting-staff-and-preventing-ill-health/taking-a-targeted-approach/domestic-violence>

<sup>41</sup> <https://www.gov.uk/government/news/public-health-england-launches-new-violence-toolkit-for-businesses>

<sup>42</sup> EHRC & CIPD (2015) Managing and supporting employees experiencing domestic abuse. Available at: [https://www.cipd.co.uk/binaries/managing-and-supporting-employees-experiencing-domestic-abuse\\_2013.pdf](https://www.cipd.co.uk/binaries/managing-and-supporting-employees-experiencing-domestic-abuse_2013.pdf)

<sup>43</sup> [www.caadv.org.uk](http://www.caadv.org.uk)

<sup>44</sup> Belfast Domestic & Sexual Violence and Abuse Partnership  
Domestic Violence and Abuse in the Workplace, A Model Policy

[http://belfastdvp.co.uk/themainevent/wp-content/uploads/DV\\_Workplace-Policyfinalrebrand.pdf](http://belfastdvp.co.uk/themainevent/wp-content/uploads/DV_Workplace-Policyfinalrebrand.pdf)

<sup>45</sup> <http://www.refuge.org.uk/files/Evaluation-of-Refuge-Respect-domestic-violence-manual-for-employers1.pdf>

<sup>46</sup> TUC (2002) Domestic Violence: a guide for the workplace. Available at: <https://www.tuc.org.uk/publications/domestic-violence-guide-workplace>



**UNISON** has been promoting workplace policies on domestic violence at work for over 15 years. In the early days of UNISON's work, the union approached employers and argued the case for domestic violence at work policies. This led to the development of the 'Raise the Roof' guidelines, with guidance on how to draw up workplace policies.

In December 2015 Unison issued updated guidance 'Domestic violence and abuse: a trade union issue. A UNISON guide' setting out information about domestic abuse and why it is a trade union issue, what UNISON can do, what branches can do, and includes the model workplace agreement on domestic violence and abuse. It addresses how to approach employers and negotiate workplace agreements and signposts the Unison model workplace agreement on domestic violence and the Refuge and Respect domestic violence resource manual for employers (see above).

The model workplace agreement on domestic violence and abuse has evolved over the years and now contains a wide range of measures. These include: training for managers and employees, named HR staff with appropriate training; special paid leave for victims; temporary or permanent changes in working time and patterns; changes in specific duties to avoid potential contact with an abuser; redeployment or relocation where appropriate; measures to ensure a safe working environment e.g. changing phone numbers; access to counselling and support services in paid working time; an advance of pay; and access to courses developed to support survivors of domestic abuse. The model workplace agreement has been circulated to all regions and branches and disseminated to employers via employers organisations.

To date there has been no follow up of how many agreements have been signed, and UNISON plan in the future to monitor how many workplace policies have been implemented. Unison currently has 13 workplace policies on file; however, the union believes that many more workplace policies that have been negotiated in the public sector, particularly in local authorities and in the health sector. The Local Government Association and NHS Employers, which are the two largest employers in the country, have both drawn up domestic violence at work policies.

Several other unions have drawn up guidance and checklists for workplace reps on domestic violence at work. One example is a PCS guide for union reps on supporting workers who have experienced domestic violence and abuse.<sup>47</sup> A few years ago UCU commenced negotiations with the Association of Colleges with the view to implementing domestic violence at work policies. However, there was some hesitation on the part of the Association and little progress was made.

Some unions do not believe that this is the appropriate time to be pushing model clauses on domestic violence at work, particularly as other priorities and battles occupy their time and resources. Some unions, however, have brought understanding of domestic violence at work to existing policies, for example, regarding employers' strict management of attendance. Unions have been concerned that if women take time off work for sick leave that they are not caught up in the strict management of attendance that could lead to them losing their jobs. Ensuring that existing policies and procedures take domestic violence into account is viewed as a very constructive way to protect victims of domestic violence.

