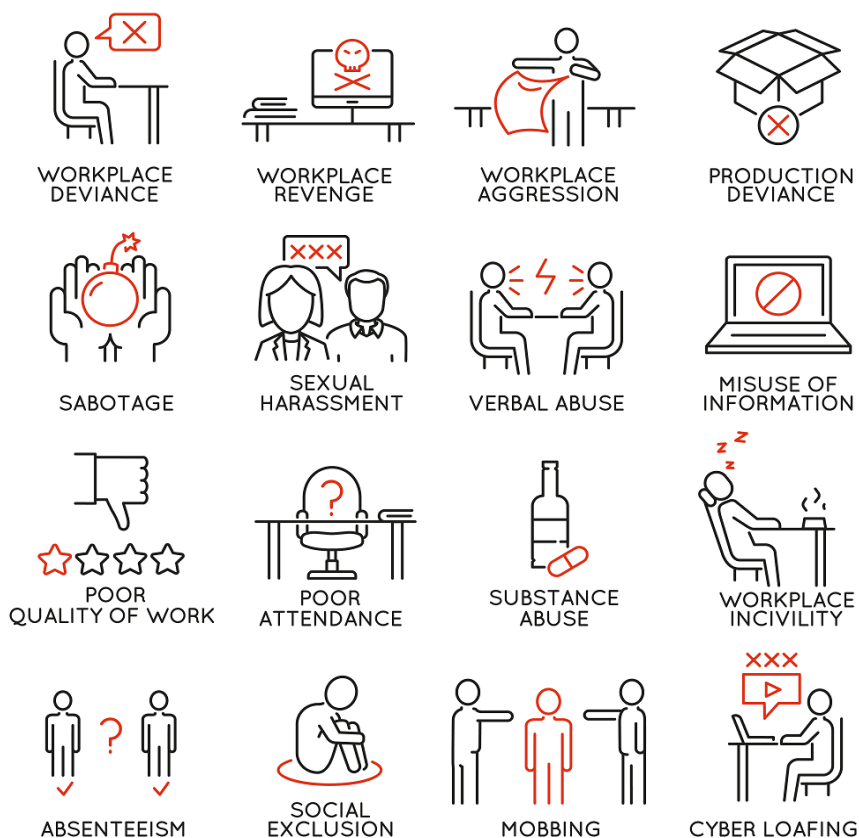


# Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU

## WOMEN'S RIGHTS & GENDER EQUALITY



**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT FOR CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**WOMEN'S RIGHTS & GENDER EQUALITY**

**Bullying and sexual harassment at the  
workplace, in public spaces, and in  
political life in the EU**

**STUDY**

**Abstract**

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Women's Rights and Gender Equality (FEMM), provides a broad account and an in-depth analysis of bullying and sexual harassment in the workplace, in public spaces and in political life. In this study trends in understanding of phenomena are acknowledged, status and progress in research is accounted for, key issues of controversies and debate are identified and recommendations for actions and intervention are provided.

## **ABOUT THE PUBLICATION**

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## LIST OF ABBREVIATIONS

<b>BUSINESSEUROPE</b>	Confederation of European Business
<b>CEEP</b>	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest
<b>ETUC/CES</b>	European Trade Union Confederation
<b>EPSU</b>	European Public Service Union
<b>EU-OSHA</b>	European Agency for Safety and Health at Work
<b>EWCS</b>	European Working Conditions Survey
<b>PTSD</b>	Post Traumatic Stress Disorder
<b>UEAPME</b>	European Association of Craft Small- and Medium-sized Enterprises

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## EXECUTIVE SUMMARY

### Background

It is recognised that bullying and sexual harassment continue to represent serious problems in a variety of social settings including the workplace, in public spaces and in political life. Whilst 30 years of research and practical efforts to counteract and deal with these issues have brought about considerable progress, particularly regarding bullying, uncertainties still remain with respect to the understanding of the phenomena, their prevalence, their causes and consequences, as well as with the effectiveness of intervention.

This study provides an updated account with respect to how far we have travelled whilst pointing out which issues and challenges remain to be resolved.

### Aims

- To provide a broad-ranging account of the issues under consideration with a focus on key findings from research and public debate.
- To evaluate the strengths and weaknesses of research and public debate and identify any emerging trends.
- To identify key actions taken or advocated and to evaluate their respective strengths and weaknesses.

### Key findings

- Understanding of the term bullying is continuing to converge, focusing on repeated and prolonged exposure to unwanted/negative behaviour against which targets find it hard to defend themselves.
- Whilst considerable agreement exists regarding the general definition of sexual harassment, more uncertainty and disagreement remain with respect to the less serious offences associated with it, although in light of the current debates (including #metoo) boundaries for what is considered unacceptable behaviour are being redrawn.
- The rapid rise in the use of social media and electronic devices such as mobile phones is likely to impact on the forms and experience of bullying and sexual harassment.
- 5-10% of the European workforce is at any one time subjected to bullying at the workplace.
- Prevalence figures for sexual harassment are uncertain with large discrepancies emerging between studies, and the recent public debate suggests that real figures are higher than often suggested.
- Tolerance towards sexual harassment is a key factor in maintaining and reproducing the problem. It varies between EU-countries, even between countries which in other respects are economically and culturally very similar, including with respect to perceived gender equality.

- Sexual harassment/violence against women (and some men) in various arenas of life are interrelated and its presence in one area fuels its presence and reproduction in others. Paradoxically, sexual harassment also represents a substantial problem in countries which otherwise have achieved a high degree of gender equality.
- Whilst sexual harassment primarily is a problem for women, young women in particular, more men than previously suggested are exposed to sexual harassment.
- Members of protected groups, in particular young people, disabled, lesbians, gay men and bisexuals, are over-represented among those reporting bullying and unfair treatment.
- Role conflict, destructive forms of leadership (e.g. laissez-faire) and the inability to deal with workplace conflict are the main organisational antecedents of bullying, suggesting that the behaviour of leaders is key to prevention of bullying.
- Bullying and sexual harassment should be recognised as severe psychosocial stressors with impact on targets' health and wellbeing, organisational functioning and career prospects. However, sexual harassment cannot be reduced to an occupational hazard alone, but must be understood in the light of (male) power and wider gender equality.
- In terms of bullying, whilst personal resilience may protect against low level bullying, if the exposure is sufficiently frequent and severe no-one would be able to resist.
- High frequency of exposure to low levels of sexual harassment has equally negative effects as very severe but infrequent experience.
- Although difficult to estimate accurately, the cost of bullying (and sexual harassment) to the organisation and to society is very substantial.
- Sexual harassment in public spaces is widespread and often normalised, taking place in crowded places or under the influence of alcohol consumption, sometimes reinforced by cultural values which celebrate hyper-masculinity.
- With a shift of focus from a problem associated with dark and isolated spaces to one where offences often take place in public, in close proximity to others, the role of bystander intervention comes to the fore with greater focus needed on how such involvement can be encouraged.
- Sexual harassment is a widespread problem in political life, where abuse of power combines with a culture of political recruitment and patronage and pressure for silence and loyalty, including delusional party loyalty.
- In terms of prevention, the action-oriented Framework Agreement on Harassment and Violence between the European Social partners with its request for organisational policies and procedures, impartial investigation of complaints and social support to those affected, is particularly promising and its spread and uptake should be supported. To protect workers in non-unionised workplaces and to create a level playing field, the EU might consider turning it into a directive.
- Policies are the most widespread organisational measures in place against bullying and harassment, although their effectiveness should be subject to regular monitoring and improvement.
- Whilst confidentiality in cases of bullying and sexual harassment is essential, anonymity should be avoided as it violates perceptions of natural justice, with

anyone accused being given the opportunity to defend themselves against the accusations and considered innocent until guilt is proven.

- Measures which may make it easier to report sexual harassment in public spaces including online reporting to the police should be considered.
- Political institutions should not rely on political parties policing themselves but should introduce policies and behavioural guidelines for elected members and staff, with fair complaint procedures.
- Alternative conflict resolution methods such as voluntary mediation can sometimes play a constructive role in early phases of bullying. It is inappropriate and unreasonable, though, to apply mediation to cases of sexual harassment where someone's rights are considered breached, requiring a public response with opportunity for sanction and learning.

## 1. CONCEPTUAL CLARIFICATIONS: DEFINING BULLYING AND SEXUAL HARASSMENT

### KEY FINDINGS

- Although lay understanding of bullying may diverge somewhat from definitions used by researchers, definitions have continued to converge, focusing on the following characteristics: repeated or persistent exposure to negative acts over a prolonged period of time, and perceived powerlessness of the targets.
- Although less discussion (and research) has taken place on sexual harassment, there is considerable overlap between lay and research definitions, both focusing on unwanted and undignified exposure to behaviour ranging from sexism and unwanted sexual attention, to sexual assault.
- Recent widespread public debate including on social media is contributing to redrawing boundaries of what is considered sexual harassment and acceptable behaviour.
- Despite a large degree of overlap, some national cultural differences exist with respect to what behaviour constitutes bullying and, more so, sexual harassment.

### 1.1. Bullying and sexual harassment – background

Interest in workplace bullying started in Sweden in the 1980s, where Heinz Leymann pioneered research by systematically exploring the phenomenon empirically and through his writings and media appearances aroused considerable public debate in the early 1990s. Inspired by Leymann's work and studies on school bullying, the first arena to apply the term, research and public interest in workplace bullying quickly expanded, first to the other Scandinavian countries, and soon thereafter to other European countries. Over the last two decades research into the phenomenon has spread to all EU countries although with some exceptions (e.g. Slovenia) public debate and general interest appear to be concentrated within the old EU-15 countries.

Although terms other than bullying are being used in some countries (e.g. mobbing in Germany, Italy and Poland; moral harassment in France), their meaning largely overlaps with that of bullying. The term 'harassment' is of particular interest as it is the legal term most frequently used to account for the problem, whether used on its own or in conjunction with bullying. Thus, the European Agency for Safety and Health at Work (EU-OSHA) has used both 'harassment' and 'bullying and harassment'. Equally, the Framework Agreement on harassment and violence at work by the EU social partners (BUSINESS EUROPE, CEEP, UEAPME, ETUC/CES, 2007) (Framework Agreement), uses the term 'harassment'. It is also the case that the term 'harassment' when used interchangeably with 'bullying' is sometimes confused with 'sexual harassment'. In other arenas, such as political life, the term is often used more loosely to account for any form of perceived intimidation, whether repeated or not.

Interest in the issue of sexual harassment first emerged North America in the late 1970s with the term sexual harassment coined by Catharine McKinnon in 1979, where much of early research and discussion focused on education and the workplace. European interest in the issue emerged a few years later with the term being applied for the first time in sex-

discrimination cases in the late 1980s. It has been said that more time has been spent on defining the problem than actually researching the phenomenon itself (MacDonald, 2012). Whilst difficult to operationalise, the pervasiveness of the problem was recognised early. Following a surge in European interest and research in the 1990s, much less focus has been given to the problem in more recent years, particularly by the research community, where bullying has received far more attention. However, this is likely to change in the aftermath of the Weinstein revelations and the enormous interest this has caused through debate in the press and on social media (e.g. #metoo) in much of Europe.

## 1.2. Bullying in the workplace – defining the phenomenon

No single uniform definition of bullying exists. Although complete agreement on definition has yet to emerge, European definitions have continued to converge (Di Martino et al., 2003) focusing on persistent and prolonged exposure to negative and aggressive behaviours of a primarily psychological nature. Although some definitions put less weight on persistency of exposure, research has consistently showed that more than any other factor it is the repeated nature of the phenomenon which makes it so damaging, qualitatively changing the nature of the experience. Still, it is acknowledged that in some cases individual acts may be so devastating or have such a lasting impact that they can constitute bullying in their own right. A further central feature of the phenomenon is the imbalance of power, which prevents targets from successfully defending themselves, whether the imbalance precedes the bullying (e.g. due to hierarchical position, experience or social capital) or emerging during the conflict. Whilst some definitions include 'intent or purpose to cause harm', most choose to leave it out as intent is hard to prove, and, more importantly, the fact that someone has no intent to harm does not free them from responsibility for their actions, particularly when they ought to know or have been made aware that the behaviour is unwanted (see Einarsen et al., 2011).

In the Framework Agreement, harassment is defined as follows: '*Harassment occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work*'.

Despite some differences in definitions bullying at work is characterized by four main criteria:

- the target is exposed to direct or indirect, unwanted, negative acts of a non-sexual and mainly non-violent nature;
- the negative acts are repeated and regular, bullying is not about isolated episodes or events;
- the negative acts take place over a prolonged time period;
- a real or perceived imbalance of power between the bully and the target; the target perceives that he or she is incapable of neutralising or stopping the negative behaviours and feels powerless in the situation.

Examples of definitions of bullying are given in Annex 1.

The negative behaviours possibly involved in bullying are numerous; however, some distinct categories have been identified. The most common classification makes a distinction between '*work-related bullying*' (e.g. persistent 'criticism of one's work and effort, being given tasks with impossible targets or deadlines, having one's opinions and views ignored); '*personal bullying*' (e.g. being humiliated or ridiculed in connection with work, being the subject of excessive teasing and sarcasm, having rumours and gossip spread about you) and '*social exclusion*' (e.g. being ignored, being socially excluded from ones' work team or from social events). Social exclusion, the type of behaviour which

appears to have the greatest negative consequences affects the targets' opportunity to fulfil their tasks and personal needs. Cyberbullying, bullying or harassment using electronic means, is a later form of bullying.

The term 'bullying at work' is mainly used to account for frequent and persistent negative acts inside the workplace, by superiors (managers/supervisors), colleagues or sometimes even subordinates. The term is often also used of situations where an employee is exposed to negative or inappropriate behaviour from third parties. Hence, the Framework Agreement recognises that violence and harassment can take place 'amongst colleagues', 'between supervisor and subordinates', or 'by third parties such as clients, customers and patients'. By contrast, the definition used by EU-OSHA only focuses on colleagues or superiors, implicitly excluding negative acts from third parties.

Outside Europe (in the US and Asia) the term 'incivility' has been used to account for low-intensity deviant behaviour with ambiguous intent to harm the target, in violation of workplace norms of mutual respect, with some studies also emerging within the EU context including Sweden (e.g. Torkelson et al., 2016). As there appears to be very considerable overlap between 'incivility' and less serious incidents of workplace bullying (questionnaires measuring incivility contain a number of items used in bullying instruments), there seems to be little need to acknowledge this as a separate phenomenon altogether.

One of the key strengths of European bullying research is the ability to stick to one term to describe this phenomenon despite minor differences in understanding rather than going down the road of US research where the field is split into a series of related concepts. The fact that bullying, in most researchers' views, reflects repeated and prolonged exposure, however, does not mean that society and organisations can ignore the possible negative impact of single, isolated negative acts, but rather must take steps to counteract such acts which breach normative perceptions of what is considered acceptable or dignified treatment.

### **1.3. Sexual harassment – defining the phenomenon**

The term sexual harassment refers to unwanted conduct of a sexual nature. Sexual harassment violates one's self-determination, targets feel intimidated and/or humiliated.

EU-Directive 2002/73/EC (Equal treatment in access to employment) defines sexual harassment as a situation: 'where any form of unwanted verbal, non-verbal or physical conduct of sexual nature occurs, with a purpose or effect of violating the dignity of a person, in particular when creating and intimidating, hostile, degrading, humiliating or offensive environment'.

Sexual harassment involves a range of behaviours:

- Non-verbal - (e.g. sexually suggestive gestures, display of sexual material)
- Verbal - (e.g. sexually suggestive comments or jokes)
- Physical - (touching, hugging, kissing, rape)
- Cyber - (offensive, sexually explicit e-mails or SMS messages, offensive, inappropriate advances on social networking sites)

From a research perspective, the above behaviour has often been categorised as follows: general sexist remarks/behaviour; inappropriate sexual advances; sexual request (explicitly or implicitly) in exchange for sexual favour (*quid pro quo*); and coercive sexual activities including threat of punishment or sexual assault. Thus, definitions emphasise a distinction between two factors: type and severity of behaviour/acts.

Whilst the phenomenon appears to be understood in a similar way, and considerable overlap exists between legal, research and lay definitions, perceptions of how boundaries

should be drawn may differ. A recent poll by YouGov including 8,490 men and women from Germany, Great Britain, France, Denmark, Sweden, Finland and Norway explored how definitions and boundaries of what is considered sexual harassment differ from country to country, and found that Danes and Germans were least likely to consider an action as sexual harassment. People in Great Britain, France and Finland shared a broad idea of what constitutes sexual harassment. [www.thelocal.de/20171110/germany-one-of-the-most-tolerant-countries-to-sexist-jokes-in-europe-survey-reveals](http://www.thelocal.de/20171110/germany-one-of-the-most-tolerant-countries-to-sexist-jokes-in-europe-survey-reveals)

The recent media debate and widespread revelations about sexual harassment cases (e.g. #metoo) and the subsequent condemnations of harassers and their behaviour, suggests that the understanding of what constitutes sexual harassment is changing with the boundaries for what is considered sexual acceptable behaviour being redrawn, although development in individual EU countries is likely to be somewhat uneven. Whilst this means that behaviour previously considered trivial or bothersome may now be seen as offensive and damaging, it is important to avoid considering all sexual harassment as equally bad, with the aim of arriving at a shared societal understanding of severity. Not only will severity of acts impact on outcomes/type of sanction, if no clear distinction is made between such acts, targets may be reluctant to report an offensive but less serious act/s due to the serious consequences it might have for the perpetrator (for example a boss or a colleague).

As the term harassment at times is used interchangeably with bullying, in some jurisdictions (e.g. Denmark and the UK) it is applied only to repeated unwanted behaviour. Where no further nuanced measures are in place to address one-off offences or what are considered to be relatively minor undignified acts or offences, this could leave victims of sexual harassment without any recourse when exposed to such behaviours.

#### **1.4. Recommendations**

To avoid unnecessary confusion the EU and its various institutions should develop and apply a shared definition of workplace bullying.

To get a better understanding of how sexual harassment is experienced today in 2018, researchers need to listen to women's voices and their stories. It is still important to establish normative standards for behavioural breaches and their perceived severity. In this respect, the need to develop a more calibrated vocabulary for less serious offences should be considered.

To stimulate further national debates on sexual harassment and standards for acceptable behaviour, the EU should engage in this debate internally and externally. This could assist in highlighting the problem also in those national contexts where it is rarely discussed, with the aim of pushing boundaries in a more restrictive direction.

For researchers and policy-makers to fully comprehend women's experience of sexual harassment, whether at work or in other life arenas, they need to acknowledge that these manifestations of violence against women are interconnected and that, when present, they fuel and reproduce each other. This means that to fully comprehend and address the issue successfully a holistic approach must be undertaken.

## 2. EMPIRICAL EVIDENCE OF BULLYING AND SEXUAL HARASSMENT AT WORK

### KEY FINDINGS

- A sharp rise in research interest in workplace bullying with scientific interest established in many EU countries shows that bullying is a common workplace problem of a very considerable magnitude affecting workers in all occupations, and women and men in similar numbers.
- Whilst studies comparing prevalence across the EU show greater levels of bullying in Western and Northern countries, factors such as a low level of awareness and greater tolerance for negative behaviour in other regions is likely to account for much of this discrepancy.
- Although much less researched, sexual harassment at work is common in most EU countries, affecting women (and some men) in considerable numbers, although few cases are formally reported.
- The recent global #metoo and equivalent debates on social media and in the mainstream press have brought the issue to the fore, suggesting that the real figures are higher than previously anticipated and with standards for what is considered acceptable being redrawn.

