



Women and violence at work

Background paper



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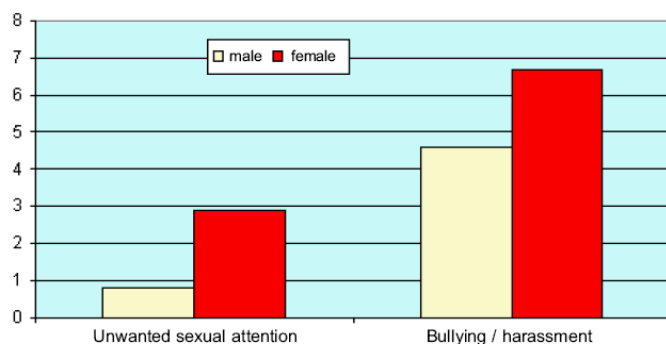
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This background paper has been drafted to coincide with the hearing of the European Parliament’s Committee on Women’s Rights and Gender Equality (November 21st 2007, Brussels) on Women and Violence at work in the European Union. The European Foundation for the Improvement of Living and Working Conditions has a track record of research on workplace bullying, violence and discrimination going back to the 1990s. These negative aspects of the work experience have in particular been charted in successive waves of the *European Working Conditions Survey* [EWCS] from 1990/1-2005.

Research background

The current paper sets out some of the findings from the most recent EWCS data collected in late 2005. It is based on interviews with nearly 30,000 workers in 31 European countries, including all of the Member States. It looks at the data primarily in relation to psychological as opposed to physical forms of violence. In the survey, the question on bullying refers to ‘bullying / harassment’ while the question on exposure to ‘unwanted sexual attention’ in the previous twelve months is used as a proxy for sexual harassment. In order to simplify the presentation, this paper differentiates between workplace ‘bullying’ on the one hand and ‘sexual harassment’ on the other. These are distinct and quite separate phenomena but working women are exposed to a higher risk than men for both and the survey is used to investigate some of the reasons why this is the case.

Figure 1: *Harassment and sexual harassment by gender, EU27 (% of employees exposed in previous year)*



Source: *Fourth European Working Conditions Survey*

In addition to survey data, this paper also draws from a literature review entitled *Preventing violence and harassment in the workplace* (Di Martino, V., Hoel, H. and Cooper, C. L., 2003) which outlines the evolution of concepts and definitions in relation to workplace violence, as well as presenting the range of emerging policy approaches. A final source has been the Foundation’s online observatories EWCO (<http://www.ewco.eurofound.europa.eu>) and EIRO (<http://www.eiro.eurofound.europa.eu>), which publish regular contributions from a network of national correspondents on topical working conditions and industrial relations issues. An analysis of recent news items from the online observatories shows the responses at Member State level through legislation and other non-regulatory instruments to these increasingly high profile forms of psychosocial workplace risk.

Sample definitions

Harassment: ‘Harassment occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.’

Source: *EU social partners, Framework agreement on Harassment and violence at work (April 2007)*

Sexual harassment: ‘Where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.’

Source: *European Directive 2002/73/EC*

Policy context

In recent years, national working conditions surveys as well as administrative data have shown that an increasing incidence of work-related health problems is attributable to psychological and psychosocial rather than to physical causes.

This is reflected in the *Community strategy 2007-12 on health and safety at work* (COM(2007) 62) which highlights ‘the emergence of new risk factors (violence at work, including sexual and psychological harassment)’. In the same policy paper, the point is made that while currently ‘problems associated with poor mental health constitute the fourth most frequent cause of incapacity for work [...], the WHO estimates that depression will be the main cause of incapacity by 2020’.

How do existing European policy instruments deal with workplace harassment? In principle, harassment and violence at work are covered under the general duty of employers to assess, prevent and reduce risks to safety and health at work under the main EU health and safety legislation dating back to 1989 (Council Directive 89/391/EEC). While this framework directive does not explicitly list violence as one of the targeted workplace risks, national legislation enacted in application of this directive has been extensively used in relation to workplace violence.

Despite calls in the past for a specific EU directive dealing with violence and harassment at work, the European Commission indicated its preference that the issue be dealt with through joint social partner action within the existing structures of the European social dialogue. Earlier this year, the social partners at European level responded positively to this call and finalised a *Framework Agreement on Harassment and Violence at Work* which set out to ‘provide employers, workers and their representatives at all levels with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work’.

