

ETUC 'Safe at Home, Safe at Work'

# SLOVENIA<sup>1</sup>

## Country Case Study



by Jane Pillinger  
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# 1. Introduction

## 1.1 Overview

This report gives an overview of the country case study for Slovenia, which forms a part of the ETUC's project 'Safe at Home, Safe at Work'. Slovenia is one of eleven country case studies carried out in the project.

The report documents the measures taken by unions to address gender-based violence at work. It covers two specific areas: a) gender-based violence in the workplace, which principally concerns sexual harassment at work, and b) the prevention of domestic violence at work. Both aspects of the report are discussed in relation to the overall legal context, the role of collective bargaining and other union initiatives, links and cooperation with civil society and women's organisations, as well as the challenges faced by unions and the recommendations made by unions for the future.

## 1.2 Methodology

In addition to reviewing relevant literature and policy, individual and group interviews were held with the following people:

- Andreja Poje, Executive Secretary, Economics and Equal Opportunities ZSSS (Country coordinator)
- Maja Konjar, Legal Advisor, ZSSS
- Andreja Toš Zajšek, Senior Legal Advisor, ZSSS
- Irena Štamfelj, Advisor for Equal Opportunities ZSSS
- Jus Aleksander, President of the Trade union of Health and Social Security of Slovenia
- Mateja Gerečnik, President of the Commission for women's issues of the Trade Union of Metal and Electro Industry of Slovenia (SKEI)
- Lidija Jerkič, President of the Trade Union of Metal and Electro Industry of Slovenia (SKEI)
- Vesna Stojanović, President of Slovenian Trade Union of Workers' in Trade Sector (SDTS) and President of Mercator's Trade Union
- Irena Valenti, Secretary General of the ZSSS Regional organization
- Marjan Urbanč, Secretary General of the ZSSS Regional organization
- dr. Vesna Leskošek, University of Ljubljana, Faculty of Social Work
- Doroteja Lešnik Mugnaioni, SOS Help-line for Women and Children Victims of Violence
- Sonja Robnik, Researcher and Employee of Ministry of Labour, Family, Social Affairs and Equal Opportunities
- Metka Roksandić, Women's Lobby (Retired Trade Union Representative and 1st Executive Secretary for Equal Opportunities)

## 2. Context and legal background

### 2.1 Gender-based violence at work

The Act Implementing the Principle of Equal Treatment (2004), replaced by The Protection against Discrimination Act (2016) and the Employment Relationship Act (of 2003, amended in 2007, and changed in 2013) are main legal measures that address sexual harassment at work. The provisions of Directives 2006/54/EC and 2004/113/EC on harassment on the ground of sex and sexual harassment have been transposed into these laws.

### ***The Protection against Discrimination Act (2016)***

Article 8(1) of The Protection against Discrimination Act defines harassment as any unwanted conduct, based on any kind of personal circumstance creating an intimidating, hostile, degrading, humiliating or offensive environment for a person or offends his or her dignity.

### ***Employment Relationship Act***

There are very clear definitions of harassment, bullying and sexual harassment under the new Employment Relationship Act (ERA-1), which was adopted in 2013 to include wider provisions and requirements on employers. The Act refers to the violation of the dignity of a person and specifically to sexual harassment as any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or purpose of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hostile, degrading, humiliating or offensive environment. The employer must provide a working environment where workers are not subjected to sexual and other harassment or bullying on the part of the employer, a superior or co-worker. Sexual and other forms of harassment are deemed to be discriminatory according to the provisions of this Act. The employer is required to take appropriate steps to protect workers from sexual and other harassment or from bullying at the workplace and is also obliged to take all necessary preventive measures. Workers or their representatives have to be included in the process of adopting such internal rules. The content and scope of the 2003, 2007 and 2013 ERA-1 were agreed in the tripartite social partner/government negotiations.

### **Employment Relationship Act**

#### **Article 7 (Prohibition of sexual and other harassment and workplace mobbing)**

(1) Sexual and other forms of harassment shall be prohibited. Sexual harassment is any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or intent of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hateful, degrading, shaming or insulting environment. Harassment is any undesired behaviour associated with any personal circumstance with the effect or intent of adversely affecting the dignity of a person or of creating an intimidating, hateful, degrading, shaming or insulting environment.

(2) Sexual and other forms of harassment referred to in the preceding paragraph shall be deemed to be discriminatory pursuant to the provisions of this Act.

(3) Rejection of action or behaviour referred to in the first paragraph of this Article on the part of an affected candidate or worker may not serve as a ground for discrimination in employment or work.