### 2.1. Methodological issues: methods applied by researchers and representativeness of samples

In order to interpret the prevalence rates of bullying, we need to know how the phenomenon has been defined, the measurement method used, and the time frame of the exposure. It is also necessary to make a distinction between self-labelled bullying (applying the bullying label to one's own experience), witnessing bullying and perceptions of the general presence of bullying (e.g. 'bullying is a problem in my workplace').

Two main methods are used to measure the prevalence of bullying: the self-labelling method and the behavioural method. As far as the self-labelling method is concerned, respondents are asked by means of a single item whether they have been subjected to bullying within a specific time period (usually six or twelve months). Often a common definition of bullying is provided with respondents asked to apply this to their own experience, whilst no definition is offered in other studies. The self-labelling method is particularly common in large-scale, e.g. national and international surveys.

By contrast, the behavioural method measures bullying by means of a list or inventory of negative acts (instrument), with respondents asked to report whether and how frequently they have been exposed to the behaviours listed ranging from never to daily. The most commonly used instrument applying this method is the Negative Acts Questionnaire (NAQ), and particularly the revised version, the NAQ-R (Einarsen et al., 2009). Commonly, the respondents are classified as a target of bullying if they have been exposed to at least one negative act at least weekly over a period of at least six months. The two methods are often used in conjunction, with a self-labelling item question added at the end of the instrument. Some use a stricter criterion with frequent exposure (at least weekly) to a



minimum of two negative acts (e.g. Nielsen et al., 2010). Whilst the behavioural method has been considered to be the more objective method, self-labelling is considered important as it is found to strengthen the negative health impact of bullying for targets, particularly with relative low exposure. The NAQ-R can be used to differentiate between groups of employees with different levels of exposure to bullying ranging from infrequent exposure to low-level bullying to severe victimisation.

Different measurement methods give somewhat different results on the frequency of bullying. In a meta-analysis (combining the results of multiple studies), the highest prevalence estimates were found in studies which used the self-labelling method without any definition provided, and lowest in studies using the self-labelling method with a given definition of the concept. Estimates from studies using the behavioural method fell between the rates of the two self-labelling methods. (Nielsen et al., 2010).

Some national cultural differences may exist with respect to the most common forms of negative acts. In a study in which the negative acts were explored in Italy and Spain, it was found that 'someone withholding information which affects your performance' and 'extensive monitoring of your work' were among the most commonly reported forms of bullying in both countries but 'having your opinions and views ignored' was among the most common forms in Italy but rarely reported in Spain (Arenas et al., 2015) In a Finnish study, 'ordered to work clearly below one's competence', 'one's opinions and views are ignored', 'one is exposed to unmanageable workload' were found to be the negative acts most often reported (Salin 2003).

Attempts have been made to develop instruments to measure cyberbullying. In one such promising attempt (Inventory of Cyberbullying Acts at Work) three underlying constructs were identified: person-related, work-related and intrusive (Vranjes et al., 2018).

By contrast with bullying research, no instrument has emerged in Europe (unlike the US) which is commonly used to measure sexual harassment. Instead most researchers have used the self-labelling method, most often without any definition but often combined with an inventory of behaviours associated with it.

A common problem with much of research into bullying and sexual harassment is the lack of representative studies, which undermines the opportunity to get a more objective picture of the scale of the problems. However, cost factors most often militate against such efforts as they are expensive and may not always be considered value for money. But where they exist their results should be given due attention, although their overall quality would also depend on other factors, including how the problems are measured (operationalised), the scope of questions applied and their ability to deal with questions of confidentiality/anonymity.

## **2.2. Prevalence of bullying at work**

Research into workplace bullying has expanded exponentially during the last two decades, with many papers dedicated to establishing prevalence of bullying. In the majority of cases these papers rely on cross-sectional national samples often focused on an industry or an occupation, in order to establish the general presence of the problem. Based on the many studies carried out it is estimated that approximately 5-10% of the Europeans at any one time is subject to bullying at work (See Zapf et al., 2011 for an overview).

The European Working Conditions Survey (EWCS) by the European Foundation is the most comprehensive survey of the prevalence of bullying at work across the EU based on interviews with about 1,000 respondents in each country. In the survey, bullying or

harassment has been assessed with the same question and with the same, self-labelling method in all EU member states (plus Norway, Switzerland and Turkey).

In the 6<sup>th</sup> EWCS in 2015, 5% of the respondents reported being subjected to bullying/harassment over the last twelve months. The reported exposure was somewhat higher in Western and in Northern countries compared to Southern and Eastern countries. Exposure to bullying was most common in France, Luxembourg, Ireland, Belgium and the Netherlands. The lowest prevalence rates were found in Bulgaria, Portugal, Hungary and Greece. (Table 1) (Annex 2 for more detail).

The countries that reported the highest exposure rates were the same as those which reported most bullying/harassment in the 5<sup>th</sup> survey in 2010. Looking at individual countries, in Ireland the reported exposure had increased by 3%, and in France by more than 2%. Lowest exposure was found in Bulgaria, Poland and Italy at both measurement points (Table 1).

**Table 1 Prevalence of bullying and harassment at work in some EU Member States in 2015 and 2010**

Country	EWCS 2015	EWCS 2010
EU Member States	4.9%	4.1%
France	12.2%	9.5%
Luxembourg	9.5%	7.2%
Ireland	8.3%	5.5%
Belgium	7.5%	8.6%
The Netherlands	7.1%	7.7%
Bulgaria	0.1%	0.6%
Poland	1.0%	0.7%
Italy	2.9%	0.9%

**Source:** (6<sup>th</sup> EWCS, 5<sup>th</sup> EWCS)

Comparable national studies are hard to find, e.g. because of different measurement methods and time frames applied. Still, to make sense of the discrepancy between countries and the surprisingly low levels reported for some countries the EU Foundation report (2015) points to the following factors:

- awareness of the causes and consequences of violence and harassment;
- the level of general socio-cultural tolerance for violence and harassment;
- the extent of discussions and initiatives by social partners and governments.

With respect to occupational sectors, taking the studies in different countries together, the risk of exposure to bullying seems to be higher in public than in private sector organisations with, as far as the latter is concerned, this being particularly pronounced in health and social care and in education (Zapf et al., 2011).

With regard to the perpetrator, some variations exist between countries. In most countries, including the UK, Ireland, Germany and Norway, most perpetrators were found among those in managerial or supervisory positions. In some countries, however, such as Finland, co-workers or colleagues are more frequently identified as the bullies.

Witnessing (observing) bullying is generally more prevalent than personally being the target of bullying. An explanation for this is that several employees witness bullying of the same person in the workplace. The amount of witnesses varies between studies. In a recent study in Finland one out of three of the employees had witnessed bullying in their organisation during the past twelve months (Vartia et al. 2016). The large variation often found in the reports of witnessing bullying may be explained by the different timeframes used, but also on the awareness and recognition of bullying in different organisations. However, witness accounts of bullying are important both for organisations and researchers as they verify that problems of bullying exist.

### 2.2.1. Cyberbullying

Until recently cyberbullying has been far less pronounced than other forms of workplace bullying, possibly with the exception of younger workers, however, this could change. A study comparing the prevalence of face-to-face bullying and cyberbullying among men showed that one out of three respondents was bullied face-to-face, while the similar figure for cyberbullying was one in ten. All victims of cyberbullying also experienced face-to-face bullying (Privitera & Campbell 2009). The exposure rate to cyberbullying varies substantially between studies. In a study among members of the Swedish Union of Journalists (SJF) in 2009, one in five of the respondents reported having been the victim of online threats. According to a survey carried out by the German Teachers Union (GEW) in 2007, 8% of unionised teachers had been targeted via the internet or mobile phone, with a higher prevalence for secondary school teachers. In a more recent study among trainee doctors, almost half of the respondents had experienced at least one act of cyberbullying (Farley et al. 2015).

The rise of cyberbullying is also covered in a European Foundation report from Eurofound (2015). It points to the 2010 multi-sectoral guidelines to tackle third-party violence and harassment related to work agreed by the EU social partners from both private and public sectors which included cyberbullying as one new form of violence and harassment at work. Unfortunately, this initiative seems largely to be limited to violence from third parties and with limited evidence of the scale and nature of the problem emerging so far.

Whilst the above studies show that cyberbullying, including the use of social media, is on the rise, they focus largely on younger worker or jobs or occupations where targets are at a higher risk of being exposed to bullying and harassment from third parties, whether pupils or members of the general public.

### 2.2.2. Gender differences in bullying

It is argued that there is a need for a gendered or gender sensitive perspective to bullying, rather than treating the issue in a 'gender-blind' manner (Salin & Hoel, 2013). Some findings support this. Women are more likely to label negative experience as bullying and to rate acts more severely than men, particularly acts associated with emotional abuse, social isolation and professional destabilisation/undermining (Escartin et al. 2011). It has been argued that lack of power may sensitise targets to threats (Andersen & Berdahl, 2002).

In the 6<sup>th</sup> EWCS, 5.4% of women, and 4.4% of men reported being bullied. Women reported being bullied more often than men in most EU Member States but in Estonia, Bulgaria, Spain, Malta, Italy, and Croatia men reported exposure to bullying more often than women, although the differences here were relatively small (Annex 2).

In terms of their experience, men appear to be more strongly affected by social isolation/ostracism (e.g. Hitland et al., 2006). Also, whilst women may be more affected by exposure to negative acts, men seem to be more affected when labelling or internalising the behaviour as bullying. Women and men seem to differ in what they perceive as bullying and how they explain it. Women focus more on negative behaviours associated with social exclusion and being ignored, criticism of their private life, slandering and gossiping. When telling about bullying, women seemingly describe situations in which they themselves have been the victims, whilst men typically describe bullying from the point of an observer. In explaining bullying men seem to focus strongly on the role and responsibility of the victim while women are more likely to consider issues associated with the personality of the perpetrator (Salin 2003).

Women and men appear to adopt different coping strategies with men more likely to confront perpetrators whilst women employ avoidance strategies combined with seeking social support from colleagues.

With reference to the work of Acker (2001), who emphasises that gender is a social category, affecting structures, social interactions, and practices at work, a number of explanations and theories have been put forward to make sense of gender differences in bullying (Salin & Hoel 2013). Some of these are outlined in Annex 3.

## **2.3. Prevalence of sexual harassment at work**

### **2.3.1. Key findings from research**

Measuring the extent of sexual harassment is complicated by the fact that perceptions of sexual harassment vary from person to person, from country to country, and over time. Targets of sexual harassment may also be reluctant to share their experiences, even anonymously, or to refer to what happened to them as sexual harassment, which means that real exposure may be under-reported. Although both women and men are subjected to sexual harassment, women are far more likely to be exposed than men. It follows that most research on sexual harassment focus on women's experience, particularly younger women who are considered being at greatest risk.

In the 6<sup>th</sup> EWCS only 1% of the respondents reported exposure to sexual harassment in connection with work over the previous twelve months. Sexual harassment was most prevalent in the Netherlands, Sweden, Greece, Austria, Finland and Germany (2.4% - 1.1%), and most uncommon in Bulgaria, Italy and Romania. In every country women reported exposure to sexual harassment more often than men (Annex 2). These figures also reflect the self-labelling nature of the survey which shows low figures for national contexts where the phenomenon is little discussed or acknowledged. Thus, the true figures for some of the lowest scoring countries are likely to be considerably higher.

Data emerging from national studies also show somewhat higher rates of exposure to sexual harassment both among women and among men in some countries, e.g. in Finland 9.3% of women and 3.1% of men reported that they had been subjected to sexual harassment or unwanted sexual attention in their workplace during the past 12 months (Salin 2003). Altogether and seen in light of the recent debate on sexual harassment these figures appear only partly to reflect realities on the ground. For example, in a British survey

by the Trades Union Congress (TUC) more than half (52%) of the respondents had experienced some form of sexual harassment sometime during their lives. In addition, 35% of women had heard comments of a sexual nature being made about other women in the workplace. About 8% reported unwelcome jokes of a sexual nature, 6% comments of a sexual nature about their body and/or clothing, and 4% unwanted touching in the last twelve months. In most of the cases (54%), the perpetrator was a male colleague and in 17% a manager or someone else in a position of authority (TUC 2016).

**Country case – decrease in the prevalence of sexual harassment and change in what is considered sexual harassment**

In Portugal, sexual harassment at work was studied at two time points, in 1989 and in 2015. Considerable changes were found in the prevalence of sexual harassment at work, the way women react to sexual harassment and with respect to perpetrator status. Back in 1989 one in three women suffered sexual harassment at work; in 2015 the corresponding figure was 14%. In 1989, perceptions of what was and what was not sexual harassment were particularly diffuse.

Lewd comments about how women dressed or their physical looks were identified as forms of sexual harassment by only one third of women. However, 25 years later about two in three women identify banter and remarks about their appearances as sexual harassment with 84% perceiving remarks of a sexual nature as a form of harassment. Equally, in 1989 offensive comments about women's bodies were identified by around 50% of women as a form of sexual harassment, in 2015 the figure stands at 72.9%.

There were also important changes noted with respect to perpetrator status. In 1989 the typical perpetrator was a co-worker whilst in 2015 most were superiors or managers. Moreover, in 2015 a significant proportion of perpetrators of sexual harassment were third parties: customers, suppliers or users, accounting for around 25% of cases. (Torres et al., 2016).

To make sense of their findings the Portuguese researchers point to the social and economic change which Portugal has undergone in the last 25 years, women's work participation and educational attainments. Altogether this has prompted women to become readier to speak out when offended, expressing their anger and annoyance.

### 2.3.2. Atypical sexual harassment

As confirmed by this report, sexual harassment is primarily a problem for women and perpetrated by men. However, other forms of sexual harassment do occur relatively frequently, with men more often targeted than previously anticipated, primarily by other men (e.g. McDonald & Charlesworth, 2016). However, some men do report harassment by women, and some women, although relatively few, report being harassed by other women. For example, a recent representative study of the Portuguese working population found that whilst 14.4% of women had experienced sexual harassment during their working lives, the similar figure for men was 8.6% (Torres et al., 2016). It is also the case that when reported, such atypical forms are often treated as if they were the same as sexual harassment of women by men, which may not necessarily be the case.

A study of formal complaints of sexual harassment (McDonald & Charlesworth, 2016) found that sexual harassment of men was primarily non-physical, falling into two categories: sexually suggestive comments or sexualised jokes (including sexually explicit emails), and intrusive questions about private life. Physical forms of sexual harassment included unwelcome touching and hugging, with sexual assault rare among formal complaints. However, with men altogether less likely to complain, this is unlikely to tell the full story. Complaining may be seen as emasculating, particularly when sexual favours are requested. It might also draw attention to the target's own behaviour which might not conform to normative masculine behaviour.

### 2.3.3. #MeToo – sharing experience and rewriting the boundaries of acceptable behaviour

The New York Times revelations on 5 October 2017 about the widespread, systematic sexual abuse carried out by the all-powerful film producer, Harvey Weinstein, following a series of financial settlements made with a number of women in response to allegations of sexual harassment, sparked an international media outcry about powerful men's abuse of women (and some men) of a magnitude and intensity never seen before. The scale and scope of this debate owe much to the social media grassroots campaign originally initiated by the American social activist and community campaigner Tarana Burke and given international attention and momentum by the actor Alyssa Milano who publicly encouraged women to spread the phrase '#MeToo' to draw attention to the scale and omnipresence of the problem of sexual harassment and assault. In the weeks that followed #MeToo, whether populating social media under its original label or in various national variants (e.g. #balancetonporc/#Grass on your pig/ in France), the campaign captured the imagination of large sections of populations in many EU countries with women (and a considerable number of men) sharing their experiences. Whilst originally meant to testify about sexual abuse in its many manifestations, the multiple conversations that have been initiated have moved beyond evidencing the magnitude and nature of the phenomenon, to address its multiple causes and antecedents and how best to respond to it, individually, collectively or socially. Moreover, as has been documented elsewhere, as a result of the many conversations it has caused boundaries for what is considered acceptable behaviour to be re-drawn.

A summary of the debate in various countries is given in Annex 4. Given the likely lasting impact of debate, considerable attention is given to it and the issues it has raised throughout this study.

## 2.4. Bullying and sexual harassment of protected groups

Despite having protection in EU and national anti-discrimination law, members of some demographic groups appear to be particularly vulnerable to bullying and sexual harassment (European Union Agency for Fundamental Rights, 2017). Knowledge about the experience of such groups has grown in the last decade due to more and better targeted research on what are considered 'hard to reach' groups combined with a growing strength and presence of many advocacy groups, both factors previously noted as undermining the ability to obtain a proper picture of the issues involved (Di Martino et al., 2003).

A summary of findings from research into the particular impact of ethnicity, disability and sexual orientation on the experience of bullying and harassment is given in Annex 5. Here we will only point to some key findings:

- Several representative UK studies have found members of protected groups (young, disabled, LGB, ethnic minority) to be over-represented among targets of workplace bullying and unfair treatment at work (e.g. Grainger & Fitzner, 2006; Fevre et al., 2009).
- Raised levels of reported discrimination for all groups (see 6<sup>th</sup> European Foundation survey).
- Rise in reported hate crimes (UK) associated with sexual orientation, disability and ethnicity/race.
- Lack of awareness of legal rights (Adams and Oldfield, 2012), particularly low awareness among LGBs. (Despite evidence of the existence of racism in the workplace, it is often denied due to its negative connotations and potential for punitive sanctions against individuals and organisations.)

## **2.5. Recommendations**

Due to the rapid rise in the use of social media and electronic devices such as mobile phones, the experience of bullying and sexual harassment is likely to change further (particularly for younger people), so more studies are needed on cyberbullying.

To arrive at a clear picture of sexual harassment across the EU, better and scientifically more robust studies are needed. Whilst representative studies are welcome, studies which compare workers' (women and men) experiences across countries in similar occupational groups or sectors may be particularly valuable as progress to tackle the problem would differ from sector to sector.

To obtain comparable figures on prevalence of sexual harassment and bullying across EU Member States, greater awareness and recognition of the problems should be prioritised through concerted effort to spread information and training.

With more men being sexually harassed than previously suspected, further studies need to be carried out to explore the nature of their experience.

Little attention has been given to the co-existence of bullying and sexual harassment. In the recent debate, however, anecdotal evidence has emerged suggesting that where bullying is widespread and employers/management rule with impunity, sexual harassment may be rife as well, an issue which needs to be further explored.

Studies aimed at exploring the experience of protected groups should be encouraged particularly in countries where little is known about their situation and progress in the workplace. In this respect, the impact of 'intersectionality', where several identities, e.g. gender, race and sexual orientation intersect, should be acknowledged and further studies encouraged.