It should also be mentioned that EU ‘anti-discrimination’ directives (Council Directives 2000/43/EC and 2002/73/EC) include new definitions of racial and sexual harassment applicable across the EU and impose a duty on Member States to designate a body or bodies to promote the work of the directives. In general, policymakers and public agencies at EU and national level have made serious efforts since the early 1990s to combat workplace harassment.

Incidence of bullying and sexual harassment

According to survey data from the *Fourth European Working Conditions Survey* (4EWCS), exposure to either psychological or physical violence at work is the exception rather than the rule in the direct experience of most European employees. Just one in twenty workers reports having been exposed to bullying in the previous twelve months and a similar proportion reports having been exposed to physical violence. Sexual harassment is reported by three times as many women as men but still less than 3% of female employees have been exposed in the previous twelve months.

It should be recalled that the questions in the 4EWCS are based on self-reporting and relate therefore to perceptions of bullying or sexual harassment and do not necessarily reflect actual disciplinary procedures or legal outcomes.

Trend data going back to 1995 indicate that the overall incidence of sexual harassment has remained stable at 2%. For bullying, a change in the formulation of the survey question in 2005 has made comparison across time impossible. The question was posed in terms of 'intimidation' in previous survey waves and this wording generated a higher percentage of respondents saying that they had suffered such exposure than the new term – 'bullying/harassment' – used in the 2005 survey. However, the authors believe that the decline does not reflect a lower incidence of actual bullying but rather the impact of the changed wording.

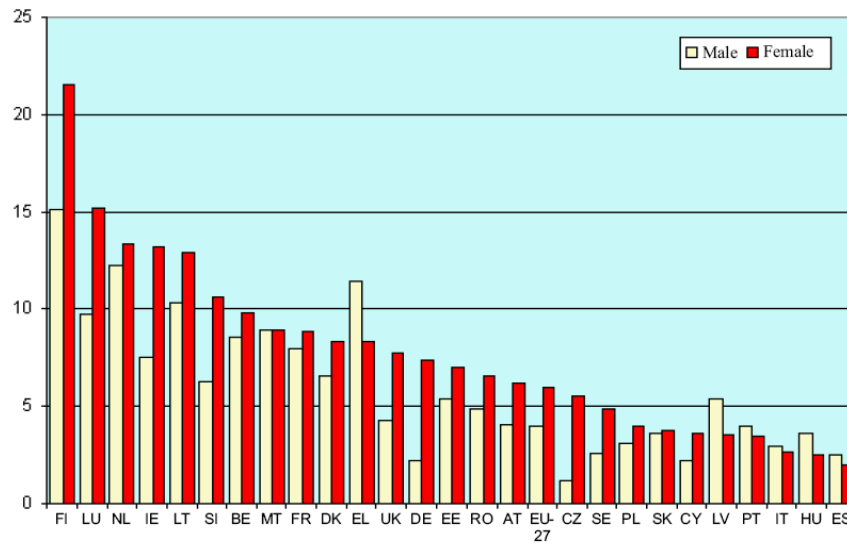
While at a general level exposure to bullying and sexual harassment remains a minority experience and 4EWCS data does not indicate a trend increase in the last ten years, it is important to point out that selection bias may lead to underreporting. It is reasonable to assume that many workers subjected to serious instances of abuse (physical or psychological) may have left work and no longer appear in the target population for the 4EWCS, 'persons in employment'.

Another more important qualification of the low levels of bullying and sexual harassment evident in the 4EWCS is that respondents answered only in respect of the previous twelve months. Other national surveys which have used the respondent's working life rather than a single year as the reference period report much higher incidences: up to 70–90% of respondents in national surveys carried out in Austria, Germany and Luxembourg and in sector studies in Austria, Germany, Norway and the UK (Di Martino et al, 2003, p.28).

Variations from country to country

There is a growing and generalised awareness of how damaging and disruptive the consequences of workplace harassment can be at individual and organisational level. Bullying is nowadays treated in most countries as a serious pathological condition and not as a vague designation of undesirable workplace behaviour. However, there remains a wide variation in the public profile of workplace bullying from country to country, as well as differing views as to which forms of negative behaviour actually constitute bullying. This may explain, at least in part, higher incidences reported in northern European countries (e.g. Finland, 17%) compared to southern European countries (e.g. Spain, 2%); see Figure 2.