(4) Workplace mobbing shall be prohibited. Workplace mobbing is any repeated or systematic wrong or clearly negative and offensive treatment or behaviour directed at individual workers at the workplace or in connection with work.

(5) Workers who are victims of mobbing may not be exposed to unfavourable consequences as a result of actions aimed at fulfilling the prohibition of workplace mobbing.

#### **Article 47 (Protection of worker's dignity at work)**

(1) The employer shall be obliged to provide a working environment such that none of the workers is subjected to sexual or other harassment or mobbing on the part of the employer, a

superior or co-workers. To this end the employer must take appropriate steps to protect workers from sexual and other harassment or from mobbing in the workplace.

(2) The employer must inform the workers of the adopted measures referred to in the preceding paragraph in a manner customary for the employer (for example on a notice board at the business premises of the employer or by using information technology).

(3) If in the event of a dispute a worker cites facts giving grounds for the suspicion that the employer has acted contrary to the first paragraph of this Article, the burden of proof shall rest with the employer.

In 2013 ERA-1 the new Article 8 defines the employer's liability for damages and compensation. In the event of violation of the prohibition of discrimination or workplace mobbing, the employer shall be liable to provide compensation to the candidate and/or worker under the general rules of civil law. Non-pecuniary damage incurred to a candidate or worker shall also include mental distress suffered owing to unequal treatment of a worker and/or discriminatory conduct of an employer and/or failure to provide protection against sexual or other forms of harassment or workplace mobbing suffered by the candidate or worker pursuant to Article defining protection of workers' dignity at work (Article 47). In the determination of compensation for non-pecuniary damage, it must be taken into account that the compensation is effective and proportional to the damage suffered by the candidate and/or worker and that it discourages the employer from repeating the violation.

There were very few cases reported prior to the introduction of the ERA 2007. Since then the number of cases has risen steadily. As damage caused at workplace, the Court has recognized the following as legal: physical pain and inconvenience during medical treatment, mental pain due to impairment of personal rights, mental pain due to reduction of life activities, and mental anguish due to defamation of good name and honour. The employer's liability is always the responsibility for the other. On the one hand, it is a responsibility for the damage directly caused to the worker by the perpetrator of mobbing, and, on the other hand, the responsibility for not protecting the worker from harassment or mobbing. Compensation has ranged from between 11.2 and 0.8 of net average wages per employee in the Republic of Slovenia at the time of the first Instance Court judgement.<sup>2</sup>

### ***Regulation on Measures to Protect the Dignity of Employees in Public Administration***

Under paragraph 45 of the Employment Relationship Act government of Slovenia introduced in 2009 a 'Regulation on Measures to Protect the Dignity of Employees in Public Administration' to ensure a working environment that respects dignity at work and prohibits sexual or other ways of harassment or mobbing.

### ***Law on health and safety at work***

The 2011 law on health and safety at work more specifically stipulates the employer's responsibility for the protection of and provision for employees' dignity at work in relation to third-party violence and violence, mobbing, harassment and psychosocial risks.

- Article 23 on the risk of third-party violence states that: "(1) At workplaces where there is higher risk of third-party violence, the employer shall ensure such a design and equipment of the workplace that reduces the risk of violence and allows assistance to be provided at the workplace under threat. (2) The employer shall plan procedures to

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<sup>2</sup> Vukovič Borut (2016). Case-law on mobbing at the workplace. Labour Law and Social Security Review. Employees & Employers 2-3/2016/letnik XVI. p.417-433



manage the violence referred to in the previous paragraph of this Article and inform workers working at such workplaces about them.”

- Article 24 on violence, mobbing, harassment, psychosocial risks states that: “The 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 threat to workers’ health.”

### **Criminal Code**

The 2008 amendment to the Criminal Code regulates mobbing at the workplace (defined as sexual harassment, psychological violence, bullying or unequal treatment, which causes humiliation or fear in another person) are punishable by up to two years’ imprisonment. This provision was the result of advocacy by ZSSS and the NGO movement.

## **2.2 Domestic violence at work**

On 8 September 2011, Slovenia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence and ratified it in December 2014.

The main legislation providing for protection and support for victims of domestic violence is the 2008 Family Violence and Protection Act (ZPND), amended in November 2016. The Family Violence Prevention Act set out the basis for the government Resolution on the National Programme for Family Violence Prevention 2009–2014, which sets out the objectives, measures and key bodies responsible for implementing policies for the prevention and reduction of family violence. The Act also provided the basis for the revision to the Criminal Code 2008, which defines family violence for the first time as a criminal offence, and for which the perpetrator can be sentenced to an imprisonment of up to five years.