## 3. EXPLAINING BULLYING AND SEXUAL HARASSMENT AT WORK: ANTECEDENTS AND RISK FACTORS

### KEY FINDINGS

- Antecedents of bullying can often be traced back to shortcomings and problems associated with the organisation and the work environment, but personality and individual factors cannot be completely overlooked.
- In terms of organisational antecedents of bullying three factors stand out: role-conflict, leadership and the ability to deal with conflicts when they arise.
- Although organisational risk factors vary somewhat from country to country and from organisation to organisation, the main organisational risks factors of bullying appear to be universal.
- Tolerance for sexual harassment combined with power imbalances are key factors in understanding its presence in the workplace.

### 3.1. Causes of bullying at work

#### 3.1.1. Organisational risk factors

Since its start, the focus of much bullying research has been to establish which organisational factors may increase the risk of bullying with the aim to remove or control these factors to reduce the prevalence of bullying (for a review see Salin & Hoel, 2011). Whilst most research has focused on the perceptions of targets, where included, perceptions of observers about the work environment largely concur with those reported by targets. Consistently, the most severely bullied individuals are also those reporting the worst work environment (e.g. Balducci et al., 2011; Hauge et al, 2007). Whilst specific contextual or cultural factors may impact on which organisational factors may represent the greatest risk in individual EU countries, findings from across Europe suggest that the main risk factors reported below appear to be applicable in all national settings.

A number of factors associated with the *work environment* have been found to increase the risk of bullying. Among these, role conflict and role ambiguity have emerged as key risk factors across studies. Where clear objectives and expectations are lacking, where job descriptions are unclear or missing altogether, bullying is more likely to occur. Job demands in terms of workload is another factor influencing the presence of bullying, and where workload is unreasonably high this could be considered a form of bullying in its own right. With work intensification increasingly a feature of many European work environments, high workload is likely to continue being a key area of study. Moreover, workload may interact with other factors to increase the risk of bullying as found in an Italian study, where high workload combined with job insecurity to enhance risk of bullying (Spagnoli et al., 2017). Workload or demand has often been studied in connection with employee autonomy or decision latitude, where high workload combined with little autonomy or job discretion was associated with higher levels of bullying. When interacting with high demand and low autonomy lack of support appears to increase stress levels as well as bullying (Baillien et al. 2011).

With organisations constantly undergoing change, their relationship with bullying has attracted interest although, when empirically tested, the relationship with bullying has been



modest (Skogstad et al., 2007b). Some argue that change is only linked to bullying when resulting in negative outcomes for employees (Baillien & De Witte, 2009). Although organisational restructuring appears to be a general feature of globalisation, it has been argued that more recent changes that have taken place, not least within many countries' public sectors, affect the nature of the employment relationship (Britain being a typical example). It is argued that with the power balance tilting in favour of employers, further work intensification and bullying may be more likely outcomes (Hoel & Beale, 2006).

It has been argued that for bullying to come to the fore it would require an *organisational culture* which allows or permits it and where such behaviours are rewarded (Brodsky, 1976). Bullying is also linked to organisational and professional socialisation processes where training and learning processes are considered key to understanding how individuals collectively learn and adopt the norms of the organisation and the profession. By contrast, an important recent study shows that when employees perceive that the employer effectively deals with conflicts, less bullying takes place and work engagement is strong (Einarsen et al., in press).

As standards of behaviour are at the centre of discussion about bullying (and indeed sexual harassment), the role of humour and acceptability of jokes (it is only banter!), often a key ingredient of organisational culture, have to be considered. Whilst most research on humour has focused on its positive impact on the work environment, it is highlighted that jokes aimed at or told at the expense of people who have difficulties in defending themselves may easily turn into bullying. In other words, positive humour requires power symmetry, being reciprocal and played out by equal parties (Matthiesen & Einarsen, 2010). However, even under such circumstances, jokes which seemingly are tolerated by all parties involved may breach organisational standards for respect and undermine inclusion, for example when contributing to a sexist, misogynist or homophobic culture.

As bullying in most European countries is first and foremost associated with behaviour on the part of managers and supervisors, research has identified *style of leadership* as a key factor in bullying whether directly as the primary source of bullying or more indirectly by creating an environment or culture where aggressive behaviour is commonplace and the use of bullying behaviour normalised. Research has typically focused on destructive styles of leadership, whether active or passive. In terms of active, destructive styles, Hauge et al., (2007) found a tyrannical or dictatorial style of leadership to be among the strongest risk-factors of bullying. Similarly, in a large-scale British study of bullying Hoel et al., (2010) concluded that bullying was most strongly linked to managers who applied non-contingent punishment, that is punishment meted out independently or non-contingent upon any prior behaviour by the target. In explaining their finding the authors point to the lack of predictability of such behaviour which makes it harder to protect oneself.

In both the above studies, however, a passive leadership style, or *laissez-faire* leadership, in which leaders are seen to abdicate their responsibility (Skogstad et al., 2007), also emerged as a risk factor. In addition to creating an environment where conflicts often are rife, this style of leadership could be considered bullying in its own right where the outcome of such behaviour contributes to social exclusion. Related to this, a Spanish study of bullying and conflict management (Arenas et al. 2015) shows that task-related bullying may escalate into personalised conflict and bullying, demonstrating a need for active management involvement to avoid such processes taking place. By contrast, as constructive styles of leadership are seen to protect or buffer against bullying, recent research has tried to identify which styles of leadership most effectively offer such protection. A Lithuanian study (Astrauskaite et al., 2015) looked at the deterring effects of

transformational leadership, whilst a study of employees from 53 Polish organisations concluded that authentic leadership, associated with transparency, openness, morality and leaders' own inspiration, prevented bullying by themselves or others (Warszewska-Makuch et al., 2015).

### 3.1.2. Individual risk factors

It is suggested that the causes of or contributing to bullying are not comprehensively covered without also considering personality and other individual factors. Three main factors or mechanisms contributing to target vulnerability are suggested: exposed social position of targets (being an outsider), low social competence or low self-esteem, and overachievement which may bring one into conflict with others (Zapf & Einarsen, 2011). For more on individual risks for victims and perpetrators see Annex 6.

## 3.2. Causes of sexual harassment

### 3.2.1. Organisational risk factors

Given that organisational factors are more amenable to influence and change compared to individual factors, research on sexual harassment has since its infancy aimed to establish which antecedents contribute to sexual harassment. This point of view is particularly articulated by leading US sexual harassment scholar Louise Fitzgerald, who argues that sexual harassment is a function of organisational and job gender context (Fitzgerald et al., 1997). Although presented separately here, the explanations below can be considered overlapping perspectives (McDonald & Charlesworth, 2016). We have decided not to include the early, now discredited 'natural biological model' where sexual harassment was explained as a function of men's sexual desire for women.

*Power or power-imbalance:* Feminist perspectives of sexual harassment emphasise that sexual harassment stems from men's economic power over women which allows them to sexually exploit women. Whilst this explains downward harassment, to account for harassment by co-workers an extended notion of power which includes the role of factors external to the organisation such as ideology has been put forward (McDonald & Charlesworth, 2016). Furthermore, emphasising power imbalance could give rise to a view that sexual harassment is solely a problem for women at the lower end of the organisational hierarchy. However, the glass ceiling phenomenon suggests that men who feel threatened by women, particularly in organisational environments and positions previously the sole domain of men, may use sexual harassment (and bullying) to exclude women (Veale & Gold, 1998). Such a view supports Berdahl's (2007) finding that sexual harassment may in fact often be the penalty given to 'uppity women' by men who feel threatened by the rise of women and which in effect undermines their professional standing.

*Tolerance for sexual harassment:* A meta-analysis found that organisational climate for sexual harassment represented an important antecedent for sexual harassment (Willness, Steel & Lee, 2007). Where sexual harassment is tolerated or condoned, the likelihood of it occurring is greater than where it is not tolerated and breaches of it sanctioned (Hunt et al., 2007). In line with this, it is argued that people are more likely to sexually harass another person if a previous experience has succeeded (Walker, 2014). Similarly, where sexualised behaviour and sexual objectification of women are commonplace, sexual harassment is also more likely to happen (Rutherford et al., 2006). As for workplace bullying, organisational chaos as reflected in lack of policies and procedures is another factor increasing the likelihood of sexual harassment (Lopez et al., 2010). In line with this,

it is argued that men who have a tendency to harass (women) would only do so where the organisation allows or tolerates it. Moreover, where sexual harassment is tolerated and even seen as 'part of the job' due to its omnipresence, inevitability, and sometimes even considered a necessity for staying on or getting on - as recently reported from high profile creative industries - it will have fertile ground (Hennekam and Bennett, 2017). Socialisation processes may sometimes account for the presence of such a harassment-tolerant culture, not least in those contexts where training is a shared experience of all organisational members, for instance in the armed forces or the fire service, where sexual harassment may also be directed against other men as part of initiation rituals ('hazing') (e.g. Archer, 1999). (See atypical sexual harassment).

*Gender representation:* Originally developed by Gutek in the 1980s, this perspective focuses on the under-representation of women in many work contexts, suggesting that the ratio of women to men within the organisation and within the work unit/job directly impacts on the presence of sexual harassment. This results from the fact that there exists a carry-over (or spill-over) into the workplace of gender-based behavioural expectations with women categorised according to their gender role (e.g. mothers, sex-objects) rather than their occupational role and treated accordingly, leading to inappropriate behaviour/advances from men. The fewer women present compared to men (highly skewed sex-ratio) the greater the risk of sexual harassment (Gutek, 1985). According to European Commission research on sexual harassment in the workplace, women working in male-dominated workplaces are more likely to experience sexual harassment. Other studies suggested that the issue is about skewed sex-ratios rather than under-representation of women *per se*, with Kohlman (2004) reporting that men in female-dominated organisations reported higher levels of sexual harassment than their female colleagues.

### 3.2.2. Individual risk factors

Women below 30 years of age, single or divorced, with lower levels of education are seen to be at particular risk (Eurofound, 2013). To some extent sexual harassment might be even more skewed towards younger women as perception of what constitutes sexual harassment appears to change with age and increased professionalism (McLaughlin et al., 2017).

### 3.2.3. Explaining atypical sexual harassment

A common explanation is that sexual harassment of men is a form of heterosexism, where heterosexuality is considered compulsory (Butler, 1990). Therefore, men whose behaviour, appearance or mannerisms deviate from such prescribed masculinity may be punished in order to ensure male bonding and 'stable masculine identities', (Knights & Tullberg, 2012) as well as ensuring male dominance (Lopez et al., 2009). (See also homophobia and bullying of LGBTs). Men who dare to complain are also treated and perceived more negatively than women who report sexual harassment. This explanation overlaps with organisational perspectives focusing on the gendered nature of the work group where particular contexts, i.e. masculine contexts, may be seen to allow harassment in ways which may be considered socially acceptable. Like male sexual harassment of women, these explanations emphasise that such same-sex male harassment is connected to hierarchies of power and relatively rarely are driven by sexual desire and subjugation.

To account for women perpetrating sexual harassment of men (or women), it is suggested that some women adopt what is considered normative masculine behaviour, for example telling sexualised jokes in order to 'fit in' (Pullen, & Knight, 2007). For the same reason

some women may join in, or collude in male sexual harassment of women or indeed of other men.

Given that the European workforce is aging, does this suggest a trend towards less sexual harassment, as the predominant target group (younger women) is shrinking, or a move towards more harassment of older 'uppity' women who might be perceived to threaten male dominance at work? (Quick et al., 2015).

### **3.3. Recommendations**

With research into antecedents of sexual harassment developing more slowly than into workplace bullying, there is a need for more research with a focus on prospective and longitudinal studies which can establish cause and effect relationships.

With laissez-faire leadership emerging as a key contributory cause of bullying and strategies for conflict management acting as a strong buffer against its presence, there is a strong need to educate managers in fully understanding their role in bullying scenarios and how they can be prevented.

To assist organisations and practitioners in putting in place effective prevention programmes, further information about the antecedents of the problems should be distributed and relevant training developed.

With more men than previously anticipated reporting sexual harassment, further attention should be given to exploring the antecedents and causes of their experience.

## 4. CONSEQUENCES OF BULLYING AND SEXUAL HARASSMENT AT WORK

### KEY FINDINGS

- Bullying and sexual harassment at work are severe social stressors with serious implications for targets' health and well-being, and with consequences for their organisational functioning, their livelihood and career prospects.
- In terms of bullying, whilst personal resilience may protect against low level bullying, if the exposure is sufficiently severe no-one would be able to resist.
- High frequency of exposure to low level sexual harassment may have an equally negative effect as very serious but rare experiences.
- For less serious forms of sexual harassment women are more affected than men. However, when the harassment is severe and from people in senior positions, then women and men are affected equally.
- Although difficult to estimate, the organisational costs associated with bullying and sexual harassment arising from factors such as turnover, reduced performance and productivity, and absenteeism/presenteeism are very considerable.
- Presenteeism may be a more common response to bullying than absenteeism with overall greater relative cost to the organisation.

### 4.1. Consequences of bullying at work

Since the start of bullying research much effort has gone into establishing the effects of the problem for the individuals concerned and the organisations within which they work.

#### 4.1.1. Individual consequences and effects

Three decades of research have clearly showed that bullying has serious consequences for targets' health and wellbeing. The evidence emerging from research suggests that bullying can be considered an extreme social stressor with potential to cause trauma in those victimised. A large number of studies have confirmed that bullying is associated with psychosomatic, psychological and physical symptoms, commonly identified in stress research. Among the symptoms most commonly reported are anxiety, depression, problems with sleep and insomnia, and irritability (e.g. Hansen et al., 2014). There is also evidence to suggest that bullying can affect targets' self-esteem, with self-blame a typical reaction.

Research in this area has taken important steps forward, moving away from a reliance on cross-sectional studies to include a number of longitudinal studies where the research design may allow for drawing firmer conclusions on cause-effect relationship as well as the direction of relationship between variables studied (e.g. bullying causes health problems but health problems themselves may make someone more vulnerable to bullying). Reflecting progress in research methods, two recent meta-analyses, studies which combine the results of multiple studies to identify an overall estimate of effects, reinforce the view

that bullying is associated with health and wellbeing-related as well as with job-or organisational-related outcomes. In particular, they confirm that bullying is linked to mental and physical health problems and symptoms of post-traumatic stress and burnout.

Overall, with respect to negative health outcomes including anxiety and depression those most frequently bullied and those exposed to prolonged bullying suffer the worst consequences (Kivimäki et al., 2003). Also, and debunking a common myth, whilst those already vulnerable due to existing health problems or previous victimisation may show the greatest negative effects for low exposure, if the exposure is sufficiently severe everyone, even those perceived as resilient, will succumb to the experience with severe negative outcomes as a result. Similarly, whilst those self-labelling themselves as victims of bullying report worse health consequences when the exposure to bullying is low or infrequent, self-labelling has no impact when the impact is high, reinforcing the view that high exposure is likely to exhaust any coping resources targets may successfully utilise with low exposure (Nielsen et al, 2015; Vie et al, 2011).

Victims of severe bullying often report symptoms similar to those associated with Post Traumatic Stress Disorder (PTSD) (Matthiesen & Einarsen, 2004). Whilst PTSD is most commonly linked to single traumatic events, the distress experienced by many victims of bullying - where individuals are exposed to frequent negative events over a prolonged period - appears to be equal to or possibly worse than what is reported for single traumatic events. This view is confirmed in a recent meta-analysis which found that more than half of victims of bullying at work (or in school) reported symptoms of PTSD which met the criteria for a diagnosis of PTSD (Nielsen & Einarsen 2012). In addition to health outcomes, research has also confirmed that the victims' organisational functioning suffers with negative implications for job-satisfaction and commitment and to a lesser extent their self-perception, work performance and absenteeism levels (Nielsen & Einarsen 2012).

Witnessing bullying may also have negative consequences, with bystanders more often reporting higher levels of general and mental stress, as well as physical health symptoms than those who did not witness bullying (Vartia 2001).

Concerns regarding the health effects of workplace bullying have also been raised by EU-OSHA. According to an analysis of EU-level surveys, work-related stress and harassment (and bullying) are two major psychosocial problems that can have very negative consequences for the health of workers and their performance (EU-OSHA 2014.)

#### 4.1.2. Costs to organisations and society of bullying at work

To convince organisations that it is in their own interest to acknowledge and counteract bullying, researchers have aimed to identify the type of effect and their contributions to the overall cost to the organisation (and society). Two possible outcomes of bullying have received particular attention: turnover and absenteeism. In this respect research has consistently found a relatively strong association between bullying and intention to leave and actual quitting (e.g. Nielsen & Einarsen, 2012). Targeted workers may leave as a conscious move to avoid the bully and an undignified situation, where possible seeking new opportunities elsewhere, or being forced out or made to leave. Thus, bullying also appears to increase levels of job-insecurity, with targets fearing that their experience may undermine their long-term job-prospects and professional future within their current organisation or within the labour market altogether (Glambek et al., 2014). For the organisation the direct cost increases as the individual needs to be replaced and trained. By contrast, the relationship between bullying and absenteeism, although often highlighted, is much weaker. Whilst bullying clearly affects the health of targets, and as such one would

believe would increase levels of absenteeism, research shows that many victims would rather stay at work, even when ill in order to avoid any negative repercussions from the bully or indeed undermine their relationship with colleagues (Convey et al., 2016). It is argued that costs incurred from rises in presenteeism, although difficult to establish in monetary terms, are likely to outweigh any cost associated with absenteeism (EU-OSHA, 2014). Whilst the association between bullying and productivity in statistical terms is only modest, and indeed hard to estimate in monetary terms, productivity loss linked to reduced efficiency, quality of output resulting from reduced job satisfaction and commitment is likely. In addition, research points to additional cost-factors such as costs incurred in investigating complaints and litigation, and indeed possible negative publicity (Giga et al., 2008).

The possible effect on third parties has also been noted, with witnesses who are not themselves targets but whose job satisfaction and productivity may also suffer, deciding to leave and seek job opportunities elsewhere (Hoel et al., 2011).

Society is also likely to pay a cost for bullying with the following factors highlighted:

- impact on the health sector – unnecessary use of a scarce resource;
- impact on the economy – drop in productivity;
- impact on service quality – increase in number of errors made; and
- impact on family and friends - strain on relationships, social stigma (Di Martino et al., 2003).

Several systematic attempts have been made to try to estimate the overall cost of bullying. Although such studies are fraught with methodological difficulties whatever estimate is considered, the cost is likely to run into many billions of Euros annually (see Hoel et al., 2011).

## 4.2. Consequences of sexual harassment in the workplace

Compared to workplace bullying there is less empirical evidence available for sexual harassment. Still, there is clearly sufficient evidence to conclude that sexual harassment is a severe social stressor and costly for the organisation.

**Table 2 Consequences of sexual harassment for victims and organisations**

<b>Consequences for victims</b>	<b>Consequences for organisations</b>
anger and annoyance	reduced productivity
fear and anxiety	high absenteeism
shame and embarrassment	reduced performance
vulnerability	low morale
loss of self-confidence	high staff turnover

Source: [file:///C:/Users/Omistaja/Downloads/EU-OSHA-infographic-Sexual-Harassment%20\(2\).pdf](file:///C:/Users/Omistaja/Downloads/EU-OSHA-infographic-Sexual-Harassment%20(2).pdf)

#### 4.2.1. Individual consequences and effects

Combining the results from multiple studies (meta-analysis), it can be concluded that sexual harassment is linked to physical and mental ill health, reduced job satisfaction, lower organisational commitment and job withdrawal (Willness et al., 2007). These findings have more recently been confirmed by means of a longitudinal study which measured the effects of sexual harassment over time and therefore can link the experience directly with the negative outcomes (Nielsen & Einarsen, 2012).