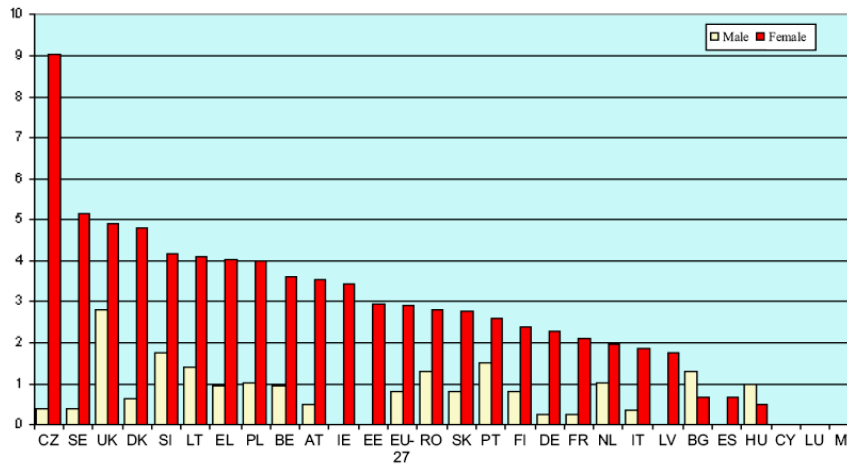
Figure 2: *Bullying/harassment by country and gender, % of employees*



Source: *Fourth European Working Conditions Survey*

In the majority of countries, female employees are more exposed than their male counterparts to workplace bullying. The difference is even more acute in the case of sexual harassment where more than three times as many female as male employees report being sexually harassed (unwanted sexual attention) in the previous 12 months, with certain countries – the Czech Republic, Sweden, Denmark and the UK – reporting notably higher than average rates of exposure (see Figure 3). The incidence for male employees is greater than 1.5% in only three countries: Portugal, Slovenia and the UK

Figure 3: *Unwanted sexual attention, % of female employees exposed in previous 12 months*



Source: *Fourth European Working Conditions Survey*

It is interesting to note also that there is comparatively little correlation either at individual level or in the country rankings between bullying and sexual harassment. A country such as Finland, with a very high level of reported bullying, especially by female employees, ranks below the EU average for exposure to sexual harassment. This suggests that there are distinct cultural and conceptual frameworks for understanding each issue from country to country including possibly language aspects. Although there is some evidence of a convergence of use based on common, basic descriptors – ‘bullying’, ‘harassment’, ‘harcèlement moral’ – nevertheless what an English speaker understands by ‘bullying’ may be subtly different from what is referred to as ‘pesten’ in the Netherlands, ‘acoso moral’ in Spain or ‘mobbing’ in the Nordic countries.

Risk categories

Women, especially younger women, report higher levels of exposure to bullying at work. Work-related surveys also often find that the risk of bullying is higher for certain categories of workers in terms of sector and organisation size.

Figure 4: *Bullying/harassment by gender and age, % of employees*

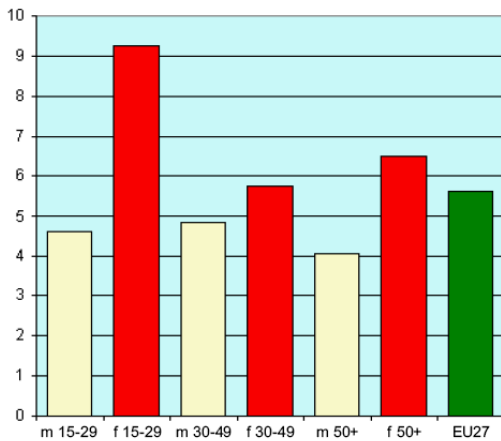
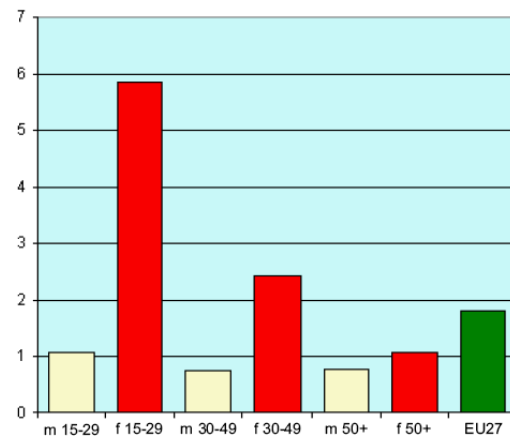