## **2.3 Collective bargaining**

The majority of workers are covered by collective bargaining in Slovenia. In the private sector negotiations take place at sectoral and company level. National bargaining for the private sector ceased in 2005, following a decision by the employers to withdraw from it in the light of the changed legislative framework. However, a national collective agreement on pay in private sector was concluded in 2008. In the public sector agreements take place at the national level covering different parts of the public sector.

Tripartite national agreements between the unions, employers and government, cover a range of labour, economic and social issues.

Trade unions interviewed for the country case study referred to a range of challenges affecting collective bargaining, including increasing decentralization of bargaining, a reluctance on the part of some employers in some sectors to conclude agreements, and lower levels of collective bargaining coverage.

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

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

In recent year’s trade unions have been active in addressing gender-based violence at work, principally through agreements and workplace policies that implement and further extend the provisions established under the Employment Relations Act. The main focus has been to



address bullying/mobbing and harassment for all workers, and most agreements address sexual harassment within this broader framework.

There have been a very small number of cases before the courts on sexual harassment. However, unions interviewed stated that it is important for unions to take a pro-active role in supporting women to take cases to court. There have been several cases in universities that have received press coverage. In one example of a case, the court ruled in favour of a woman who had experienced mobbing at the workplace and had been prevented from carrying out trade union duties.

The union supported the woman through all stages and we proved the case of mobbing and bullying at work, it was one of the most serious cases in Slovenia and the Head of big retail Centre and Head of sales received a penalty. We got a lot of media coverage and we issued press conferences and media interviews to highlight the severity of the case. (General Secretary of the ZSSS Retail Trade Union)

Unions interviewed for the country case study highlighted the importance of the legal framework which requires unions and employers to jointly draw up agreements and workplace policies, putting a duty on employers to ensure safety at work and to act to address violence in the workplace. In addition, the burden of proof is on the employer who is liable for safety in the work environment.

### 3.2 Data and evidence

There have been few surveys carried out on sexual harassment. One survey dating back to 1999 on sexual harassment in the workplace found that one in every eight women and one in every fourteen men had experienced sexual harassment.<sup>3</sup> A survey carried out by the Office for Equal Opportunities and trade unions in 2007<sup>4</sup> found that every third woman was a victim of verbal sexual harassment and every sixth woman a victim of physical sexual harassment. The most common harassers are fellow colleagues, followed by people in superior positions and people in management positions. A survey, carried out in 2009<sup>5</sup> by the Office for Equal Opportunities and participating trade unions, found that most employers, despite the legal obligation arising from Article 47 of the ERA, had not yet adopted measures to protect workers' dignity at work and provide a working environment free of sexual and other harassment or bullying.

A 2008 national survey on mobbing/harassment,<sup>6</sup> by the Institute for Occupational Medicine, was presented at the tripartite government Council for Occupational Health and Safety in January 2009. The survey of 823 workers showed that in the six previous months, 10.4% of employees were victims of workplace harassment themselves and 18.8% had witnessed harassment of co-workers.

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<sup>3</sup> M. Jogan *Seksizem v vsakdanjem življenju* Ljubljana, FDV 2001. Cited in Numhauser-Henning A and Lulom S (2011) Harassment related to Sex and Sexual Harassment Law in 33 European Countries: Discrimination versus Dignity. European Network of Legal Experts in The Field of Gender Equality. European Commission

<sup>4</sup> Analysis on Sexual and Other Harassment at the Workplace, Office for Equal Opportunities and cooperating trade unions, 2007. Cited in: Numhauser-Henning A and Lulom S (2011).

<sup>5</sup> Analysis of the Measures Taken to Prevent Sexual and Other Harassment and Bullying at the Workplace, Office for Equal Opportunities and cooperating trade unions 2009. Cited in Numhauser-Henning A and Lulom S (2011).

<sup>6</sup> Cited in the joint report by ZSSS (Association of Free Trade Unions of Slovenia), ZDS (Association of Employers of Slovenia) and OZS (Chamber of craft and small business of Slovenia) Implementation of the ETUC /BUSINESSEUROPE-UEAPME/CEEP Framework agreement on Harassment and Violence at work. Available at: <http://erc-online.eu/wp-content/uploads/2014/04/2010-00884-E.pdf>

PhD research carried out by Sonja Robnik,<sup>7</sup> surveyed workplace bullying from a gender perspective amongst teachers. The research, carried out in partnership with teachers' unions in Slovenia, covered 700 teachers, 85% of whom were women. The research revealed that 8% of victims experienced serious forms of workplace bullying, much of which was sexualised. As Sonja Robnik explains the research revealed an embedded culture of gender inequalities.:

There were interesting findings from a gender perspective, often this was the feeling that they were working in a sexist working environment, where humiliating attitudes and jokes about women, showed a strong connection between workplace bullying and gender inequalities. I developed new terminology, including the terminology of 'targeted hostility', that would be helpful in understanding women's experiences of bullying. From our practical experience there is always hostility connected to these situations. This needs to be tackled at a structural level. It is an issue of power relations – if women have equality at work it impacts on all areas, on the gender pay gap, on their exposure to sexual harassment etc.