In a study by the TUC (2016), women frequently reported that being sexually harassed made them feel embarrassed, causing them to avoid certain work situations and making them feeling less confident at work. It also had an impact on their mental health, leaving them feeling more stressed, anxious, and depressed.

Whilst PTSD symptoms are associated with the most severe incidents, serious negative impact of sexual harassment has also been identified as a result of repeated less severe exposure. It follows that, more intensive but less frequent harmful experiences (i.e. sexual coercion and unwanted sexual attention) and less intensive but frequent experiences (sexist organisational climate and gender harassment) appear to have a comparable effect on the wellbeing of women (Sojo et al., 2016). Sexual harassment may also lead to maladaptive responses, such as eating disorders, drug and alcohol abuse (Cortina & Bredahl, 2008).

In terms of gender differences in responses to sexual harassment, generally speaking women tend to report more negative effects of sexual harassment than men, with men generally finding it less stressful and upsetting compared to women (Nielsen & Einarsen, 2012). A possible explanation for this is that women experience more severe and physical forms of sexual harassment, with men possibly perceiving their experience as less threatening and primarily seeing it as bothersome. Perpetrator status may also play a role here with more intense harassment from someone in a higher status position linked to greater experience of fear and subsequent distress for women and men (Settles et al., 2011). There is, however, some evidence that when the experience is more severe men might react more negatively than women, possibly experiencing the ordeal as emasculating and stigmatising as their masculinity is being questioned whether the perpetrator is a woman or indeed another man, where homophobia may be evoked.

#### 4.2.2. Costs to the organisation and society

In terms of organisational outcomes research points to increased withdrawal, absenteeism and turnover, with subsequent implications for costs (Quick et al., 2016). Where the problem is ongoing or when not being addressed by employers, targets' organisational commitment may suffer with quitting a likely outcome. However, sexual harassment may also have more long-term consequences in terms of someone's career, whether someone is forced out of their job or whether they leave 'voluntarily' as a result of harassment with loss of earnings a likely prospect. Among factors contributing to such a negative career trajectory is loss of human capital specific to the organisation one is leaving, problems with obtaining references for future job applications, with particularly negative implications in early career (McLaughlin et al., 2017). Targets may also deliberately search for jobs which are considered safe/r with possible negative impact on career trajectories as well as their long-term financial wellbeing.



### **4.3. Recommendations**

Spreading information about the consequences of bullying for individuals, organisations and society, including its overall cost will be a key method in changing behaviour and attitudes and moving the issue up the organisational agenda.

There is a need for longitudinal studies combined with structured clinical interview studies with severely affected targets to establish the causal links between bullying/sexual harassment and PTSD.

More, and more robust studies need to be undertaken to measure organisational outcomes particularly productivity loss as a result of sexual harassment and bullying.

Blaming oneself for bullying and sexual harassment is a familiar story for health professionals, consultants and researchers. Particularly when exposure to bullying has taken place for a long period of time, targets begin to blame themselves. More information and training about the causes of bullying and sexual harassment need to be distributed.

## 5. SEXUAL HARASSMENT IN PUBLIC SPACES

### KEY FINDINGS

- Sexual harassment in public spaces is widespread and possibly more pervasive than any other forms of sexual harassment.
- A shift of focus is noticeable from a problem primarily associated with dark and empty spaces to one where offences often take place in public, frequently in the presence of many other people.
- Normalisation of such offences represents a key problem in its own right.
- Whilst the problem includes a range of behaviours with respect to type and severity, they are strongly interconnected with the pervasiveness of the less serious offences, which is important to note as they might, when left unchallenged, provide motivation for more serious offences.

### 5.1. Prevalence and forms

Whilst systematic research of this aspect of the problem is largely absent, including in the EU Commission's own report from 2016 summarising research, public debates and policy initiatives across the EU, the empirical evidence available suggests that the problem is much more widespread than previously anticipated across the EU and possibly more pervasive than any other forms of sexual harassment.

The available information suggests that within the context of the EU most women have at some point during their life been exposed to some form of unwanted sexual attention or harassment.

The following examples highlight the pervasiveness of the problem.

- In the UK a taxi driver is alleged to have raped or sexually assaulted more than 100 women between 2002 and 2008 by spiking the women's drinks.
- In the End Violence Against Women (EVAN) survey on experiences of sexual harassment in public spaces among British women 85% of women aged 18-24 had experiences unwanted sexual attention, and 45% unwanted sexual touching in public spaces.
- In Germany in connection with the New Year celebration (2015/16) a large number of women were sexually harassed and assaulted in Cologne city centre with similar incidents also reported in other German cities.
- A recent Swedish study of university students found that one in four reported one or more incidents of sexual harassment during the last year, mostly taking place in clubs and restaurants (Mellgren et al. 2017).

EU-wide comparative studies of sexual harassment in public spaces are not available. The closest example is the survey on violence against women by the European Union Agency for Fundamental Rights (FRA survey 2015), which explored experience of sexual harassment more generally. On average, 21% of the respondents reported having experienced some form of sexual harassment in the past 12 months, which amounts to

between 24 to 39 million women in the EU-28. More than one in three women aged 18-39 had experienced at least one form of sexual harassment during the 12 months before the study. Like the European Foundation survey on bullying and harassment, the highest prevalence was reported in Northern and Western European countries, Denmark, Sweden, the Netherlands, Belgium, and France, and the lowest in the Eastern European countries such as Lithuania, Romania, Slovenia, and Poland. Physical forms of sexual harassment were reported on average by 5% of the respondents, most often in Denmark, Sweden, and the Netherlands, where also cyber harassment was most common. Sexual harassment is more commonly reported by women with a university degree and by women in the highest occupational groups, professionals and senior managers.

Also YouGov's survey on sexual harassment in public places shows that younger women are more likely than older women to say they have been harassed in the last five years, and at national level, a survey in Finland in 2012 found that women under the age of 35 had experienced sexual harassment substantially more than older women. No such difference was found for men among whom 20% aged 53 or below reported experience of sexual harassment. Another survey by YouGov revealed some differences between generations as to how they define sexual harassment. Generations are broadly united on the more obvious and severe forms of harassment. When asked specifically about 'wolf whistling' two thirds of 18-24-year-old women said that wolf whistling is always or usually sexual harassment but this figure dropped to just 15% among women aged 55 or above. <https://yougov.co.uk/news/2017/11/01/sexual-harassment-how-genders-and-generations-see-/>

Whilst these examples and figures are alarming, the endemic nature of the problem is reflected in a comment accompanying the French survey, suggesting that some of the women interviewed were seemingly unaware of what was happening to them as they had completely normalised their experience. This also chimes with comments made by young people taking part in a recent British poll who stated that it is simply 'part of a night out'.

As opposed to other forms of sexual harassment, in the case of sexual harassment in public spaces, the perpetrator is normally unknown to the victim, as reflected in the term 'stranger harassment' adopted by some commentators (Fairchild & Rudman, 2008). The relationship between the environment in terms of being crowded (public transport), being dark (public parks), being noisy and alcohol-fuelled (bars and clubs), on the one hand, and the opportunity it offers for offending, on the other, is considered key to understanding this phenomenon. In other words: sexual harassment in public spaces can be seen as a product of a motivated offender, a potential victim, with no-one to defend them, and a particular time and place (Ceccato, 2014).

Whilst sexual offences in public spaces have commonly been associated with assaults from an unknown attacker/s in a deserted spot or location, for example on an empty road or public park under cover of darkness, recent focus has shifted to those situations where the offence takes place in the presence of other people, in many cases a crowd of people. With a few exceptions, primarily from the criminology literature, this aspect or form of sexual harassment has been little explored in academic literature.

Whilst to some extent it may be possible to guard or take precaution against attacks in some public spaces, for example by being accompanied or avoiding certain locations at particular times of the day, much of sexual harassment in public places happens when people are travelling for a necessary reason, such as going to work or going shopping. For that reason, past victimisation may not act as a protection against future attacks as people

(primarily women) would still have to go to work, shop and pick up children from school (Madan & Nalla, 2016).

As in other social arenas, where sexual harassment takes place, the experience can encompass a variety of acts including gender harassment (e.g. sexist comments, whistling, gesticulation), touching, groping and sexual assault, including rape (Fairchild & Rudman, 2008).

Relatively little is known about the experience of sexual harassment in public spaces by men. A recent UK documentary revealed, however, that a substantial number of young men have experienced serious sexual assault including rape by other men, often by someone they knew or in connection with a date. However due to the stigma attached to such experiences, few cases have come to the fore, as victims suffer in silence and often resist reporting their experience or indeed keeping the entire experience to themselves. Also, as is the case for many women, when going to the police they are often not believed or treated badly, sometimes influenced by homophobia within the police.

<http://www.bbc.co.uk/programmes/p05ncndj>

It is important to emphasise that various forms of low-level sexual harassment, including sexist and misogynist language, comments and wolf whistling, and the wearing of T-shirts or badges with abusive language and slogans, although less threatening, represent a key part of the problem and in some countries (e.g. Italy, Spain) combines with a hyper masculine culture.

## **5.2. Causes and risk factors of sexual harassment in public spaces**

General causes of sexual harassment have been discussed elsewhere. Here we will focus on those which are specific to sexual harassment in public spaces.

As the problem particularly affects women and given that perpetrator actions are considered rational, deliberately taking advantage of the situation, attitudes to women (misogyny) appear to be the main motivating factor in combination with abuse of power and a feeling of entitlement, and often have little to do with sex or sexual desire.

Particular features of the physical environment where such incidents take place play a key role in order to understand its occurrence. As indicated above, some forms of stranger harassment, such as attacks in public parks or by the roadside, are more likely to happen at certain times of the day under the cover of darkness, solitude and isolation. These factors also contribute to perpetrator success and ability to hide their identity.

By contrast, sexual harassment on public transport often exploits crowded conditions, the ambiguity of the situation (leaning against or touching by chance due to circumstances or deliberately touching or groping), targets difficulties in drawing attention to what is happening and for others to see what is happening and to intervene, e.g. when it is impossible to physically move. Anecdotal evidence also suggests that the ambiguity of the situation causes targets to give their potential perpetrator the benefit of the doubt, even excusing them for being left in a compromised position, e.g. having their genitals possibly involuntarily pressed up against them. In some cases, targets may not even be fully aware of what is happening to them until after the event. Of course, public transport can also represent a high-risk location when there are few fellow passengers present, e.g. at night.

Where the offence takes place in bars, pubs or clubs, several factors appear to combine to increase the risk: being crowded, high levels of noise, and, in particular high levels of alcohol consumption, with some simply referring to the problem as 'drunken sexual harassment'. In the UK, studies among university students suggest that such sexual harassing behaviour may be influenced by a so-called dominant 'lad-culture' associated with a pack mentality linked to sporting activities, heavy alcohol consumption, sexist, misogynist and homophobic banter (Phipps & Smith, 2012). The normalisation of such behaviour with people seeing it as part of the deal, as referred to above, also acts as a cause of such behaviour in its own right as it prevents reporting and allows the perpetrators to get away with it, with re-offending an increased likelihood. Also, at some 'men only' events, misogyny and entitlement have been on open display when participants lower their normal guard in terms of self-policing, manifesting itself in sexualised behaviour and harassment towards female members of staff.

Whilst no witnesses may be present to some of the offences and with bystanders sometimes physically prevented from intervening, the role of the bystander effect as previously pointed out should be highlighted (see also Annex 9).

In a recent move the French actor – Catherine Deneuve (and a number of other women) signed an open letter in 'defence of sexual freedom' attacking the #metoo debate. In particular they stood up for what they referred to as men's right to conquer in the name of sexual desire, including pestering women and pushing themselves up against them. It appears that Deneuve and others here conflate sexual freedom with men's right to sexually harass women and, that at least in some countries these women are out of step with current public opinion.

### **5.3. Consequences of sexual harassment in public spaces**

Due to the paucity of research in this area there is limited empirical evidence with regard to the effects this has on victims beyond what has already been established, with the psychological effects of victimisation likely to be similar or possibly worse than with other forms of sexual harassment (Fairchild & Rudman, 2008). We will therefore focus on those consequences which may be specific to, or be exacerbated, as a result of sexual harassment by strangers.

Fear and reduced feeling of safety when in public spaces, walking on the road or travelling on public transport are seen to be a common consequence. In response victims (primarily women) are seen to voluntarily restrict or change their movements by making changes to their daily schedules and routines including travelling routes, modes of transport and clothing to avoid or escape potential perpetrators or situations. However, this is not always possible as alternatives may not exist or be too time-consuming to contemplate.

For many targets frequent experiences of sexual harassment may be experienced as humiliating and therefore undermining their quality of life. Others may react with self-blame, questioning their own behaviour and actions. To explore such responses in more detail, and in particular to examine the phenomenon of 'self-objectification', Fairchild & Rudman (2008) carried out an academic study of university students. They argue that a central aspect of sexual harassment is to treat women as sexual objects to be looked at and to be touched, with sexual objectification seen as being stimulated and shaped by pornography and advertising. Self-objectification, therefore, results from being repeatedly sexually objectified which causes the victims to view themselves as sexual objects, and as a result feel shameful about their own bodies, persistently checking their own bodily

appearance. They argue that women who respond to sexual harassment from strangers by means of active coping strategies, e.g. confronting the perpetrator or reporting the incident, are much less likely to self-objectify than those who use passive coping, e.g. ignoring or overlooking the situation. Moreover, even those who consider such sexual attention to be insignificant, possibly representing a form of flattery, may find themselves self-objectifying (see comment above).

#### **5.4. Recommendations**

Further research into the causes and consequences of sexual harassment in public spaces is needed.

The normalisation of being subjected to sexual harassment in public spaces, including on public transport or in bars or restaurants, must be fought head on, opening a debate particularly involving members of younger generations. This would also mean initiating a public debate challenging the outmoded idea that men have a given right to pester women for sex and sexual gratification. Such an approach is neither prudish nor a rejection of sexual liberation, as has been suggested by some observers, but a progressive measure to change behaviour and attitudes to women, promoting equality between men and women.

It is acknowledged that in order to wholly understand the presence of sexual harassment in public spaces, or indeed, any form of sexual violence against women, whether at work or in any other social arenas (including the home, at school, and in sport), a broader, more holistic approach is needed in which the impact of *structural violence* needs to be included. This would examine how ethics, values and cultures of a society are structured to promote inequality and violence against women and facilitate their exploitation, and how violence against women in one arena affects their experience in others. Such an approach would also consider women's positions within the workplace including their pay relative to that of men.

## 6. SEXUAL HARASSMENT AND BULLYING IN POLITICS

### KEY FINDINGS

- Recent revelations across (Western) Europe suggest that sexual harassment is widespread in political life.
- Leading politicians can abuse their position of power and get away with it.
- Behaviour is not challenged due to a culture of silence and cover-up fuelled by political recruitment and loyalties.
- Some politicians are themselves targets of bullying and sexual harassment by members of the public.
- Practices may negatively impact on recruitment of women to political life.

### 6.1. Forms and prevalence of sexual harassment and bullying in politics

#### 6.1.1. Sexual harassment in political life

The debate about sexual harassment in political life took centre stage when the European Parliament discussed the problem on 25 October 2017 in the wake of the Weinstein scandal and the #metoo campaign/discussions in media/social media. Serious allegations made against individual MEPs highlighted the omnipresence of the problem. As publicly stated, although this is a problem for women, in particular, it is not a women's problem.

<http://http.europarl.europa.eu/news/en/headlines/society/20171023STO86603/sexual-harassment-meps-debate-situation-in-the-eu-in-plenary>

Similar debates have taken place in several EU countries, in which female politicians have been speaking out, often in solidarity with others, condemning a culture where powerful politicians can exploit the vulnerability of primarily younger members of staff. As argued by UK media (Guardian editorial), whilst Parliament is in no way unique with respect to sexual harassment, elected members should be held to the highest standard of behaviour due to the role of the national assembly (Parliament) as the supreme institution of democracy.

Although systematic surveys are still scarce, the following headlines speak about the widespread nature of the problem which also goes to the top of the power pyramid and makes little distinction between political right and left, suggesting that to address the problem one should avoid party-political point-scoring.

Iceland: 300 women jointly produced an account of their experiences in politics varying from low level sexism to blatant misogyny, having one's drinks spiked and receiving rape threats.

<https://grapevine.is/news/2017/11/24/drugs-bullying-rape-threats-icelandic-women-politicians-tell-their-stories/>

UK: Secretary of state for defence Fallon quits due to allegations of sexual harassment, admitting that 'behaviour fallen short of standard'. <https://www.theguardian.com/politics/2017/nov/01/michael-fallon-quits-as-defence-secretary>

Norway: Deputy Leader of Norwegian Labour Party & previous minister of culture suspended from office after admitting inappropriate sexualised behaviour towards several women. <https://www.reuters.com/article/us-norway-harassment-lawmaker/norway-labour-party-deputy-leader-suspended-over-harassment-allegations-idUSKBN1EQ19F>

The President of the Swedish Parliament Urban Ahlin was recently accused by several people of harassment including sexual harassment, although he denied the accusations. One of the cases involves a woman who filed a complaint of sexual harassment already in 2010. The case was discussed by his party (the Swedish Social Democratic Party) and he received a warning. <https://www.abcnyheter.no/nyheter/politikk/2017/12/08/195354574/presidenten-i-riksdagen-anklaget-seksuell-trakassering>

In a survey in the Finnish Parliament in 2017, seven employees reported exposure to sexual harassment, compared with five in 2015. A survey by YLE (Finnish radio), with a total of 223 employees and personal assistants working at the Finnish Parliament, found that workers in parliament experience more sexual harassment than workers elsewhere in Finland. Thirteen of the 95 employees who responded to the survey revealed that they had experienced sexual harassment. All but one of the victims of harassment who reported their experiences in the survey were women. The majority of the victims reported that the harasser abused their position of power to carry out the harassment. The harassment reported included verbal harassment, unwanted touching and gestures.

The types of harassment perpetrators are accused of vary from misogynist language, inappropriate propositions and touching to allegations of sexual assault and rape. Whilst some incidents involve two elected politicians, with the harasser most frequently more senior and male, other reported cases focus on harassment of political aides or employees. In a recent UK case a British Member of Parliament (MP) was accused of 'sexual chatter' with a 19-year-old who had applied for a job in his office, whilst similar abuse of power was revealed when an elected politician (MP) was accused of sexually harassing members of the public seeking his assistance in personal matters.

Whilst the above examples focus on the behaviours of politicians, sexual harassment has also been wielded against female politicians on social media by way of 'trolling', posting sexist and abusive messages, including rape threats, an issue we return to when examining bullying in politics below.

These examples show the range of behaviours perpetrated. They also reveal a culture (at least in Britain), which, whilst losing ground, still allows for sexualised comments and gestures (e.g. about breasts) still intermittently being made when female MPs stand up to speak. The fact that standards are rapidly changing has also been used to excuse some alleged perpetrators for simply failing to change with the times, although others have pointed out that some of the behaviours they are accused of have not been considered acceptable for a long time.