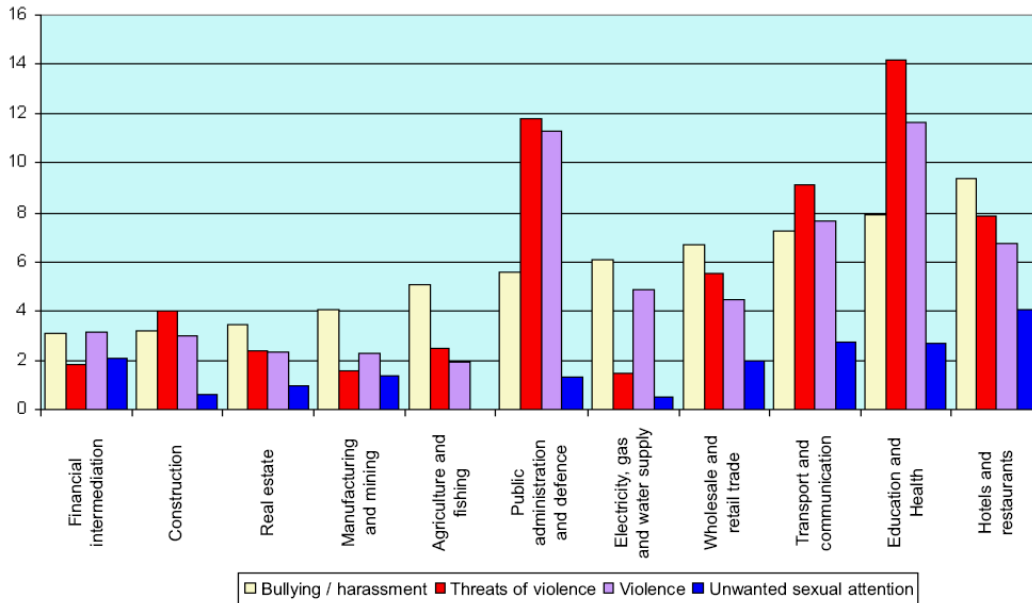
Figure 5: *Unwanted sexual attention by gender and age, % of employees*



Source: *Fourth European Working Conditions Survey*

Female-dominated sectors such as education and health are especially subject to bullying, as are individuals working in large organisations or working in direct contact with non-colleagues (clients, pupils, customers etc). All of these patterns, familiar from national data sources, are confirmed by the 4EWCS (see Figure 6).

Figure 6: Psychosocial risk exposure by sector, % employees



Source: Fourth European Working Conditions Survey

What is interesting about the sectoral breakdown is that higher levels of bullying are associated at sector level with higher levels of physical violence (both threatened and actual). Bullying is generally understood as a colleague-to-colleague phenomenon while physical workplace violence largely originates from non-colleagues (customers, patients, pupils, etc.). This suggests that higher levels of exposure to physical violence in customer-oriented occupations and resulting work environment stress tend to have a further, negative downstream impact on relations between colleagues. For these reasons, as well as for their generally high levels of psychological and physical violence, the sectors in question – hotels/restaurants, transport, public administration and especially education/health – have often been the subject of specific preventive interventions.

Determinants of bullying and sexual harassment

Bullying and sexual harassment are single terms that describe a wide variety of negative workplace behaviours: verbal threats, personal attacks, innuendo, deliberate isolation of a colleague and many others. Incidents may be relatively innocuous if considered separately but are often sustained or persistent in character and it is their cumulative effect that is damaging. In addition to being very diverse in its manifestations, harassment is also multifactorial and can arise for reasons that are personal or organisational as well as social or cultural.

In order to see whether and how other work environment factors contribute to the incidence of bullying, further analysis was carried out, again based on the 4EWCS data (EU27 only), using techniques which show the independent effects of certain factors on the likelihood that an employee has been bullied. This makes it possible, for example, to see if there

is an independent impact of work autonomy/control on the chances that an individual employee may be exposed to bullying. Some of the key points to emerge are as follows:

- Low levels of control over one's work and high levels of work intensity (tight deadlines, working at very high speed) are associated with a higher likelihood of bullying.
- Employees whose jobs are customer-oriented are more likely to experience bullying, as are those working in larger establishments (>250 persons).
- Fixed-term workers are more likely to have been bullied than workers with permanent contracts.
- While there is a higher incidence of harassment reported by female employees, this appears to be explained more by the specific circumstances of female employment – sector, gender of boss, proportion of employees in customer-oriented roles – than by gender per se.
- Overall, this model suggests that bullying is only explained partially with reference to work environment factors captured in the 4EWCS.