Evidence of sexual harassment in universities, particularly in science and male dominated professions, has been documented in a survey carried out in one university. The survey found that casualised research positions, which have increased in the university sector put women, particularly young women at the start of their careers, at risk of sexual harassment.<sup>8</sup>

According to a 2009 Slovenian survey among trainee doctors, 70.8% were subject to bullying during training. The most common behaviour was the withholding of important information, making verbal attacks regarding work assignments, assigning work assignments below or above the trainee's capacity and spreading rumours.<sup>9</sup>

### 3.3 Collective agreements and workplace policies

In Slovenia the issue of sexual harassment at work has been included in a range of agreements and policies, some of which implement the provisions of the 2007 Framework Agreement on Violence and Harassment. A strong focus is given to bullying/mobbing as a form of harassment, and sexual harassment is deemed to be one aspect of mobbing. There are some good practice of sectoral and company level collective agreements that address the prevention of harassment and sexual harassment.

ZSSS provides support for negotiators in drawing up company and workplace agreements on gender equality issues. A good precedent has been set by ZSSS through the development of model clauses for collective agreements. This was first initiated by ZSSS in a project that led to the drawing up of model clauses in a range of gender equality areas, including 25 model clauses on reconciliation and paid leave, active fatherhood and the gender pay gap, amongst others. One good practice is a model agreement on violence and sexual harassment at work (see below) which provides model clauses for legal experts, union negotiators and employers in concluding national, sectoral and company level agreements. The model agreement covers physical, verbal and non-verbal forms of sexual harassment.

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<sup>7</sup> Sonja Robnik is training state administration's advisers on workers' dignity in Slovenia, in her employment in the Ministry of Labour, Family, Social Affairs and Equal Opportunities. She carried out the research after many years of experience of training workplace representatives with a specific focus on addressing sexual harassment.

<sup>8</sup> Cited in interview with Vesna Leskošek, University of Ljubljana, Faculty of Social Work.

<sup>9</sup> [http://www.policija.si/eng/images/stories/Publications/JCIC/PDF/2010/03/JCIC2010-03\\_Selic\\_Jakopin\\_MobbingOfTraineeDoctors.pdf](http://www.policija.si/eng/images/stories/Publications/JCIC/PDF/2010/03/JCIC2010-03_Selic_Jakopin_MobbingOfTraineeDoctors.pdf)



### **a) Model agreement on prevention of violence and harassment at work**

ZSSS's model agreement on prevention of violence and harassment at work aims to raise awareness and provide guidance for language to be used in sectoral or workplace agreements. It appears that the model agreement has been used by several unions in negotiations for sectoral, company and workplace agreements.

The agreement which was presented to employers was not signed. ZSSS cite the reluctance of employers to address the issue in national collective bargaining, on the basis that they believe that the legislation provides a sufficiently robust legal framework.

The agreement covers the following:<sup>10</sup>

- The **goals of the agreement** are set out as follows: a) Signatories establish that dignity and personal rights of employees are the basic values that ensure the successful organisation of work and a dignified working environment, and b) to improve awareness and recognition of harassment and violence at work, to focus on timely recognition of typical signs and occurrences and the negative consequences of such acts for the company and for the affected worker/s.
- **Forms of harassment and violence at work** are defined as follows: a) Harassment and violence arise from unacceptable behaviour by one or more persons and can be manifested in different forms. They are: sexual harassment, other harassment and mobbing at work. b) Sexual harassment is understood by the signatories as any form of unwanted verbal, non-verbal or physical action or behaviour of a sexual nature with purpose to undermine the dignity of the person, especially when it creates an intimidating, hostile, humiliating, embarrassing and insulting working environment. c) Other forms of harassment (based on discrimination on the grounds of race, sex, sexual orientation etc.). d) Mobbing, which is defined.
- **Measures for timely recognition and prevention of harassment and violence at work:** a) The signatories jointly commit to plan the activities to permanently cooperate to plan preventive actions and resolution of disputes arising from harassment and violence at work. At joint meetings introduce provisions to deal with absence at work due to sickness, termination of employment contracts for personal reasons, motivation of workers, and similar issues. c) Employer hereby commit to inform the employees by giving a statement of zero tolerance regarding harassment and violence at work and to inform them about the agreement, and to monitor the quality of the organisation of work and if necessary to change or amend it. The employer shall adopt a general act that is a general document of the company for the recognition and elimination of the negative consequences of violence and harassment at work. c) In agreement with the workers' representatives the employer shall appoint the authorized persons who will receive the complaints of harassment. d) The workers' representatives commit themselves to constantly encourage workers of behaviour as proper colleagues and partners at all levels of the company to inform the workers about the forms and consequences of harassment and violence at work, and to inform them of the eventual legal consequences based on the consequences of violation of zero tolerance.
- The **statement** to be signed by the employer: "[employer] does not allow harassment and violence at work and that our company has zero tolerance to any such behaviour".
- An **annex** defines verbal, non-verbal, physical forms of sexual harassment etc. It defines other forms of harassment and mobbing as humiliation, intimidation, physical assaults, embarrassment, insulting, sexist jokes etc. and other kinds of assaults, e.g. health, reputation, quality of work etc.