### 6.1.2. Bullying in political life

Compared to sexual harassment, as far as political life is concerned bullying has received limited attention and often tends to flare up in national debate when a high-profile politician acts in a way which appears to seriously breach standards for acceptable and decent behaviour. The following examples are in this sense typical.



In 2010 the then prime minister Gordon Brown was accused publicly of bullying, including grabbing them by their lapels and shouting at them after office employees had contacted a bullying help-line. [http://news.bbc.co.uk/1/hi/uk\\_politics/8527170.stm](http://news.bbc.co.uk/1/hi/uk_politics/8527170.stm)

Where alleged perpetrators are not widely known, although they may still wield considerable power over their subordinates, very grave forms of bullying need to occur for such cases to receive any media attention. In a recent case, a previous Conservative party parliamentary candidate and election organiser (Mark Clarke) was found guilty of 15 cases of bullying, mostly of junior staff following an inquiry, with one of the victims naming Clarke as his tormentor in a suicide note. Although the focus here was on bullying, the accusations also included sexually inappropriate behaviour.

<https://www.theguardian.com/politics/2016/aug/17/inquiry-into-tory-bullying-scandal-finds-13-alleged-victims-of-mark-clarke>

Recent evidence also suggests that the problem is widespread with a recent poll suggesting that a fifth of Westminster (Parliament) staff reporting that they have been bullied, revealing a 'toxic' relationship between some MPs and staff.

<http://www.independent.co.uk/news/uk/politics/westminster-staff-bullying-parliament-fifth-harassment-mps-offices-a8072061.html>

It is likely that examples such as these only represent the tip of the iceberg and that bullying behaviour is widespread in all member states, and likely to extend to the behaviour of regional and local politicians, as revealed by a search of local media outlets in Scandinavia.

Whilst the above examples point to bullying by politicians and advisers, politicians themselves are not immune to bullying from the public. In particular female politicians have been the target of vicious social media campaigns with some receiving death threats.

## **6.2. Causes of sexual harassment and bullying in political life**

A variety of culturally inspired political customs and practices are at work across the EU. Whilst products of history and democratic traditions, to some extent these will be influenced by women's representation and influence in political life. However, gender parity within political institutions does not represent a guarantee against bullying and sexual harassment as the Scandinavian examples above verify. Despite this, there seem to be some key, overlapping themes or factors which contributing to the production and reproduction of these problems.

The pervasiveness of these problems appears to be directly linked to a culture of political recruitment where loyalties militates against disclosure and complaints allows for sexual harassment as a form of sexual gratification as well as a form of power and control (Guardian editorial, 5/11-2017).

<https://www.theguardian.com/commentisfree/2017/nov/05/the-guardian-view-on-sexual-harassment-in-westminster-no-grey-areas-no-excuses>

This also means that the problem extends beyond young vulnerable women to include anyone who wants to get on in politics, including men. The power of 'whips', party officials equipped with the role of ensuring that assembly members vote in line with party requirements has also comes under scrutiny, as in the case of Britain they have been seen to use any indiscretion of their own parliamentarians as a kind of leverage to ensure the party line is toed. It is suggested that this has led to a culture of silence, keeping rumours

under lock and not reporting any sexual indiscretion they are made aware of including serious sexual assault as it could come handy in order to apply pressure when possibly later needed.

Power is often seen to be accompanied by more risk-taking behaviour, where the chances of a cover-up, if necessary, is more likely to succeed as people who share a similar destiny learn to protect and cover for each other even in criminal matters. In terms of sexual harassment, it is also argued that power breeds vanity, and with politicians being in business to persuade others one may get an enhanced opinion of oneself, possibly helped by a narcissistic personality trait getting in the way of any realism with respect to whether any personal/sexual attention is wanted or not.

In many European countries parliaments are dominated by men with some sense of entitlement and with the male culture reflected in practices such as late-night meetings, where the evening often is completed with a late night in local bars or in the cases of Britain, in one of Parliament's many bars. The combination of male-dominated company and alcohol also reinforce a sexist culture with tolerance for certain aspects of sexual harassment and bullying, where sexual transgressions even if unwanted may not be condemned. This has led to some commentators (e.g. Suzanne Moore, *Guardian*, 31/10) arguing that many politicians, although not harassers themselves are complicit in the abuse.

As EU Commissioner Vera Jourova, herself a victim of sexual abuse, argued in the EU Parliament in October 2017, in order to address the problem of sexual harassment society needs to examine their attitudes towards women. As discussed elsewhere, tolerance towards sexual harassment varies very considerably between countries. In some countries (e.g. Italy) high tolerance is associated with machismo with certain forms of sexual harassment portrayed as normal and nothing else than men demonstrating their masculinity. It is argued that the former prime-minister Berlusconi's continuous popularity with parts of the electorate despite taking part in sex-parties with very young women has to be understood in such a light, combined with his personal hold over media where women systematically are portrayed as sexual objects. Such attitudes will of course spill over and affect politicians and their relationship with their staff.

In many cases the accusations of sexual harassment appear to come as little surprise as the alleged perpetrators seemingly are well known for their behaviour (serial offenders), as past behaviour has been enacted with no or little cost to the perpetrator. For example, in the recent Norwegian high-profile case, a number of colleagues have confirmed that everyone knew his 'like' for young women and that he had been asked directly by the party's election committee prior to being nominated for the deputy position whether there was anything in the rumours, although no investigation had been carried out.

It is argued, that referring to individual politicians as 'sex-pest', not only individualises the problem, it also fails to castigate the behaviour as disrespect for women in general by people elected to high offices. With the many revelations surfacing, there are voices, including of some women, who themselves are little bothered by the behaviour and pointing to the apparent fragility of some women who are unable to stand up to the harassers and letting it happen to them. Absence of clear guidelines and vague standards of behaviour has also been used to excuse perpetrators as well as accusing targets of politically motivated behaviour. Other commentators, including some previous prominent politicians, have asked whether the discussion has gone too far, signalling the 'death to romance', but missing the point altogether. Underlying much of sexist language and sexual

harassment in politics is often an ingrained contempt for women. Prejudices against women also come to the fore when women find themselves held to a higher standard than men and criticised more harshly when making mistakes, having their professionalism as politicians questioned.

### **6.3. Recommendations**

In politics there must be a high level of tolerance for sharp debate and argument, over and above what would be considered acceptable within the workplace, with the bullying label sometimes inappropriately applied. However, the same tolerance cannot be applied to politicians' treatment of their staff and employees who should have the same right to respectful treatment as any other employees, a distinction some politicians fail to grasp.

Also, politicians who themselves can draw on considerable resources and avenues of communication/access to media must also have a greater acceptance of critical comments by the public, without applying the label bullying to any targeted, heated debate and criticism. That said, systematic singling out of individuals for their views, whether in mainstream or social media, with the aim of inciting hatred, should not be tolerated. Particularly, zero tolerance should also be applied to attempts to conflate a politician's identity in terms of their gender, ethnicity, sexual orientation, religion or disability with the views they promote.

There is another aspect to these problems in politics in that they could be seen to put people, women in particular off the idea of a political career altogether, a particular problem in countries where women are disproportionately represented or struggle to be heard. The political institutions cannot rely on the fact that the political parties police themselves but should establish cross-party policies and procedures to protect individual elected to political office as well as employees (see chapter 7).

Whilst the focus should be on the targets, the cost to the alleged harasser should also be acknowledged, as is poignantly expressed by the recent suicide of a Welsh assembly cabinet member in the wake of accusations from several women of sexual improprieties. Allegations the details of which he had not been informed about. Without casting perpetrators as victims, it is essential to treat them as innocent until proper process has been completed. Unfortunately, the recent debate has revealed that many assemblies, whether national, regional or local have no procedures in place which question the fairness of any process. Moreover, although serious offences and sometimes crimes occur, as argued by the Guardian political commentator Deborah Orr, 'mere allegations should not be feared so greatly that people's lives are destroyed by them, particularly at this time when the societal rules about permissible behaviour are being painfully redrawn' (Guardian, 10-11-2017).

## **7. MEASURES TO TACKLE BULLYING AND SEXUAL HARASSMENT**

### **KEY FINDINGS**

- Despite a number of statutory regulations available at supranational (EU) and national levels covering bullying and sexual harassment in the workplace, the Framework Agreement on Harassment and Violence at Work by the European social partners is particularly promising and should be supported.
- Specific legislation on bullying at work is enacted in some EU member states under criminal law, whilst in others the issues are dealt with under Occupational Safety and Health legislation as part of psycho-social risks at work, or indeed, via Equality and Anti-Discrimination regulation.
- At organisational level anti-bullying policies are the most common measure used, and the number of organisations with such policies and procedures in place are increasing across the EU, although their effectiveness is sometimes questioned.
- A procedure which offers a timely, fair and impartial investigation of complaints of bullying or sexual harassment is a key instrument in dealing with the problems as well as an approach which offers targets opportunity for restorative justice and redress.

### **7.1. Overview of interventions for the prevention and management of bullying and sexual harassment at work**

Reducing hazards in working conditions and developing a good working environment is a process with different stages which requires changes in the work environment, and sometimes also in individuals.

Regarding practical approaches used in the prevention and management of occupational safety risks, a distinction is commonly made between primary, secondary, and tertiary prevention on the one hand, and the level of intervention on the other, i.e. policy/societal; organisational; job/task; and individual (e.g. Vartia & Leka 2011). Primary level interventions are proactive by nature, the aim being to prevent the harmful phenomena from occurring. Secondary level interventions aim to reverse, reduce, slow down or bring to a stop the progression of the harmful situation or of ill-health effects, and to increase the resources of individuals. Tertiary level interventions are rehabilitative by nature aiming to reduce the negative impacts, restoring the health and well-being of individuals as well as ensuring a safe and healthy workplace. What such an approach applied to the issues of bullying and sexual harassment would look like is illustrated in table 3.

Although originally developed to account for workplace bullying specifically, a similar approach is advocated for sexual harassment intervention (e.g. Hunt et al., 2010; McDonald et al., 2015).

**Table 3: Overview of prevention and management of bullying and sexual harassment**

Level of intervention	Primary interventions	Secondary interventions	Tertiary interventions
<b>Society/policy</b>	Legislation/regulations, Collective, stakeholder agreements	Litigation Industrial tribunal	Rehabilitation possibilities
<b>Organisational/ employer</b>	Anti-bullying, anti-harassment and equality policies, procedures to deal with cases in place in organisation  Development of an organisational culture emphasising fairness, dignity and respect, and agreeing standards for acceptable behaviour  Management training  Organisational surveys, risks analysis	Handling procedures  Investigation of complaints  Possibilities for mediation	Corporate agreements  Programs and contracts of professional care, occupational health care
<b>Workplace/ group/task</b>	Psychosocial work environment re-design  Work environment surveys, risk analysis/risk assessment  Training of personnel (e.g. awareness of the issue, of legislation, existence of policies, responsibilities)	Training, e.g. conflict management training, investigation of bullying/sexual harassment cases  Awareness raising, exploration of the situation  Case analysis, conflict/case resolution  Alternative conflict resolution/mediation	Group recovery programs
<b>Individual</b>	Training  Raising awareness  Rights and responsibilities	Advice to targets  Social support  Counselling	Reintegration/monitoring Therapy/Counselling  Physical activities redress

**Source:** Adapted from Vartia & Leka (2011)

## **7.2. European Union and national level interventions on bullying and sexual harassment**

Policy level interventions on safety and health risks (including bullying and harassment) encompass development of international and national statutory regulation and legislation and national policy, specification of best practice standards at national or stakeholder levels, the signing of stakeholder agreements for a joint strategy for the problem, and signing of declarations at the European or international levels (Leka et al. 2008). They oblige and encourage employers and other responsible actors to take action for the prevention of health and safety risks.

### **7.2.1. EU level statutory regulations and agreement on bullying**

There is no specific EU-wide legislation on bullying. However, the Charter of Fundamental Rights and the Framework Directive on Occupational Safety and Health and its focus on stress at work both underscores and forms the basis for more specific legislation both at EU-level and at national levels.

#### **Charter of Fundamental Rights of the European Union (2000/C 364/01)**

The EU's bill of rights, the Charter of Fundamental Rights of the European Union became legally binding when the Treaty of Lisbon entered into force in 2009. The Charter states that:

- Human dignity is inviolable. It must be respected and protected (Article 1).
- Every worker has the right to working conditions which respect his or her health, safety, and dignity (Article 31(1)).

#### **Council Directive 89/391/EEC - OSH 'Framework Directive'**

This directive aims to establish an equal level of safety and health for the benefit of all workers, and obliges employers to take appropriate preventive measures to make work safer and healthier. The directive introduces as a key building block the principle of risk assessment and defines its main elements (e.g. hazard identification, worker participation, introduction of adequate measures with the priority of eliminating risk at source, documentation and periodical re-assessment of workplace hazards). According to the directive, employers have 'a duty to ensure the safety and health of workers in every aspect related to work'. Psychosocial risk management, including bullying and harassment, falls under employers' responsibilities (EU-OSHA 2012).

#### **Framework Agreement on Harassment and Violence at Work**

The autonomous Framework Agreement on Harassment and Violence at Work was signed in 2007 by the European social partners ETUC/CES, BUSINESSEUROPE, UEAPME, and CEEP.

The aim of the agreement is to increase awareness and understanding among employers, workers and their representatives of workplace harassment and violence, and to provide employers, workers and their representatives at all levels with an action-oriented framework to identify, manage and prevent problems of harassment and violence at work. According to the agreement enterprises need to have a clear statement emphasising that harassment and violence will not be tolerated. Procedures outlining how to deal with individual cases, should they arise, should also be included with the right to have one's complaint impartially investigated without undue delay.

<https://drive.google.com/file/d/0B9RTV08-rjErYURTckhMZzFETEk/view>

A follow-up report on the progress of implementation of the framework agreement by the European Social Partners in 2011 concluded that it had brought real added value in terms of raising awareness and better equipping employers and workers to deal with situations of harassment and violence in the workplace (including bullying). The key to this is the flexible nature of the agreement which, despite causing some challenges in implementation, is important for it to be tailored to the different national, sectoral and company realities. In more detail, in seven countries overarching agreements have been made by social partners (in some countries also including representatives of the state as signatories), in six countries national social partners have jointly agreed or unilaterally developed guidance, in four countries national social partners have made a joint declaration or statement, and in three countries national social partners have integrated elements of the framework agreement into existing social partner agreements. Complementary measures including research, training, communication activities and events were reported in eleven countries (Implementation of the European autonomous framework agreement, 2011).

Despite its promise, anecdotal evidence suggests that the framework agreement is still little known and applied, including in some countries where very considerable effort has gone into preventing bullying, such as Finland, Norway and the UK.

The strength and potential of the framework agreement in terms of counteracting bullying (and sexual harassment) cannot be overestimated. Its relative obscurity and limited progress in terms of implementation is, therefore, of great concern. Not only does it place the responsibility for developing policies and procedures firmly with employers, but the fact that the framework agreement is the outcome of a long and complicated negotiation process between the social partners who, by their signatures at EU level and within individual countries have committed themselves to act in accordance with the agreement, should also warrant its implementation locally if the process is properly rolled out. The general nature of the agreement also makes it flexible with respect to upholding national norms and standards in line with societal change.

#### 7.2.2. EU level directives and regulations on sexual harassment in the workplace

Sexual harassment and gender equality are at the centre of several EU-level directives.

##### **Directive 2006/54/EC - equal opportunities**

The purpose of this directive is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. The directive defines sexual harassment as 'any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment'. The directive contains provisions to implement the principle of equal treatment in relation to access to employment, including promotion and vocational training, in relation to working conditions including pay, and in relation to occupational social security schemes. It also contains provisions to ensure that such implementation is made more effective by the establishment of appropriate procedures.

(Sexual) harassment is considered in several directives on equality and on equal treatment/non-discrimination in employment (see Annex 7). As was the case for bullying, the Charter of Fundamental Rights of the European Union emphasises that gender equality must be assured.

### 7.2.3 National level legislation on bullying in the workplace

This section aims to give a flavour of the variety of legal approaches that exist across EU Member States rather than to provide a comprehensive overview. For a more in-depth evaluation of legal responses in France, Spain, Sweden, and Germany see Lippell (2010). Specific legislation on bullying and harassment at work has been passed in some EU Member States (e.g. Belgium, Sweden and France), although in the case of Sweden later repealed. In most countries the issue is addressed through general occupational health and safety legislation which covers bullying among the identified occupational hazards that need managing arising from employers' duty of care towards their employees. In addition, claims of bullying may be addressed via equality legislation (e.g. bullying of members of protected groups) which may or may not address the issue specifically. Some legislation is reactive by nature whilst other puts greater emphasis on risks prevention (see also details given in Pinkos Cobb, in press).

In France, workplace bullying, known as 'moral harassment', is regulated under both the Labour Law (2008, amended 2016) and the Criminal Code (2009). The Labour Law applies to both private and public employees, and addresses moral harassment, discrimination, and professional equality between men and women. The Criminal Code imposes a criminal sanction for bullying.

Belgium is of interest as Belgian legislation developed in a somewhat different way from most other countries. The Welfare Act (or Welfare Law) was enacted in 1996, and has been amended several times since. In 2002 an amendment was enacted to combat 'undesirable behaviour' in the workplace (bullying, harassment including sexual harassment, and violence). In 2014 the Prevention of All Psychosocial Risks at Work came into force. The new Act is not limited to bullying and sexual harassment but covers all psychosocial risks that could lead to occupational stress. The Act puts harassment in a more general framework of psychosocial risks and states that employers must recognise harassment like any other risk to employees' health.

Finland is a typical example of countries which primarily address bullying (and harassment) via occupational safety and health legislation. Thus, the Finnish Occupational Health and Safety Act of 2003 includes a special section on harassment at work. It is reactive by nature and obliges the employer to take action after becoming aware of the matter. The section also covers inappropriate behaviour by third parties, which means employers have a duty to take action also in those cases where the perpetrator is a third party. The Act also makes it clear that employees themselves have a duty to refrain from harassment. In addition, it contains particular sections about prevention which also apply to bullying and harassment, including risk assessment and the employer's general duty of care.

Norway, following a similar path to Finland, is of interest for several reasons. First: the Norwegian Work Environment Act makes it explicit that it is the employer's responsibility to protect employees against exposure to 'adverse physical and mental strain'. Second: it implicitly grades possible offences by highlighting various forms of adverse effects including 'improper conduct', 'breach of employees' dignity and respect' and 'harassment'. Third: the dynamic aspects of the law are highlighted emphasising that 'standards shall be continuously developed and improved in accordance with developments in society'. The recent development with regard to a shift in perception as to what constitutes sexual harassment would accordingly be a normative change which would impact on the application of the regulation to a particular case or complaint of sexual harassment or indeed bullying.



Countries such as the UK have resisted introducing specific legislation against bullying despite pressure from anti-bullying advocacy groups, leaving the legal situation somewhat ambiguous. With no particular legislation addressing the issue, when a victim of bullying pursues a course of legal action, one or more general legal provisions could form the basis of the case, including among others Common Law liabilities, health and safety legislation, anti-discrimination legislation, regulations aimed at stalking or the Protection against Harassment Act (see 7.2.4 below). For more on national legislation see Annex 8.