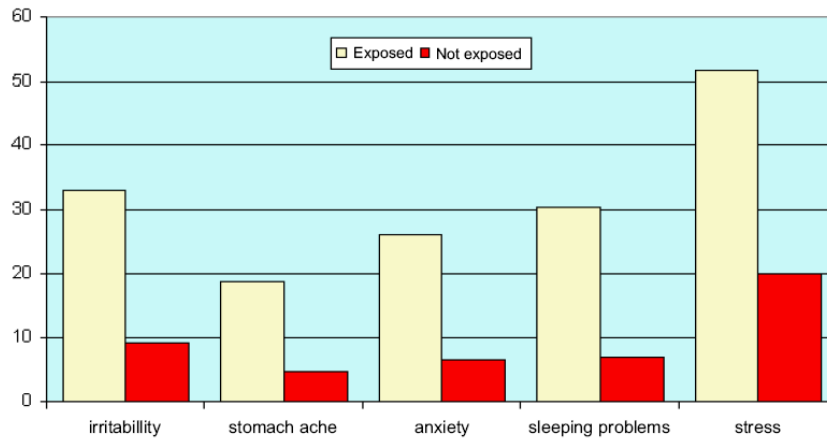
Using a similar analysis but with sexual harassment as the outcome variable, the main conclusions are as follows:

- The most important variable is gender of respondent. Women are much more likely to be sexually harassed than men.
- Younger employees are more exposed than older ones.
- Employees whose jobs are customer-oriented are more likely to experience sexual harassment than workplace bullying.
- Work intensity is associated with a higher risk of sexual harassment but employment status, establishment size and level of work autonomy are not significant predictors.

The impact of bullying and harassment in the workplace

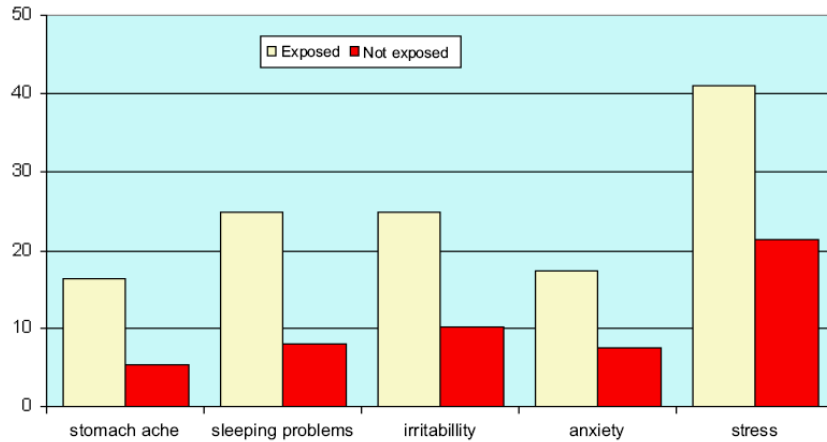
Those exposed to bullying or harassment in the workplace tend to report significantly lower levels of job satisfaction and higher levels of work-related ill-health. The proportion of workers suffering from symptoms of psychological disturbance such as sleeping problems, anxiety and irritability is nearly four times as great among those who have experienced violence or harassment as among those who have not. Over half (52%) of those exposed to bullying report work-related stress (see Figure 7).

Figure 7: *Bullying and work-related health outcomes (% employees)*



Source: *Fourth European Working Conditions Survey*

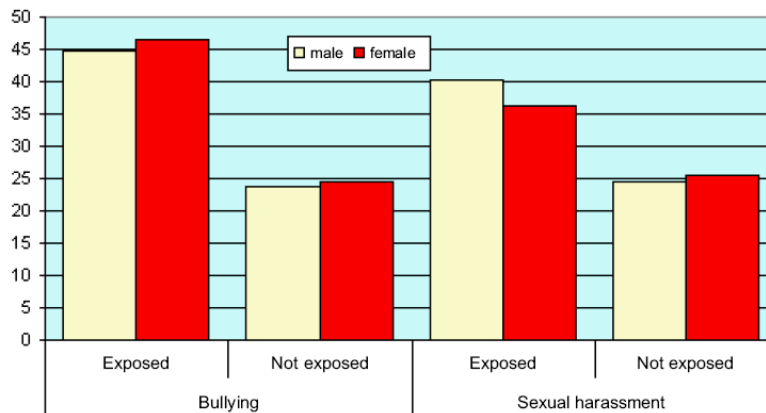
Figure 8: *Sexual harassment and work-related health outcomes, % of employees*