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<sup>47</sup> [http://www.pcs.org.uk/en/equality/guidance-and-resources/womens\\_equality\\_toolkit/domestic-violence-reps.cfm](http://www.pcs.org.uk/en/equality/guidance-and-resources/womens_equality_toolkit/domestic-violence-reps.cfm)

### **Examples of workplace policies**

A good example of a workplace policy drawn up for government employees in **Wales**, addresses domestic abuse and violence against women in the workplace.<sup>48</sup> It sets out guidance and a procedure under the following headings: who contact if you are experiencing domestic abuse and/or violence; line manager's role in supporting employees; what to do if a colleague tells you they are experiencing domestic abuse and/or violence; and what to do if you suspect that an employee / external person is a perpetrator. Under the policy trade union representatives are responsible for: familiarising themselves with the provisions of the policy and procedure and for assisting members who are experiencing domestic abuse and/or violence to seek support as outlined in the procedure.

**Luton Borough Council** Domestic Abuse Policy (2009) sets out the support and help available to staff who are victims or survivors of domestic abuse and provides guidance to line managers in dealing with disclosures of abuse from employees.

**Croydon Council's** Domestic Abuse and Sexual Violence Policy aims to improve the safety and wellbeing of victims of domestic abuse and violence, through awareness raising, support and services that reflects the diversity of the workforce. The policy contains definitions of domestic abuse and violence, impact of domestic abuse on the workplace and on employees, the importance of confidentiality and awareness raising, distribution of information on the policy, including training and briefings for departmental managers and supervisors and guidelines for managers in dealing with the issue.

The **Belfast Trust** (Hospital) Branch Model Agreement has secured training and paid release for 30 members to support victims of abuse by 'sign-posting them to relevant support organisations such as Women's Aid.

Several unions have drawn up their own internal workplace policies on domestic violence at work.

### **4.4 Union awareness raising, campaigns and training programmes**

Some women in the trade union movement have broken the silence about domestic, speaking up about their previous experiences of domestic violence at union conferences and union meetings. This has brought important insights and awareness into the union movement, particularly on the role that workplace representatives can play in supporting victims of domestic violence.

One trade union leader who was interviewed had been a victim of DV knew how it affected women. She spoke of the impact of violence and control on her life at home and in the workplace. She did not speak about her experiences because she was ashamed and was worried that people would be judgemental. She said "I just needed someone to be there, to hold my hand as I slowly made decisions, rather than being backed into a corner and being told that I should leave. It was a very difficult time as I was very controlled. I was told by my partner to give up my job, I was told that none of the problems would exist. There was such a loss of self-esteem. I would avoid any social situations as I could never predict what his behaviour would be. It was always about protecting and controlling me, it became very overwhelming. The violence was awful, but harder to deal with is the mental brutality, it was more the mental stuff that got me, getting endless controlling phone calls. It took me seven years to get to a position to have the confidence to leave. Often we can be judgemental of each other, for someone telling a victim you should leave, doesn't help as it is a decision of

<sup>48</sup> People, policies and procedures: Domestic Abuse, Violence against Women and Sexual Violence Policy. Available at: <http://gov.wales/docs/dsjlg/publications/comm/131002domabusevawpolicyen.pdf>

not being in a place to make a decision, not being sane or confident enough to leave.” When she was finally able to talk about her experience to a colleague she received a lot of support.

## Awareness raising

**UCU** has drawn up guidelines ‘Action against Violence against women: Guidance for UCU branch officers supporting members experiencing violence at home and in the workplace’, which has recently been updated to include coercive control. The guidelines give information to help trade unionists recognise violence against women, types of violence against women and violence against women at work. Actions for branches include guidance on drawing up a workplace policy, a checklist for union representatives, a template for carrying out a violence at work survey, and a copy of the TUC checklist on gender and occupational safety and health ‘Gender sensitivity checklist’. The union is currently considering how it could develop a concise model policy for the sector that can be used as a basis for workplace negotiations.