#### 7.2.4 National level legislation on sexual harassment in the workplace

Sexual harassment has its own definition and legal source often in equality legislation in most EU Member States.

In Finland, the Act on Equality between men and women states that discrimination is prohibited regardless of whether it is based on factual or assumed information relating to individuals themselves or to another individual. Sexual harassment, gender-based harassment and any order or instruction to engage in discrimination based on gender shall be deemed to constitute discrimination under this Act.

The Criminal Code criminalises sexual harassment (509/2014): A person who, by touching, commits a sexual act towards another person that is conducive to violating the right of this person to sexual self-determination, shall be sentenced, unless punishment is provided elsewhere in this Chapter for the act, for sexual harassment.

UK law distinguishes between gender harassment (art 26 sub 1 (j. sub 5 "sex") and sexual harassment (section 26 sub 2). Whilst gender harassment refers to unwanted conduct that is related to an individual's sex, sexual harassment refers to 'unwanted conduct of a sexual nature' (Legal Source: Equality Act 2010, Section 26A).

Sweden: Discrimination Act. The law regulates the employers' responsibility of preventing and taking action against sexual harassment.

#### **Country example: Lithuania**

A person who seeks sexual contact or satisfaction and harasses a person subordinate to them in office, or otherwise by vulgar or comparable actions or by making offers or hints, shall be considered to have committed a misdemeanour and shall be punished by a fine or by restriction of liberty or by arrest.

According to Article 1 of the Law on Equal Opportunities of Women and Men, sexual harassment is defined as offensive verbal or physical, conduct of a sexual nature, towards a person with whom there are work, business or other relations of subordination. There is a general definition of harassment in the same law relating to unwanted conduct related to the gender of a person that occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or offensive environment.

The definition of sexual harassment, provided in the directives, is completely subsumed within the national legislation of Lithuania.

Related information: Subparagraph 5 of Article 235(2) of the Labour Code defines violation of equal opportunities of women and men or sexual harassment as a gross breach of work duties for which a disciplinary sanction may be imposed on the violator (a warning, a reprimand, dismissal from work).

Legal Source:

Criminal Code, Article 152; Law on Equal Opportunities for Women and Men (1998); Law on Equal Opportunities (2005) and Labour Code (2003)

For more on definitions and legislation on sexual harassment across EU countries see [Legal Definitions in the EU Member States | EIGE](#)

## **7.3. Organisational and individual level interventions on bullying and sexual harassment at work**

### **7.3.1. Organisational measures to counteract bullying and sexual harassment at work**

Organisational or employer-level interventions follow the same general model as outlined in table 1, making a distinction between primary (prevention), secondary (intervention) and tertiary intervention (rehabilitation). They aim to educate and change attitudes towards bullying and harassment; to develop an organisational culture where there is no place for bullying; to reduce the risks of bullying by developing the social climate and functionality of work units including their leadership; to ensure that justice prevails by investigating complaints; and, finally, to rehabilitate those directly affected. Whilst prevention of sexual harassment and management of any complaint of harassment follow a similar pattern, given its nature sexual harassment is also a function of (gender) inequalities and as such would be addressed in a broader manner as part of organisational attempts to achieve greater equality.

#### **Policies and procedures in place**

Anti-bullying policies and procedures and training in their rationale and application, particularly aimed at management, are the measures most often used in organisations in line with recommendations from researchers (e.g. Hoel & Einarsen, 2011), or indeed instruction/order by occupational safety and health authorities. Organisational policy is the employer's statement of intent, as by means of a policy the employer demonstrates commitment to tackle bullying. Policies with agreed procedures not only force but also support employers in managing cases fairly and ethically. As this appears to be the key intervention applied by employers across countries to address bullying (and sexual harassment), particular attention is given to its forms, coverage and effectiveness.

The following features are considered key to effective policies: (e.g. Rayner & Lewis, 2011, PRIMA-EF 2008):

- A statement of intent;
- Clear definition of bullying and sexual harassment and examples of unacceptable behaviour;
- Reference to legal statutes that affect the policy;
- Clarification of roles and responsibilities/duties for managers and workers, and workers representatives;
- Integration with a procedure which regulates informal as well as formal actions;
- Forms of support available to targets and alleged perpetrators;
- Measures to monitor and evaluate the policy.

According to the Second European Survey on New and Emerging Risks carried out in 2014 (ESENER2), procedures to deal with cases of bullying or harassment are introduced in organisations most often in the western EU countries and in Scandinavia. Most commonly in the UK (94% of organisations), Ireland (93%), Belgium (82%), Sweden (80%), and Finland (75%). In some countries, such as Hungary, Estonia, Bulgaria, Latvia, and Portugal, such procedures were in place in fewer than 20% of organisations. Procedures are in place more often in big organisations than in smaller ones. With regard to occupational sector, procedures in place to deal with cases of bullying or harassment were most common in

human health and social work activities (61%) (ESENER2 2016). In general, the frequency of reporting procedures to deal with bullying or harassment had increased from 2009 when the existence of procedures in place in organisations was assessed in ESENER1.

Analysis of the ESENER1 survey found that the most significant drivers for having in place procedures in this area were their perceived link to absenteeism. The most significant barriers were lack of technical support/guidance and sufficient resources. The results showed that enterprises which indicated that legal requirements were important to them were more likely to report having in place procedures and measures to deal with psychosocial risks (EU-OSHA 2012). Approximately 30-40% of European establishments directly expressed a need for information or support on how to design and implement preventive measures, how to assess psychosocial risks, and how to deal with violence, harassment or work-related stress in general.

The ESENER1 survey also showed that bullying and harassment was a major concern in establishments more often in old EU Member States (EU-15) (74%), than in newer Member States (53%). Most often bullying and harassment was a major concern among managers in Portugal, France, and Ireland, and most seldom in Estonia, Finland and Sweden.

Also, policies on sexual harassment have been developed in organisations but systematic collection of data on the existence of such is lacking. In many cases, e.g. in the UK, sexual harassment is often incorporated in anti-bullying/Dignity at Work policies, with particular sections addressing the issue.

Eurofound (2015) has worked out a useful classification based on policies in place to tackle violence and harassment (bullying) at work and reported in the ESENER2 survey, based on responses from national rapporteurs on issues such as coverage of organisational policies on violence and harassment (bullying) and general awareness of the issues. Prevalence of violence and harassment and the presence of national legislation were also considered.

*Group A:* Belgium, Denmark, Finland, Ireland, Netherlands, Norway, Sweden, UK - Violence and harassment is considered an issue and policies are in place to prevent and tackle it.

*Group B:* Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Malta, Poland, Portugal, Romania, Spain - Violence and harassment is not considered to be a major issue. Awareness of it is low or increasing.

*Group C:* France, Germany, Luxembourg - Violence and harassment is increasingly considered a relevant policy issue and awareness of violence and harassment is steadily increasing.

*Group D:* Czech Republic, Estonia, Latvia, Lithuania, Slovakia, Slovenia - Awareness of violence and harassment is low. Policies and procedures are developing or do not yet exist.

*Group C:* outlier Austria. Austria has a comparatively high share of workers reporting violence and harassment. There are some work-related policies, but none are systematic.

For more detail see. Eurofound (2015) Violence and harassment in the European workplaces: Extent, impacts and policies, Dublin.

<https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/violence-and-harassment-in-european-workplaces-extent-impacts-and-policies>

Although the most common organisational response to bullying (and sexual harassment) by far, it is recognised that policies are not always effective. Typical weaknesses identified with policies are: insufficiently communicated; not incorporated into induction for new staff training; insufficient training of managers and key personnel prior to implementation; written in a language which signal that they are not intended to be used; not made clear when they next will be evaluated and with whom the responsibility for evaluation and revision would rest; and unclear to whom a complaint should be made (Rayner & Lewis, 2011). (See also Velázquez, 2016).

With a focus on *sexual harassment prevention*, and making a distinction between a primary, secondary and tertiary stages of prevention for organisational intervention as advocated above, Hunt et al., (2010) also highlight the importance of organisational policies. To be effective a commitment to zero tolerance of sexual harassment is needed, with the policy widely communicated and its implementation effectively monitored. This should go hand-in-hand with education of employees focusing on what behaviour constitutes sexual harassment and how to deal with it should it occur.

### Investigation of complaints

The Framework Agreement suggest that complaints of bullying and harassment should be governed by a procedure with the following element incorporated as a minimum:

- It is in the interest of all to proceed with the necessary discretion to protect the dignity and privacy of all.
- No information should be disclosed to parties not involved in the case.
- Complaints should be investigated and dealt with without undue delay.
- All parties involved should get an impartial hearing and fair treatment.
- Complaint should be backed up by detailed information.
- False accusations should not be tolerated and may result in disciplinary action.
- External assistance may help.
- If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal.
- The victim(s) will receive support and, if necessary, help with reintegration.

In a nutshell the above principle should guarantee for a timely, fair and impartial hearing of a complaint.

Two principles should be highlighted: First: the Framework Agreement implicitly incorporates the principle of *natural justice*, making it clear that for any investigation to be fair and perceived as fair the alleged perpetrators must be given the opportunity to defend themselves by given access to the information of the case that concern them. Second: confidentiality is fully respected but limited to be able to disclosing necessary information to the parties directly involved with the case. This is of utmost importance as it highlights that anonymous complaints cannot be tolerated as it would breach the principles of natural justice, making it impossible for alleged perpetrator to defend themselves.

It is also recognised that for investigations to be effective, impartial and perceived as fair investigators need to be properly trained to develop the necessary competences needed (see also Hoel & Einarsen, 2011).

## Training

Management training is considered one of the key measures in counteracting bullying and sexual harassment at work. Management and employee training as well as training for safety representatives are used to increase the general awareness of bullying, its antecedents and consequences and forms a key part of any tailor-made intervention project to address the problem.

### Work environment re-design

Research has shown a strong association between bullying and poor psychosocial work environment (see chapter 3). These research findings suggest that assessment of psychosocial risks and improvement of the psychosocial work environment are key measures for the prevention of bullying at work.

There is little information on prevention measures against *cyberbullying* in workplace-related situations. Most of the activities still focus on providing information and raising awareness. For example, the Estonian Data Protection Inspectorate has published several guides regarding processing and protecting personal data in work relations, the privacy of employees' computer use and recording phone calls.

The social partners in Norway have in recent years emphasised that employers must be aware of the use of digital platforms in their business and they should have an active policy on the prevention of sexual harassment using such media. They should also have clear procedures for dealing with cases of sexual harassment and threats via digital platforms. Overall, the issue of cyberbullying seems mainly to focus on third-party violence. As it is expected to be a growing issue of concern, policymakers should pay attention to it.

## Monitoring progress

With relevance to sexual harassment and bullying, some countries, including the UK, put considerable emphasis on monitoring developments which impact on workplace in/equalities. According to the 2010 Equality Act (EHRC, 2010) public sector organisations are required to set stretching objectives with respect to equality challenges within their workplace. For this purpose, they are asked to collect information about the composition of their workforce in terms of demographics such as gender, age, disability, ethnicity and sexuality, as well as information about grievance and disciplinary procedures, including complaints of bullying and sexual harassment. They are also expected to undertake reviews of their policies and procedures, as well as informal and unwritten work practices, which altogether should lead to an action plan. Through systematic collection of data it is possible to measure progress and revise objectives accordingly.

## Role of bystanders

Despite being recognised as a possible factor in bullying scenarios, until recently little attention has been given to the possible role of bystanders in preventing bullying or bringing bullying to an end. For a further discussion see Annex 9.

### 7.3.2. Effectiveness of organisational measures

Although there has been a growing use of interventions to manage bullying at work, the number of systematically evaluated interventions is still small.

According to the intervention literature, interventions at the policy level are often in practice ignored (Leka et al. 2008). Although the situation may have improved somewhat during the past ten years, still we can see that those responsible in organisations are often unaware of EU level legislation and agreements. Moreover, employees are often unaware of

policies and procedures to deal with bullying in place in their own organisation (Rayner & Lewis, 2011).

A few studies have been conducted to assess the effectiveness of organisational intervention programmes. In an intervention project in Denmark (Mikkelsen et al., 2008) interventions included steering group meetings, lectures for all employees, training in conflict management for all managers and key employees, dialogue meetings focusing on psychosocial work environment issues, and of internal newsletters and information on bullying to all employees. Similarly, a UK intervention in five large public-sector organisations tested the effect of three interventions: stress management training, bullying behaviour awareness training, and policy communication without coming to a clear conclusion (Hoel & Giga, 2006).

Evaluation of management training interventions has shown small positive effects (Leon-Perez et al. 2012). Interventions increase awareness of the phenomenon and of the importance of constructive communication. In the Finnish 'Amicable Working Environment' project (see below) some forms of negative behaviour decreased following interventions. A higher level of positive interactions was reported at unit/team level, including supporting colleagues and giving positive feed-back. Most positive development was found in units where supervisors actively took part in different activities. Management intervention showed that intervening in bullying and inappropriate behaviour is a skill that can be learned. Supervisors reported that they had been provided with tools to intervene in bullying.

#### An example of a multilevel intervention

In an intervention project 'Amicable Working Environment – towards zero tolerance of bullying' in Finland, work was done at different levels of the organisations, and different measures were used. E.g. pre- and post-intervention surveys were conducted among the whole staff in every organisation. Intervention measures included promotion of positive behaviour by means of a poster campaign across the premises (e.g. 'If you talk about someone – SAY SOMETHING POSITIVE'), line-managers/supervisors were given two half day training sessions, and three further awareness-raising sessions about bullying were conducted for all members of staff of the ten work units involved, combined with information about the aims and progress of the project (Olin et al., 2016, Vartia et al. 2016).

#### 7.3.3. Individual level interventions

Tertiary level individual interventions involve supporting and helping victims recover from bullying, including help with reintegration at work. In Germany victims of bullying have been treated in special clinics assigned for victims of bullying. The treatment includes a programme of intensive therapy provided over several weeks, with regular group-therapy sessions as a key component. An evaluation study showed positive outcomes, with most participants benefitting from the treatment (Schwickerath & Zapf, 2011).

In a Danish two-year rehabilitation programme among unemployed victims of bullying involving victims on long-term sick leave, several measures were used: psychological counselling, physiotherapy and physical exercise, as well as job counselling ('on the job training'). The aim of the programme was to explore whether such a rehabilitation programme had beneficial effects on the health and well-being of victims of bullying and whether it increases the likelihood of their returning to work. A significant decrease was found in psychological and psychosomatic symptoms among the victims during the course of the programme, and some victims successfully returned to work (Mikkelsen & Einarsen 2006).

## **7.4. Recommendations for prevention of workplace bullying and sexual harassment at work**

As argued above, the Framework Agreement on Violence and Harassment has a series of positive properties which could turn it into an effective instrument against bullying and harassment in the workplace. Its communication and uptake should therefore be strongly supported. With the EU Parliament already in 2001/2339 (Di Martino et al., 2003) considering whether to extend the directive on health and safety at work, or introduce a new directive to combat bullying, turning the Framework Agreement into a directive might be a way forward. This would also help in guaranteeing some protection against bullying in non-unionised workplaces.

Organisational level interventions are implemented and reported mostly from western European countries and Scandinavia. For countries and organisations to take action and implement measures to prevent and tackle bullying, the issue needs to be acknowledged as a serious psychosocial risk factor for management to take it seriously.

In the case of sexual harassment, the issue can be addressed by means of two routes of intervention, via health and safety legislation as a psychosocial risk, or via equality legislation/anti-discrimination. For the individuals who are faced with sexual harassment there should be a choice with respect to which route they want to follow in order to progress their case. It is also the case that dealing with the issue primarily under health and safety legislation could mean a depoliticisation of the issue, divorcing it from the wider issue of gender in/equality.

Regulations on bullying and sexual harassment should allow for nuanced complaints rather than forcing victims to label their complaint as 'bullying' or 'sexual harassment'. If the bar for a complaint is set too high it may prevent targets from filing a complaint due to the severe consequences it may have for the alleged perpetrators should their complaint be upheld, when all the targets may want is for the behaviour to stop. Also, by unnecessarily invoking the bullying label, the conflict is likely to escalate making any longer-term resolution more difficult to achieve.

Practically, providing effective training for managers on bullying and sexual harassment is essential, emphasising their role in preventing and dealing with it if it occurs. Induction programmes for new members of staff should contain information about policies on bullying and sexual harassment, emphasising rights and responsibilities of employees.

Further research into multilevel intervention programmes should be welcomed given the positive results emerging from the limited number of studies so far undertaken. Such intervention programmes should also to a greater extent acknowledge the role of bystanders in bullying and their potential positive role in preventing bullying.

In terms of preventing bullying and harassment of members of protected groups, the role of stereotypes and prejudice, including 'unconscious bias' must be acknowledged and counteracted. As part of such efforts members of protected groups must be given greater voice within the workplace, for example through establishment of networks or employee resource groups. Some argue, however, that the most effective networks are those which also welcome members from majority groups to foster mutual understanding and support.

## **7.5. Prevention and reduction of bullying and sexual harassment in public spaces**

### **7.5.1. Policy level intervention**

The issue has been discussed by the EU Parliament on several occasions, including in February 2016 in connection with the aftermath of the multiple sexual assault on women in several German cities in connection with the New Year celebrations. In response there was a new call for an EU directive aimed at combating violence against women as requested already in 2004, but with little progress made since.

Similar concerns have been raised in other EU countries, notably Sweden and Finland, where a number of serious sexual offences carried out by immigrants or asylum seekers have raised grave concerns and widespread condemnation, with calls for a greater focus on educating new immigrants in what is described as the need to adopt EU values. Whilst this issue clearly needs to be taken seriously as has been evidenced in this report, violence against women is a much broader issue with most cases of sexual harassment against women in public spaces equally likely to be perpetrated by the native population. Moreover, with widespread anti-immigrant feeling and indeed Islamophobia emerging in many European countries and with the number of violent attacks against members of the immigrant community rising as a result, it is clear that a focus on immigrants when addressing the issue will fall wide of the target.

In a debate in the EU Parliament in June 2017, there was discussion on how to combat sexual violence against women in public spaces with a call for a 'fundamental change of mindset'. In response to the problem a wide-ranging approach was advocated, integrating gender equality in education curricula and the use of teaching methods which avoid reproducing relationships based on an imbalance of power. Highlighting the need for a zero-tolerance approach, it called for prosecution of perpetrators and a greater focus on awareness raising, as well as training of teachers and law enforcement staff, with a particular role acknowledged for the media in promoting the issue. Moreover, it asked for integration of a gender dimension with respect to urban planning and public transport.

At a national level discussion and initiatives taking place in France have received attention. President Macron publicly stated the need for a public debate on how to curb sexual harassment in French society, arguing that he would make gender equality a priority of his Presidency. Among the initiatives considered is a new law on sexism and sexual violence which also would criminalise sexist behaviour such as 'wolf-whistling'. In that connection, to get what is referred to as 'the pulse of the public', online consultation and hundreds of workshops are being planned ([www.egalite-femmes-hommes.gouv.fr](http://www.egalite-femmes-hommes.gouv.fr)). Moreover for the law to be effective it is recognised there is a need to consult specifically with the police and law enforcement officers.