Source: *Fourth European Working Conditions Survey*

It is not surprising, therefore, that employees exposed to bullying report higher levels of absenteeism, in particular absenteeism due to work-related ill health. In fact, workers exposed to bullying report significantly higher levels of absenteeism (also longer spells of absence) than workers who have suffered actual physical violence. Four times as many bullied employees as employees not exposed to bullying took more than 30 days off in the previous year.

Figure 9: Percentage of employees having taken leave of absence due to health problems in previous 12 months



Source: *Fourth European Working Conditions Survey*

Of course, higher absenteeism is only one of the costs associated with bullying and sexual harassment. While the main negative impacts are borne by the individual employee targeted, there are also impacts on the employing organisation, both in tangible, economic terms as well as in less measurable ways: reduced productivity of those directly involved as well as other colleagues, effects on public relations, etc.

Some efforts have been made to list and quantify the costs of bullying. Estimates from UK research in 2003 put the cost of a typical case of workplace bullying in a British local authority at a minimum of £28,000 (equivalent to €40,000 at 2003 rates), before taking litigation into account (Di Martino, V. et al, 2003). This was based on costs relating to absenteeism and possible replacements, local management and human resources time as well as disciplinary procedures including grievance investigations and witness interviews.

Conclusions

The research shows that women, especially younger women, are more exposed to bullying than men, although this may be as much related to circumstantial aspects of women's work – sectoral concentration, gender of boss, level of customer contact, etc – as to gender per se. Working women, however, are more exposed to sexual harassment which is largely gender-specific.

Psychological violence (bullying, harassment, mobbing, etc) at work is multifactorial and multidimensional. It has many different manifestations and can originate from factors that are individual, situational, organisational or social – or, indeed, from a combination of each. Evidence from the 4EWCS suggests that certain features of work organisation are associated with higher levels of bullying, such as:

- low levels of autonomy;
- high levels of work intensity;
- working in frequent contact with customers, clients and other non-colleagues.

Though psychological violence is, by its nature, more cumulative in its impact than physical violence, 4EWCS data confirms that its negative health effects measured in terms of absenteeism due to work-related ill-health are more severe than those associated with physical workplace violence.

Levels of psychological violence are at least as prevalent as those of physical violence in European workplaces. An awareness of this has led to calls for a specific EU legislative instrument to cover psychological violence, as the main existing EU workplace health and safety legislation (e.g. Directive EU/89/391) was devised more with traditional, physical workplace risks in mind. However, earlier this year, an EU-level social partner framework agreement on violence at work provided a 'soft law' solution that makes a separate EU legislative initiative unlikely. Many Member State governments have been actively developing legislative and non-legislative approaches to harassment/sexual harassment in recent years (see Annex 1).

Legislatively, workplace psychological violence has been dealt with under various banners: that of workplace gender equality, non-discrimination, as well as health and safety. This may explain why there has been a fusion of traditional concerns with health and safety and quality of work with a newer focus on dignity at work and associated concerns with combating discrimination. Increasingly, the policy trend has been to assert the rights of European workers – male and female – to a working life that is healthy and safe both physically and psychologically and also one that 'ensures respect for the workers' human dignity, privacy and integrity' (European Parliament, 2001). In this way, it can be said that the EU, as well as many individual Member States, are striving to improve working conditions by raising the levels of protection that workers can reasonably expect in their working lives.

Policy pointers

- Given that certain sectors – e.g. health, education, hotels/restaurants – exhibit high levels of bullying and harassment, it is appropriate to consider sectoral level interventions to combat psychological violence. Such interventions should take into account that many of the sectors affected have an over-representation of female employees.
- The fact that sectors with a high incidence of psychological violence also tend to exhibit higher levels of physical violence indicates that an integrated approach ought to be taken towards combating both forms of risk.
- Follow-up impact assessment and evaluation of preventive or remedial measures help to clarify which measures work well and why.
- It should be recognised that all interventions in relation to bullying and sexual harassment tend to raise the level of reporting. For this reason, one should be wary of drawing the conclusion that policy measures have failed just because survey findings show that the incidence of bullying has increased. Increased reporting may arise because of greater awareness and sensitivity to the issues.
- There is no single approach to workplace bullying and harassment. Legislative approaches have been pursued in many countries, often using different legal bases or frameworks – gender equality, social modernisation, health and safety or anti-discrimination. But it is also the case that some countries, for example Ireland, have pursued with some success a more voluntaristic, non-legislative approach via well-publicised and widely adopted codes of practice.