The union has worked with the National Union of Students to challenge sexist and ‘lad’ culture on university campuses and has published a report on the issue. This follows the National Union of Students 2014 report which highlighted shocking levels of violence and harassment against women on university campuses.<sup>49</sup> Some union branches have carried out some to raise awareness about a culture of sexually harassing comments made by students in feedback systems about lecturers; these feedback systems have been established by Universities to give students a voice in rating lecturers.

The **Community** trade union (a traditional steel based union, recently merged to include workers in the justice and custodial system, managers, and garment sector) has a focus on building union capacity to enable trade unionists to discuss domestic violence in sensitive and empathetic ways. This includes building the skills of trade union representatives to learn the language, ask the right questions, and to have the skills to be empathetic rather than judgemental. As Bev Bamber from Community stated: “We need to teach people about how they can give support, ask the right questions...the importance of holding a person’s hand and to ask questions like ‘how does this make you feel, are you safe, is there anything I can do to support you to feel more safe’. It is so important for the woman to take control.”

This has led Community to draw up a set of guidelines on how to talk to a colleague who has experienced domestic or other forms of gender-based violence. The issue has also been integrated into Community’s training courses on equality and diversity, which gives a focus on conscious and unconscious behaviours and how this behaviour impacts on the workplace.

**USDAW** issued new guidance on ‘Domestic Violence and Abuse’ in 2016. It gives information and aims to raise awareness for union reps about the causes and effects of domestic violence, including information on the signs that may indicate that domestic violence may be an underlying issue. It states that employers have a duty of care to their employees and gives guidance on how to support members experiencing domestic violence and support members. A shorter leaflet ‘Domestic Abuse’ sets out help and support for women who might be facing domestic abuse. *[web links to the resources to be added when they have been published]*

## Training

Trade union training and organising models are increasingly innovative with a focus on a ‘whole worker approach’. This has helped to raise awareness about the interconnectedness of women’s working lives and their domestic lives. Some unions are also integrating domestic violence at work into union rep training courses.

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<sup>49</sup> <http://www.nus.org.uk/en/news/nus-research-reveals-one-in-four-students-suffer-unwelcome-sexual-advances/>

Challenges exist in relation to reductions in time off for training and reductions of funding for trade union education. This has led the TUC and some affiliated unions to develop online training programmes. An online training course, drawn up with support from Women's Aid, 'Domestic Violence e-learning programme' has been developed and run by the TUC Education Service. To date 205 participants have followed the course.

## **Campaigns**

The public service union, UNISON, has for the last decade been campaigning for the recognition of the impact of domestic abuse on women's working lives. The first campaign 'Raise the Roof' sought to raise awareness about domestic abuse in the workplace and gave negotiators tools to address the issue with employers.

- A poster 'We won't look the other way' about domestic violence in the workplace has been drawn up for display in workplaces has been widely disseminated.
- The UNISON Campaigning Handbook 2015-2016 '*Women in UNISON – active, campaigning, leading*' contains a section *Ending Violence Against Women*.
- UNISON is campaigning for the government to make workplace agreements a statutory requirement for all public sector employers in line with their gender equality duty (under the Equality Act).

## **4.5 Links and cooperation with civil society and women's organisations**

As mentioned in Section 3, the TUC is an active member of the **End Violence Against Women Coalition (EVAW)**, which has amongst other areas prioritized domestic violence. With the TUC this has enabled EVAW to ensure that priority is given to the impact of domestic violence in the workplace.

The TUC has also partnered with and carried out joint projects with women's domestic violence organisations, an example of which is report published by the TUC report on financial abuse which was carried out by Women's Aid.

## **4.6 Challenges faced by unions**

One of the biggest challenges raised by unions is having the time and resources to convince employers (and in some cases union representatives) of the importance of developing and implementing workplace policies on domestic violence at work.

## **4.7 Recommendations from unions**

- More awareness raising needs to be carried out, with employers and trade union representatives, to implement at workplace level the various model policies on domestic violence at work.
- More pressure needs to be put on the government for joined up domestic violence services that include a duty for employers to address domestic violence at work through workplace policies, training and awareness raising.
- Implement the TUC's research recommendations made in the report on financial abuse.