Women have also been encouraged to lodge their complaints in greater numbers with the police to highlight the magnitude of problem and to seek personal justice and redress, as in all countries it is acknowledged that only a fraction of offences are reported. In a related but separate move, the French minister of Justice has suggested offering the opportunity to file a complaint online rather than directly with the police. However, whilst this seems like a bold move which is likely to considerably increase the number of complaints, there are doubts whether the police and judiciary actually have sufficient resources to deal with such an increased case-load as no increase in budget has been forthcoming yet.



It is also recognised that in order to ensure long-term change, the issue needs to be raised already in schools together with attitudes to women linked to general sexism and portrayal of women in pornography.

### 7.5.2. Local interventions

To address the issue locally a number of initiatives have been put forward. In a French poster campaign launched by the French state railways and Paris tube aimed at changing behaviour by way of shaming and deterring people from pestering and harassing women on public transport, spoof metro maps with each station named in terms of escalating sexual remarks from 'you're sweet' to 'say something, you filthy bitch'.

In Spain, in response to the appalling and widespread sexual violence against women at the 2016 San Fermin Festival in Pamplona, organisers and local activists put in place a series of actions which together appear to have worked by substantially reducing the attacks on women at the 2017 festival. These included raising social awareness about the problem, heavy police presence including some officers specially trained in dealing with victims of sexual abuse and daily publication of criminal offences to show that abuses will be punished

Hotlines free of charge for women to report sexual violence have been another method launched in several countries including France (3939) where it is operated by volunteers.

An interesting initiative in the UK ('Unmute the commute') and sponsored by the BBC was recently revealed where a team of researchers, community activists, technology experts and artists, together developed a multiple-strand approach, combining awareness-raising, providing information about the problem, its manifestations, magnitude and how it is experienced by women, through posters and exhibitions. Emphasising the holistic nature of the approach, it focuses on bystander responsibilities, using technology developed by a mathematician and a computer scientist to draw attention to the harasser's experience (wearing a button which lights up signalling that there is a harasser on the bus/tram/tube with the aim of increasing intervention by bystanders.

<http://www.bbc.com/news/live/world-41637763>

Other initiatives are focused on local urban planning and design, emphasising issues such as visibility of others and seeking 'solitude without isolation' (Warp, 2015). For example, local parks may be made safer by means of making provision for multiple quick escape routes, street lighting and the use of emergence telephone boxes.

With research identifying restaurants and bars as spaces where women frequently are being sexually harassed, whether as guests or as member of staff, suggestions regarding how to improve the situation in this industry are of interest. In a recent Norwegian study focusing on staff experiences and demonstrating the large scale of the problem (Bråten & Øistad, 2017), there was emphasis on the need for greater openness about the issue among people working in the industry as the term sexual harassment at large is generally considered taboo among young men and women, an issue which has also been raised in the German #metoo debate. Others point to the need for such establishments to promote a zero tolerance approach, advertised and on social media, with venue operators given specialist training in how to deal with sexual harassment.

## **7.6. Recommendations for prevention of bullying and sexual harassment in public spaces**

For progress to be made on this issue it also depends on whether victims are willing to come forward and make a complaint. The often low success rate for rape convictions (11% in the UK), suggests that it may be hard to convince victims that this would be in their personal interest as well as in the interest of women in general. Moreover, as is well known from the debate on rape, women find themselves disbelieved and their intentions questioned. This has also been a common element in the ongoing public debate with some observers, mostly men, repeating discredited clichés: what was she wearing, why did she not speak up, why didn't she say no, why didn't she fight back, why didn't she go to the police.

The role of bystander intervention is essential here and should form a key part of any intervention programme.

Whilst attitudes to sexual harassment are key, the process for making a complaint should be further scrutinised with initiatives such as the one currently discussed in France on opening up for on-line reporting pursued further. Still, there is a job to be done with respect to police and law enforcement officers who often harbour patriarchal values and misogynistic attitudes.

Whilst reporting requires the individual victim to act, the current debate has demonstrated the strength of collective approaches in bringing the issue to the fore, through sharing experiences and collectively bringing their experience to the public. Some old-style activists have mocked this approach, arguing that women should speak up and tell men to stop the moment they feel violated or harassed. Rather than treating this as second-class activism demonstrating lack of ability to challenge men head on, new forms of collective action should be welcomed and celebrated.

Although standards are being re-drawn, widespread cultural tolerance to sexism and sexual harassment remains the biggest obstacle to change. Whilst many young people have been active in the debate on social media, sexual harassment still remains a taboo among many groups of young people. Initiatives to address issues of sexual harassment already in school should therefore be welcomed, with strong voices recommending that the harassment should be linked to pornography and its objectification of women. Surprisingly, few voices have emerged linking sexual harassment to prostitution and trafficking, which one might expect would be a natural extension of the debate.

## **7.7. Prevention and reduction of bullying and sexual harassment in political life**

The EU Parliament has addressed the issue of sexual harassment and other forms of inappropriate behaviour on several occasions, the latest in October 2017 in response to the Weinstein revelations and the international outcry and debate that followed in its wake. Through testimony of a number of MEPs, it was recognised that the EU Parliament and other EU institutions themselves are not immune from such conduct and in response a zero-tolerance approach has been advocated.

The EU Institutions Staff Regulation deals with the issue of inappropriate conduct by members and staff. Its paragraph 12 states that people working in all EU institutions shall

refrain from any form of psychological or sexual harassment, emphasising unwanted conduct that creates an intimidating, hostile, offensive or disturbing environment.

The EU Parliament has established particular mechanisms to deal with inappropriate behaviour by its members and staff, with a special Advisory Committee responsible for preventing harassment and another Advisory Committee, with responsibility for dealing with complaints against MEPs from parliamentary assistants. The committee has recently also launched a campaign to raise awareness about the issue.

Guidelines also exist for MEPs' own conduct, pointing out what constitutes appropriate/inappropriate behaviour, emphasising the requirement of civilised language and with MEPs asked to refrain from insults and comments about staff members' physical appearance. They are also required to respect employees' private lives, discuss problems and intervene immediately if they spot any inappropriate behaviour among staff such as sexist jokes and vulgar acts. A similar set of guidelines is also being developed for parliamentary assistants.

<http://www.europarl.europa.eu/news/en/headlines/society/20171023STO86603/sexual-harassment-meps-debate-situation-in-the-eu-in-plenary>

The recent public debate on sexual harassment has also revealed that few EU national parliaments and political institutions have developed specific guidelines or policies for behavioural conduct including bullying and sexual harassment, possibly reflecting a view that they to some extent were immune from such behaviour. In some cases, such as in the UK, the political parties have mostly been left to police themselves in line with their own codes of conduct, leaving staff members vulnerable to abuse by politicians or other members of staff. For that reason, the UK's Independent Parliamentary Standards Authority recommends that a grievance procedure is to be included in employees' contracts, but this does not cover those members of staff who work directly for MPs, who do not have to follow the procedure. MPs' status as self-employed has also complicated matters. However, the Prime Minister (Theresa May) now recognises that this situation is untenable.

In terms of sexual harassment, given the Parliament's own focus on alternative conflict resolutions, it has been highlighted that tackling sexual harassment in this manner, for example by means of mediation is not acceptable. In terms of dealing with any complaint arising, the independence of the process has also been questioned. Overall it has been emphasised that for any code of conduct to be fit for purpose it needs to comply with the following requirements: be *credible, accountable and transparent*, and have an *individual element*. Although procedures should be applied fairly and equally to all, for people experiencing bullying and sexual harassment, it is considered vital to be given some choice with respect to how one takes the case forward.

## **7.8. Recommendations for prevention of bullying and sexual harassment in political life**

Being sexually harassed or indeed accused (rightly or wrongly) of sexual harassment could leave a promising political career in ruins. As allegations of sexual harassment are often seen to have broader political implications, as people often react in a partisan way, trying to make political capital out of a case, victims may be discouraged from making a complaint and instead suffer in silence. Also, attempts to blame the victims in parts of the media, castigating them as being complicit in their own ordeal, may stop others from coming forward. It follows, that in addition to the need for behavioural guidelines and

proper systems for reporting and investigation of complaints, political institutions need to ensure that necessary supportive mechanisms are available for targets (and the accused). Whilst various conflict resolution approaches, such as mediation, may be applied voluntarily to resolve personal disputes including some cases of bullying where the conflict is still in its early phases and the parties are motivated to find a solution, such approaches are not appropriate for sexual harassment. Not only is it unreasonable to ask the victim to sit down together with the perpetrator, it also leads to 'privatisation of justice' where the perpetrator is let off the hook and where issues of confidentiality surrounding the process prevent the institution from learning (Deakin, 2017).

Behaviour guidelines and policies must not allow for vexatious or false accusation, as has emerged from the British debate, and it is necessary that punitive measures for false accusations are not given so much space that this prevents people from utilising the policy and making a complaint. Moreover, it needs to be emphasised that a complaint which is not upheld or proven is in most cases not the same as a false complaint.

The distinction between confidentiality and anonymity is of key concern. Whilst confidentiality is of outmost importance and should be followed as far as is possible to progress the case, anonymity should not be granted as this represents a breach of natural justice and the right to know what one is accused of. However, what is essential is to ensure is protection against any victimisation as result of making a complaint. Following the #metoo campaign a number of organisations have dismissed staff simply on the basis of a complaints without any proper process. Whilst there might be some *Schadenfreude* involved with seeing powerful persons (men) falling from great height in this way, this might be short-sighted as it militates against principles of fairness and justice with implications for organisational members' trust in organisational processes.

## 8. CONCLUSION

This study provides an updated account of progress in research and practice on bullying and sexual harassment in the EU. Whilst considerable agreement exists with regard to definition and understanding, what has become clear from the recent public debate on sexual harassment is the need for national and, indeed, EU-wide conversations about boundaries of acceptable and dignified behaviour, whether sexual or non-sexual. This not only applies to the workplace and political institutions, but also to behaviour in public spaces. Whilst in terms of sexual harassment these conversations would imply listening primarily to women's voices, paying attention to their experiences, they must also include men, as this is neither a women's issue, despite mainly affecting women, nor is it just about women, as more men than anticipated are affected. Furthermore, for men to change their behaviour the link between less serious offences, associated with sexist comments and sexualised behaviour, and more serious offences including sexual assault should be highlighted, challenging notions that such behaviours are trivial or indeed normal manifestations of male sexuality. Moreover, real progress in pushing boundaries permanently in a more restrictive direction will only be achieved when sexual harassment is addressed holistically. This means connecting the problem directly to men's power over women and wider gender inequalities, as well as acknowledging that all forms of violence against women are interconnected, whether in the home, the workplace or in public spaces, with transgressions in one arena fuelling and reproducing behaviour in others.

As far as bullying is concerned, the essence of the experience lies in its repeated and prolonged nature and the disarming and exhausting effects this has on the targets' ability to fight back and cope. Whilst personal vulnerability increases the risk of becoming targeted and feeling victimised, personal resilience may protect against low-level bullying but not against severe victimisation. This means that the bullying label should not be used lightly, but it does not suggest that individual unacceptable or undignified acts should be tolerated. On the contrary, in responding to bullying organisations and institutions should give consideration to behaviours they will not tolerate, establishing boundaries in line with national rather than local norms, and acknowledging that these change over time. This means that boundaries may be drawn differently in different countries, and the EU should seek to influence current tolerance levels by raising awareness of their cost and consequences.

The evidence of bullying and sexual harassment provided requires cultural change relying on an integrated response with action taken at policy, organisational/institutional and individual levels, combining prevention, intervention and rehabilitation. Whilst statute and policy provide legitimacy for the issues, with this report highlighting the potential of the Framework Agreement, to change realities on the ground actions are needed, primarily by those with a legal duty of care towards their staff (employers of all kinds). They should develop and enact policies and procedures to prevent and respond to unacceptable behaviours when they occur, monitoring their effectiveness and making it safe and legitimate to report or complain. Complaints should be investigated confidentially and impartially, recognising also the rights of alleged offenders. Moreover, as managers'/political leaders' own behaviour is crucial to progress it should be scrutinised, emphasising that they will be held to a higher standard of conduct. With the success of the #metoo debate in mind, the power of collective action in bringing about change by challenging silence and tolerance of misconduct should also be harnessed.

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## ANNEX 1 - SOME DEFINITIONS OF BULLYING AND HARASSMENT AT WORK

Definition by	Definition
<b>EU-level:</b> Framework Agreement on Harassment and Violence at Work	Harassment occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances relating to work.
EU-OSHA – ESENER survey	Bullying or harassment occurs when one or more workers or managers are abused, humiliated or assaulted by colleagues or superiors.
<b>Research:</b> Einarsen et. al. (2011)	Bullying at work means harassing, offending, or socially excluding someone or negatively affecting someone's work. In order for the label 'bullying' to be applied to a particular activity, interaction, or process, the bullying behaviour has to occur repeatedly and regularly (e.g. weekly) and over a period of time (e.g. about six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts. A conflict cannot be called bullying if the incident is an isolated event or if two parties of approximately equal strength are in conflict.
Leymann (1990)	Psychological terror or mobbing in working life involves hostile and unethical communication, which is directed in a systematic way by one or a few individuals mainly towards one individual who, due to mobbing is pushed into a helpless and defenceless position, being held there by means of continuing mobbing activities. These actions occur on a very frequent basis (at least once a week) and over a long period of time (at least six months).
<b>Country specific:</b> France	Employees should not be subjected to repeated actions constituting moral harassment, which intentionally or unintentionally deteriorate their working conditions and are likely to violate their rights and dignity, impair their physical or mental health, or jeopardise their professional future.
Slovenia	Harassment: any undesired behaviour associated with any personal circumstance. Bullying: any repetitive or systematic, reprehensible or clearly negative and insulting action or behaviour aimed at individual workers in the workplace or in connection with work.
Italy	Mobbing is considered to be a consistent action and behaviour that damages the worker's productivity. The minimum period for the duration of mobbing is specified as six months.

## ANNEX 2 - PREVALENCE OF BULLYING AND SEXUAL HARASSMENT AT WORK IN EU COUNTRIES

All, women and men subjected to bullying and sexual harassment during the course of work over the last 12 months (%)

Country	Bullying/harassment			Sexual harassment		
	All	Women	Men	All	Women	Men
France	12.2%	13.5%	11.0%	0.4%	0.6%	0.2 %
Luxembourg	9.6%	10.7%	8.6%	0.6%	1.1%	0.3%
Ireland	8.1%	9.2%	7.2%	0.7%	1.3%	0.1%
Belgium	7.5%	8.7%	6.5%	0.8%	1.1%	0.5%
Netherlands	7.1%	7.7%	6.6%	2.4%	4.2%	0.8%
Slovenia	5.5%	6.7%	4.5%	0.7%	1.3%	0.1%
Malta	5.5%	4.8%	5.9%	0.4%	0.6%	0.2%
Austria	5.2%	6.5%	4.2%	1.2%	1.8%	0.6%
Finland	4.9%	7.2%	2.7%	1.1%	1.9%	0.3%
Latvia	4.9%	5.3%	4.5%	0.9%	0.9%	1.0%
Germany	4.8%	5.0%	4.5%	1.1%	2.0%	0.4%
United Kingdom	4.6%	5.3%	4.1%	0.8%	1.5%	0.3%
Sweden	4.5%	5.4%	3.7%	1.9%	3.4%	0.6%
Lithuania	4.3%	4.7%	3.9%	0.9%	1.7%	0.0%
Denmark	4.0%	5.1%	3.0%	1.0%	1.5%	0.6%
Romania	4.0%	5.1%	3.0%	0.1%	0.0%	0.2%
Spain	3.3%	3.1%	3.4%	0.5%	0.6%	0.3%
Estonia	3.2%	2.3%	4.1%	0.5%	0.4%	0.6%
Italy	2.9%	2.9%	3.0%	0.1%	0.1%	0.1%
Croatia	2.5%	2.1%	2.9%	0.8%	0.8%	0.8%
Czech Republic	2.0%	2.2%	1.9%	0.7%	1.4%	0.0%
Cyprus	1.9%	2.0%	1.9%	0.3%	0.1%	0.5%
Greece	1.8%	2.4%	1.4%	1.8%	2.0%	0.7%
Slovakia	1.7%	2.4%	1.0%	0.9%	1.6%	0.3%
Hungary	1.1%	1.5%	0.6%	0.5%	0.8%	0.2%
Poland	1.0%	1.1%	0.8%	0.3%	0.5%	0.0%
Portugal	0.9%	1.0%	0.8%	0.9%	0.8%	0.9%

Source: 6<sup>th</sup> European Working Conditions Survey

## **ANNEX 3 - THEORIES EXPLAINING THE GENDER DIFFERENCES IN BULLYING AT WORK**

**Social dominance theory** (Sidanius & Pratteo, 1999) views gender as an aspect of social power and is related to how the labour market is segregated horizontally and vertically, which explains the predominance of men among perpetrators/bullies (Zapf et al., 2011). It is argued that social groups maintain their power through oppression and social control including victimisation. In line with this, women's seemingly enhanced risk of bullying in male-dominated organisation could be explained as a threat to sex-based status (Berdahl, 2007) supporting previous findings that compared to men, female middle and senior managers are much more likely to be bullied by their superiors as well as their colleagues (Hoel et al., 2001). This could equally apply to same-sex victimisation where the target may exhibit what is considered atypical gender behaviour (see SIT below).

**Gender role socialisation** relates to prescribed gender stereotypes with respect to what roles and behaviours are considered appropriate for men and women, including how to respond to threats. This could explain women's greater likelihood of labelling themselves as targets, with male stereotypes prescribing reluctance to labelling or taking on victim status. As a consequence, only the most severely bullied men adopt the counter-normative victim label (Salin & Hoel, 2013). In this sense it could be argued that taking a gender atypical career path may itself represent a form of norm violation which then would seem to increase the likelihood of victimisation.

**Social Identity Theory (SIT)** (Tajfel & Turner, 1979) refers to our tendency to place ourselves and others into social categories, identifying with those who are similar to oneself (the in-group). Social identity arises from intergroup comparisons where, in order to boost our own need for self-esteem, we favourably evaluate the in-group over the out-group. Group prototype refers to characteristics of the ideal group member/s who are perceived to best represent the group in terms of behaviour, feelings and values. Where strong in-group cohesion exists, non-prototypical members are more likely to be assessed less favourably with social rejection a possible gradual outcome. In a similar way SIT also explains why men observing sexual harassment are less likely to label the experience as sexual harassment as their judgements tend to favour other men, i.e. their in-group (Salin & Hoel, 2013).