John Hurley and **Sara Riso**, European Foundation for the Improvement of Living and Working Conditions

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Annex 1: Regulatory instruments to combat workplace violence (with special emphasis on sexual harassment) in EU Member States

This review of information updates – drawn mainly from the European Industrial Relations Observatory (EIRO) – provides an overview of the different approaches chosen at national level to tackle psychological violence at work. In recent years, a number of countries have introduced new legislation on the issue by means of particular designated legislation or incorporation of specific provisions within the wider framework of work environment, equality or health and safety legislation. It is important to note that the inclusion of provisions to combat sexual harassment (as well as other forms of psychological violence) in national legislation is largely in response to the EC directive 2002/73/EC on equal treatment for men and women (implemented in the Member States since 2005) and is often regarded as an integral part of equal opportunities (especially in Nordic countries where there is little specific reference in national legislation to sexual harassment). Other countries have taken a different route to combat psychological violence and approached the problem by means of non-legislative initiatives – such as codes of practice and collective agreements.

When possible, information on impact assessment of national legislation (i.e. Belgium, Germany and Netherlands) is also provided. It should be borne in mind that this list is not exhaustive and is entirely based on information collected through EIRO and its network of correspondents.

1. Specific or general legislation

Austria	In July 2003, the Austrian government presented a draft amendment of the existing Act on Equal Treatment of Women and Men (Gleichbehandlungsgesetz, GBG) with view to extend the law's scope from gender to all aspects of discrimination (source: EIRO update, 11 September 2003).
Belgium	Amendments to the national legislation on protection from violence, moral harassment (bullying) and sexual harassment at the workplace (Loi du 11 juin 2002) voted in federal parliament in November 2006 (source: EIRO update, 12 March 2007).
Estonia	The Gender Equality Act, ratified by the Estonian Parliament in April 2004, covers a wide range of areas including violence against women (source: EIRO updates, 10 May 2004).
Finland	The Occupational Safety and Health Act (No. 738/2002) came into force in 2003 and covers physical and psychological violence, including threats of violence, harassment, sexual harassment and bullying (source: EIRO update, 10 September 2007).
France	The French parliament approved at first reading a government bill on 'social modernisation' including sections on 'moral harassment' to the Labour Code (source: EIRO update, 28 January 2001).
Germany	'Mobbing' is unlawful under various laws, among them the Constitution (Grundgesetz) which states that human dignity is inviolable. Other laws concerning health and safety and the protection of employees at the workplace are equally applicable (source: EIRO update, 14 July 2005). A new General Equal Treatment Act came into force in August 2006, banning discrimination on grounds of gender, race, ethnic background, sexual orientation, age or religion, with a particular focus on the workplace, implementing a number of EU Directives (source: EIRO update, 13 June 2007).
Greece	Law 3488/2006 on equal treatment for men and women came into effect in August 2006. This law defines sexual harassment for the first time, which it treats as gender discrimination in the workplace, creating a claim to compensation on the part of the victim (source: EIRO update, 6 August 2007).
Luxembourg	A bill on preventing sexual harassment in the workplace (sexual Harassment Act) was presented to the Chamber of Deputies on 24 April 1998 by the Minister for Women's Rights and passed on 6 April 2000 (source: EIRO update, 28 May 2000).
Netherlands	Working Conditions Act 1994 includes provisions against abuse and aggression (source: EIRO update, 28 September 2000).
Norway	New legislation protecting whistle-blowers came into force in January 2007 (source: EIRO update, 12 March 2007). A number of amendments (including a section banning sexual harassment) to the Gender Equality Act were due to be adopted by the Norwegian parliament in April 2002 (source: EIRO update, 10 April 2002).