## ANNEX 4 - RESPONSE IN SOME EU COUNTRIES (+NORWAY) TO METOO CAMPAIGN

Country	Response in society and media
Sweden	<p>The campaign aroused enormous debate. It has been said that history has been made in Sweden, that nothing so significant has happened since women got the right to vote. A culture of silence has been condemned, and over 4,400 female lawyers, over 600 actresses, 650 singers have in open letters published in the press appealed against sexual harassment and told about their own experiences. Also 1,700 people from the Swedish army have published a plea against sexual harassment. In some cases where employees have come out in public with their experiences of sexual harassment the name of their organisation has been highlighted in the media. Some alleged harassers have also been named publicly with some of them resigning. Others have been fired. The accused have predominantly been men but also a female presenter of the Swedish radio resigned as a result of being accused of sexual harassment.</p>
Finland	<p>The campaign aroused debate in all media. The discussion has partly been quite general by nature. Attitudes and a culture of silence connected with sexual harassment have been condemned but the culture of silence has not become the subject of criticism as much as in Sweden, for example. Accusations of harassment have been anonymous, no names of accused people have come into the public domain. In one interview relating to the film industry, the same five to ten names emerged as harassers, among them well known directors. However, no names have been published. Both the level of the debate as well as the decision to keep the identity of the accused harassers anonymous have given rise to surprise and astonishment. A hot debate has also been going on on sexual harassment in schools. The Parliament had a discussion on the issue.</p>
The UK	<p>Initially the debate focused on the US and British actors caught up in the Weinstein case, but quickly moved on to domestic matters. The aspects of the debate that found their way into the main press focused on the performing arts and the fashion industry (high profile cases such as actor Kevin Spacey and photographer Terry Richardson), and politics (but also less high-profile occupational groups such as ministers of religion). A number of actors, curators, museum directors, etc signed a letter denouncing sexual harassment and the abuse of power, highlighting that 'one resignation of a high-flying individual does not resolve the problem', asking for a strong collective voice to speak out and the need for behavioural guidelines. The need to listen to (women's) stories so that patterns of behaviour could be recognised was highlighted. There was acknowledgment that on social media the debate involved a much broader set of issues and occupational contexts with also many men sharing their stories. Political life and sexual harassment within the UK Parliament has received particularly attention, affecting all parties and with several high-flying politicians having to resign from their position including a current member of the government.</p>
Norway	<p>Following initial debate on a closed social media space where participants shared their stories, and consultation with actor unions in other Nordic countries, 487 actors put their name to an open letter telling their stories of how men abused their positions (of power) e.g. during rehearsals and filming, with the aim of challenging the negative culture without revealing any name (stressing that who has done what is not the main point). The expressed intention was to start a conversation about what is going on and identifying boundaries for un/acceptable behaviour, acknowledging that behaviours previously tolerated are no longer acceptable. It was highlighted that stories and complaints had been around for a long time but now had reached a tipping point for them no longer to be ignored. Beyond the performing arts, the discussion has focused on some leading media personalities (mainstream press and television), and politics, where several senior politicians across the political spectrum have resigned their positions as result.</p>

Country	Response in society and media
Spain	<p>The #metoo (#yotambien) has been extensively followed. It has been related to the 24N (International Day Against Violence Against women) and the local prosecution of the perpetrators of sexual harassment/sexual assault in connection with the San Fermin Festival in Pamplona. The debate has been used to share personal experiences on social media. Otherwise the debate has focused on the entertainment sector but also on higher education, drawing attention to the power imbalance between professors and students. The long and debilitating process victims go through when they decide to complain is also recognised.</p>
Italy	<p>Following the Italian equivalent of the #metoo, several prominent men in the entertainment sector (e.g. the film-maker Fausto Brizzi) have been accused publicly of sexual misconduct and many famous women have denounced sexual harassment in Italian society. Still compared to other Western European countries the debate seems to have made limited headway with some part of media treating it with scorn and with the former Italian prime minister Berlusconi, known for his sexism and sex parties involving young women, ironically seemingly making a political comeback at the same time. Some observers have commented that this reflects the dominance of 'machismo' in Italian society and men's perceived need to prove their masculinity. As the Italian actor Asia Argento who was instrumental in bringing down Weinstein put it, 'Italians don't get it, here it is just touching tits'.</p>
Poland	<p>The campaign aroused debate in all media. According to <i>PRESS-SERVICE Media monitoring</i>, during October - just after the actress <i>Alyssa Milano</i> tweeted her note, 36,000 messages appeared in the Polish media with the phrase #Metoo. In the same period, there were 674 reports on the Internet, 43 on television and 34 - in newspapers. Many well-known women from film and television told their own stories about sexual harassment. Some organisations have been mentioned by name but the names of people who have been accused of sexual harassment have not been published. However in 2015 a very known TV presenter was accused, then fired and his name has been published. It is said that no working environment is free from sexual harassment including lawyers. Examples of such incidents are described even among law professors. A Polish representative in the European Parliament stressed that there is a need to mobilise witnesses of sexual harassment. In her opinion the debate focuses on salience of victims. At the same time witnesses close their eyes to abuse but they should report instances of harassment.</p>
France	<p>A surge in interest on social media (#grass on your pig) covering all sorts of sexual aggression including sexual assault and rape, but also 'ordinary', everyday sexism and street harassment. Focus has been on media and culture, and marginally about political slur. Some stories from private companies but very little from the public sector. Only a few perpetrators named publicly possibly related to negative public attitudes to informing, particular among the older generation. Symbolic gesture offered by President Macron in suggesting to withdraw official French Honour given Harvey Weinstein (Services to the Légion d'Honneur). A petition collecting signatures launched in the media and endorsed by a national paper (Journal du Dimanche) which advocates an action plan, including increased public budget for the association against violence against women; systematic training of the professionals in contact with victims such as police and members of the justice system; the legal profession, and awareness-raising in schools and in the workplace.</p>
Denmark	<p>Debate on social media with a focus on artists and personalities within cultural life. A number of famous women accused some men in cultural and political life of abusing their power and sexually harassing women. However, compared to the other Scandinavian countries the debate has been less widespread and angry. It has been argued that progress and changes in the workplace with regard to sexual harassment are being resisted by many employers and some</p>

Country	Response in society and media
	trade unions with reference to a culture where the threshold for what is accepted is high often under the cover of banter.
Greece	<p>One could say that the recent scandals regarding sexual harassment have received wide coverage in the media. However, this is quite new, i.e. the issue of sexual harassment has been seldom raised in public debates in Greece. The public is quite unaware of or even indifferent to harassment. The lack of a debate on the issue may be linked with the under-reporting of sexual harassment. A recent survey by FRA suggested that around 43% of women in Greece experienced sexual harassment. 11% of these cases concerned harassment in the workplace. However, in only a minority of cases are the incidents reported to authorities. This has been linked to the way harassment is conceptualised (namely, the boundaries between acceptable behaviour and harassment) and the fear of victimisation in case harassment is reported. The latter is especially important, given the continuing crisis: women, among others, are concerned about losing their jobs if they report harassment in the workplace. The recent debate on harassment has indeed focused rather predominantly on the case of harassment within the workplace.</p>

## **ANNEX 5 - PROTECTED GROUP'S EXPERIENCE OF BULLYING AND SEXUAL HARASSMENT**

A summary of findings from research into the particular impact of ethnicity, disability and sexual orientation on the experience of bullying and harassment

### **Ethnicity**

The amount of studies on bullying of ethnic minorities is surprisingly scarce. Where they have been carried out they have generally found that members of ethnic minority groups are more likely to be exposed to bullying than white Caucasian people. This also applies to the workplace where non-white employees have been shown to be subjected to bullying far more frequently than their white colleagues (Lewis & Gunn, 2007).

In a Finnish study, immigrants were on average more likely to label themselves as being bullied, although the experience of immigrants from cultures considered very similar to the host nation did not differ from the majority population. By contrast, the risk of reporting bullying was nearly three times higher in the intermediate culture-distance group of immigrants, and nearly eight times higher in the culturally most distant group. In terms of negative acts, immigrants were most often subjected to social exclusion (Bergbom et al., 2014).

There is little empirical research on whether the incidence of sexual harassment varies significantly by ethnicity. However, there is evidence that BME (black and minority ethnic) women's experience of sexual harassment is often bound up with racial harassment. Many black feminist academics and activists have pointed to the double oppression faced by BME women and the "othering" and eroticising of BME women's bodies and sexuality.

Not all harassment against ethnic minority members was carried out by white members of staff. In an interesting interview study of BME women employees who had experienced sexual harassment at work, it was found that most of the women had been harassed by another male ethnic minority worker from the same ethnic group. Targets were more likely to leave than report the incidents. It was also found that the power of the harasser was not necessarily linked to work but often to their position outside work within the community which then spilled over into the workplace with greater implications for the women should they decide to take their case forward (Fielden et al., 2009).

In terms of religion it is worth noting that in many cases religion appears to be a proxy for ethnicity. In this respect it is worth drawing attention to the dramatic rise of Islamophobia in many European countries often in places where the immigrant population is small with few Muslims present.

### **Disability**

With people across the EU expected to work longer due to demographic changes, combined with cost-saving changes to social care provision, thus forcing disabled employees to stay on longer at work, the number of older disabled people within the labour force, particularly the chronically ill, will continue to increase (Lewis et al., in press). Bearing this in mind, several recent national representative studies of the British working population have consistently found disabled people to be the single protected group reporting the highest levels of workplace bullying across studies, with women with a disability reporting the highest levels of bullying. Altogether Fevre et al. (2013) found that disabled employees

were twice as likely to report unfair treatment and bullying compared to other employees and scoring higher than their male counterparts on every negative behaviour measured, including being given excessive workload or impossible deadlines. Unsurprisingly, mastering expected workload and meeting deadlines may be particularly hard for disabled and chronically ill employees whose abilities may fluctuate (Lewis et al., 2018). However, whilst levels of bullying for those with a physical disability were on par with the non-disabled population, it was individuals with a learning difficulty and those who had a psychological or emotional condition who were at the greatest risk (EHRC, 2008). In addition to finding themselves socially excluded they also reported being threatened and gossiped about. People suffering from a long-term illness was another group frequently experiencing negative treatment at work. Alarming, more than double the proportion of disabled people and people with long-term illness reported experiencing physical violence at work.

Whilst disclosure can be positive to all parties, enabling necessary work adjustment, it can fuel stigmatisation and disrespectful treatment where adjustment to needs is perceived by others as unfair treatment, which could be considered bullying in its own right (Russinova et al., 2011). Inflexibility of the part of the organisation to meet fundamental health requirements has often been noted as a key cause of bullying of this group.

There is some evidence that women with a disability are more vulnerable to sexual abuse and harassment due to physical or cognitive impairment. Some of the mistreatment experienced can be explained with reference to prejudice and lack of understanding (Colemar et al., 2013). Some mistreatment may also be related to a form of demonization of disabled people, who in some arenas have been portrayed as fraudulent claimants of social benefits. Fear of stigmatisation also affects decisions on whether to disclose this to their employer (Concoran & Smith, 2015), with some suggesting that one in four experience negative consequences as a result (von Schrader et al., 2014).

### Bullying and sexual orientation (SO)

A growing number of studies including several large-scale representative studies of the British population show that lesbian, gay men and bisexual (LGBs) employees are at greater risk of bullying than their heterosexual colleagues (e.g. Fevre et al., 2008), particularly with respect to more severe forms of bullying (Hoel et al., 2014). Among LGBs lesbians and bisexual women face the greatest risk suggesting that there is also a gender dimension to the experience. In terms of organisational context bullying of LGBs appears to be particularly widespread in the uniformed services (e.g. police and prison service) and the hotel industry (e.g. ACAS, 2007). Compared to heterosexuals, LGBs more frequently experience disrespectful and sexualised behaviour, for example receiving unwanted touching and being confronted with sexualised jokes or unwelcome comments about dress and appearance. They also frequently face social exclusion, for example being excluded from their work group and experiencing people avoiding them.

Social stigma and stereotyping appear to play a key role, with new research suggesting that LGBs' personal control over disclosing their sexuality at work (and elsewhere) in a manner acceptable to them is more limited than previously anticipated due to third party interventions such as prompting or questioning. This does not include those cases where individuals are 'outed' against their own will which could be considered bullying in its own right (e.g. Di Marco et al., 2017). Stereotypes about body shape, appearance and mannerisms, mostly negative and particularly about women, and also shared by many LGBs themselves, were also found to affect the experience of bullying and sexual harassment, but in differently ways for gay men and lesbians. For gay men, those



corresponding to stereotypes, often described as effeminate and seen challenging masculinity, were most at risk whilst for lesbians, it was the feminine lesbians, those who did not 'fit the bill', who were more likely to attract negative acts and comments from their colleagues, including being pestered with sexual requests by men and having their sexuality repeatedly questioned.

To make sense of these findings, and supported by social categorisation theory, gay men conforming to stereotypes may be bullied as they behave in an atypical way to what is expected by group members in terms of what is considered the contextually prevailing masculine ideal or what Connell (2005) refers to as 'hegemonic masculinity'. Whilst this may explain why men may harass women in male-dominated workplaces (and vice versa) (Salin & Hoel, 2013), it equally illuminates bullying and harassment of lesbians and gay men, including anyone who may be perceived to be lesbian or gay (Berdahl, 2007) when their behaviour does not fit what is considered appropriate for men and women in terms of masculinity and femininity respectively.

With the experience of transsexuals (T) until recently excluded from the agenda of key European SO advocacy groups (e.g. Stonewall), less attention and research has focused on this group. However, with T currently moving rapidly up organisational agenda priorities, focus is somewhat shifting. In part this reflects findings from new research revealing particularly high levels of adverse experience and discrimination among members of this community (e.g. ILO, 2013), including a recent report from the British Trades Union Congress (TUC, 2017) reporting that nearly half (48%) of trans employees have experienced harassment or bullying at work. Future research on non-heterosexual workers' experiences should consider this group specifically.

## **ANNEX 6 - INDIVIDUAL FACTORS BEHIND BULLYING**

Particular personality factors have also been considered, with victims of bullying often scoring high on neuroticism, whilst extroversion, agreeableness and conscientiousness appears to personality factors which protect against bullying (Nielsen et al., 2017). Other studies (e.g. Glaso et al., 2007) however, highlight that the majority of (two thirds) have a personality profile very similar to people not targeted (the control group), thus, suggesting that bullying in most cases does not hinge on target personality. Moreover, from an organisation's point of view, whilst organisational antecedents are amenable to change, the same cannot be said about personality factors.

In terms of vulnerability, however, a mutual relationship between bullying and psychological distress and bullying and clinical depression has also been found which indicates a vicious circle where bullying increases the risk for psychological distress and depression, and psychological distress and depression increase the risk to become bullied (Nielsen et al., 2012; Kivimäki et al. 2003).

As far as perpetrator characteristics are concerned, it is self-evident that it is hard to this establish scientifically, partly due to the fact that those who acknowledge their 'darker' side may not be representative of the wider group of perpetrators. Whilst victims often evoke characteristics such as psychopath or socio-path when describing their perpetrator, there is little to suggest this description would apply to most perpetrators.

## **ANNEX 7 - EQUALITY DIRECTIVES ON SEXUAL HARASSMENT AND EQUALITY**

### **Directive 2006/54/EC**

The Equal Opportunities Directive aims to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

### **Directive 2000/43/EC**

Racial Equality Directive prohibits discrimination and harassment on the grounds of race and ethnic origin.

### **Council Directive 2000/78/EC**

The Employment Directive implements the principle of equal treatment in employment and training.

**Directive 2006/54/EC** on equal treatment in employment and occupation.

**Directive 2004/113/EC** on equal treatment in goods and services.

## ANNEX 8 - SOME EXAMPLES OF NATIONAL LEGISLATION ON BULLYING AT WORK

Country	Legislation on bullying at work
Finland	<p>The Occupational Health and Safety Act includes a special section on harassment and inappropriate behaviour: If harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation.</p> <p>General obligations of an employees: Employees shall avoid such harassment and other inappropriate treatment of other employees at the workplace which causes hazards or risks to their safety or health.</p> <p>Other sections which apply also to bullying: The employer has to monitor occupational risks including harassment at work : The employer shall, taking the nature of the work and activities into account, systematically and adequately analyse and identify the hazards and risk factors caused by the work, the working premises, other aspects of the working environment and the working conditions and, if the hazards and risk factors cannot be eliminated, assess their consequences to the employees' safety and health.</p> <p>Employers are required to take care of the safety and health of their employees while at work by taking the necessary measures. For this purpose, employers shall consider the circumstances related to the work, working conditions and other aspects of the working environment as well as the employees' personal capacities.</p>
Belgium	<p>The Welfare Act (or Welfare Law) was enacted in 1996, and has been amended several times. In 2002 an amendment was enacted to combat 'undesirable behaviour' un the workplace (bullying, harassment including sexual harassment, and violence). Legislation in 2014 on Prevention of All Psychosocial Risks at Work came into force. The new Act is not limited to bullying, violence, harassment and sexual harassment but all psychosocial risks that could lead to stress are covered. The Act puts harassment in a more general framework of psychosocial risks and states that employers must recognize harassment like any other risk to employees' health.</p> <p>Legislation provides for "prevention advisors" who specialize in psychosocial problems. Professionals are most often external not in-house specialists.</p>
Slovenia	<p>Health and Safety at Work Act 2011. According to the Act employer shall adopt measures to prevent, eliminate, and manage cases of violence, mobbing, harassment and other forms of psychosocial risks at the workplace which can pose a risk for workers' health.</p> <p>Employment Relationships Act 2013 prohibits violence, mobbing, sexual harassment, and discrimination.</p> <p>Law 202/202 Equal Opportunities between Women and Men on equal opportunities of women and men in order to eliminate direct and indirect discrimination based on sex.</p>

## **ANNEX 9 - BYSTANDERS AND INTERVENTIONS**

It is acknowledged that bystanders can play a key role in cases of bullying (and sexual harassment), constructively by intervening or challenging/punishing the perpetrator or indeed destructively, by their inaction, turning a blind eye or indeed by colluding in the bullying. Despite this, until recently the bullying literature has primarily treated bystanders as proxy victims, themselves negatively affected in terms of reduced job-satisfaction and negative assessment of their workplace (e.g. Vartia, 2001). However, recently research has turned to investigating this more systematically, adding to our understanding of bullying and how we may challenge it. The fact that nearly half of employees say that they have witnessed bullying indicates the potency of such an approach.

Criminologists has long acknowledged the impact of the 'bystander effect', the tendency for individuals to refrain from intervening to help the target in a (serious) event when others are present (Latané & Darley, 1970), due factors such as diffusion of responsibility; social inhibition in terms of possible embarrassment or stigmatisation; and the influence of others, particularly those who may be considered 'social anchors' or local role-models. Despite empirical support for the bystander effect, researchers have pointed to the tendency of most people to want to want see themselves as moral, some more than others, with an urge to right wrongs (Aquino & Reed, 2002), which could be bolstered to counteract bullying and harassment by recognising that injustice is taking place.

Whilst personal competence and victim status (more likely to help the powerless) are factors lead to assisting the victim, fear or perceived dangers work in the opposite direction (O'Reilly & Aquino, 2011). By contrast, others have explored the factors which contribute to bystander destructive inaction or indeed aiding the escalation of bullying. To account for this it is argued that to stop ourselves feeling bad, we free ourselves from responsibility by rationalising our behaviour (Ng et al., 2017). Such moral disengagement is seen to be particularly likely when situations are ambiguous, with certain organisational (e.g. laissez-faire leaders, weak ethical infrastructure) and individual factors (e.g. weak moral compass, perception that life is governed by factors outside one's control).

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the Committee on Women's Rights and Gender Equality (FEMM), provides a broad account and an in-depth analysis of bullying and sexual harassment in the workplace, in public spaces and in political life. In this study trends in understanding of phenomena are acknowledged, status and progress in research is accounted for, key issues of controversies and debate are identified and recommendations for actions and intervention are provided.

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