1. Specific or general legislation (cont'd)

Poland	In October 2003, the Labour Code was amended to include a number of new provisions, in line with EU law, aimed at ensuring equal treatment and preventing discrimination at work. A notable change is the recognition of the issue of sexual harassment, which is defined and expressly prohibited (source: EIRO update, 12 November 2003).
Portugal	In 2004, the Labour Code brought into force provisions on the prevention of violence and 'moral harassment' at the workplace. These provisions had been part of a bill that was passed unanimously by parliament in December 2000 (source: EIRO update, 21 July 2005).
Romania	On 19 August 2004, the government passed Ordinance no. 84, which modifies the 2002 law on equal opportunities for women and men (Equal Opportunities Law), including provisions on sexual harassment (source: EIRO update, 11 July 2005).
Slovenia	The Law on Labour Relations (LLR), which came in force on 1 January 2003, introduced a number of new provisions on equal opportunities and equal treatment for women and men, partly in preparation for EU accession. One of these new equality provisions (Article 45) focuses on sexual harassment (source: EIRO update, 6 August 2004). A new Article 6a completes the prohibition of harassment to cover other forms of harassment besides sexual harassment, and psychological violence and torture (source: EIRO update, 13 August 2007).
Spain	The Organic law of protection against gender-based violence (Ley Orgánica de Protección integral contra la Violencia de Género) was adopted in December 2004 (source: EIRO, 11 February 2005).
Sweden	With effect from 1 July 1998, Sweden's 1991 Act on Equality between Men and Women (jämställdhetslagen 1991:433) was tightened up. The employer's responsibility for preventing sexual harassment at the workplace is made clearer and a definition of the concept of sexual harassment is set out in the Act (source: EIRO update, 28 June 1998).
United Kingdom	In October 2005, new Employment Equality (Sex Discrimination) Regulations came into force, aimed at preventing sexual harassment in the workplace (source: EIRO update, 30 November 2006).

2. Non-legislative initiatives

Cyprus	Code of practice on the prevention of workplace harassment issued by the Equality Authority of the Office of the Ombudsman in February 2007 (source: EWCO update, 17 September 2007). Code of practice on sexual harassment issued by the Employers and Industrialists Federation (OEB) in June 2004 (source: EIRO update, 6 July 2004).
Denmark	Agreement on psychological working environment signed by the Danish Working Environment Authority, the DA-Employers' Confederation and LO-Trade Union Confederation in May 2001 (source: EIRO update, 28 June 2001).
Germany	There are no specific collective agreements concerning psychological harassment but in a number of companies and public organisations works agreements and work rules deal with the issue (source: EIRO update, 14 July 2005).
Ireland	A code of practice for employers and employees on the prevention and resolution of bullying at work was issued by the Health and Safety Authority (HAS) on 4 April 2007 and came into effect on 1 May 2007 (source: EWCO update, 21 May 2007).
Italy	A national collective agreement for the Italian insurance sector, signed in July 2003, established a national observatory on bullying (source: EIRO update, 9 September 2003). Signed in February 2003, the collective agreement for the 280,000 employees of Italian ministries contains innovative provisions on preventing and combating sexual harassment and bullying at the workplace (source: EIRO update, 1 April 2003).
Spain	A collective agreement (Concilia Plan) establishes a series of measures for civil servants in the general state administration with regard to sexual harassment (source: EIRO update, 12 April 2006).
United Kingdom	The Equal Opportunities Commission (EOC) published new guidance for both employers and employees on sexual harassment in August 2001 (source: EIRO update, 11 September 2001).

3. Impact assessment of national legislation

Belgium	The revised legislation is based on an evaluation conducted by the federal Ministry of Employment, Labour and Social Dialogue (FOD Werkgelegenheid, Arbeid en Sociaal Overleg/SPF Emploi, Travail et Concertation sociale), the High Council for Prevention and Safety at Work (Hoge Raad voor Preventie en Bescherming op het Werk/Conseil supérieur pour la Prévention et la Protection au travail) and the National Labour Council (Conseil National du Travail/Nationale Arbeidsraad, CNT/NAR) (source: EIRO update, 12 March 2007).
Germany	Recent study commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth found that the German law for the protection against sexual harassment in the workplace has limited impact in personnel policies and in the courts (source: EWCO update, 12 September 2005).
Netherlands	Research commissioned by the Ministry of Social Affairs and published in summer 2000, examined the effects of expanding the Working Conditions Act. A new assessment will take place in 2005 (source: EIRO update, 28 September 2000)

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