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<sup>10</sup> Note: this is not an official translation

## **b) Sectoral collective bargaining agreements**

A number of sectoral collective bargaining agreements have been signed, which include sexual harassment usually within a broader framework of mobbing and harassment. A review of framework agreements on gender equality carried out by the Institute for Labour Law at the Faculty of Law, University of Ljubljana and ZSSS in 2014, recommended that collective agreements at sectoral and company level contain explicit clauses on zero tolerance to sexual harassment and violence, including policies and procedures at workplace level, and training of management and workers.

**Collective agreement for the banking sector:** The employers and unions in the banking sector were the first to sign an agreement on mobbing at work, including sexual harassment, which occurred before legislation was introduced. The agreement is widely regarded by trade unions as a best practice agreement. Article 8 states that the employer is responsible for ensuring a normal working environment and good psychosocial conditions for work; for ensuring the measures to prevent psychological, physical and sexual harassment and mobbing at the workplace; and protecting victims from such acts. The employer is obliged to regulate the prevention of discrimination, sexual and other harassment and mobbing at work, in a general document and to adopt concrete preventive measures. The Management Board and the trade union appoint an authorized person unanimously to address and resolve cases of psychological, physical or sexual violence and bullying at the work place. If consensus does not occur within 15 days, the employer appoints the authorized person. A report on the cases dealt with in this area and measures taken must be submitted every year to the trade union. The employer must inform workers of their right to dignity at work, protection of privacy and personal integrity. Article 67 states that “the workers who took sick leave because of mobbing, discrimination, sexual or other harassment, which is formally established by the management or by court with a final judgement, the worker has the right to 100% payment compensation for sick leave. Under Article 8: the “employer is obliged to regulate the prevention of discrimination, sexual and other forms of harassment and mobbing in a general act, and Art 11 states that the “employer has to take position towards the opinion of the trade union on the proposed general acts or to discuss those proposals with the trade union.”

**Collective agreement in the metal industry:** In an earlier collective agreement an article on preventing bullying, violence and humiliation at work was included as a measure to create a worker-friendly environment. However, a new collective agreement was signed in 2015, and no longer includes this article.

**Collective agreement for hospitality and tourism:** Article 10, paragraph 7 states that “every employer shall adopt and implement the measures to reduce the risks of violence by third parties”. It is one of few agreements that deal with third-party violence. Article 10 also defines (paragraph 8) that: “Employers adopt and implement measures to protect employees against violence, mobbing and harassment at the workplace.”

**Collective agreement in the non-metal production, extraction and processing industry:** Art 42 states that “the employer and the trade union should aim to achieve efficient protection against violence, mobbing, harassment and other forms of psychosocial risks at work, and to that end they should constantly inform each other, formulate proposals and agree with each other on the measures to eliminate or reduce all such risks that may represent a threat to the worker’s health.”

**Electro industry collective agreement:** The agreement in article 5a states that: “once a year the employer shall inform the trade unions on the measures to protect the workers from sexual

and other forms of harassment and mobbing at the workplace and shall consult the trade unions on the implementation of such measures.”

### **c) Company level agreements**

#### **Mercator agreement**

A good practice workplace policy was agreed and defined by **Mercator (supermarket chain) and Mercator Trade Union (ZSSS, commerce sector)** against sexual and other harassment and mobbing at the workplace. It sets out a zero tolerance approach, clear procedures in making complaints on sexual and other harassment and mobbing and support to victims. The policy follows a consultation process with workers in the 500+ Mercator supermarket chain. The workplace policy is regarded as a model for other company agreements in Slovenia. The company and unions have established a strong social dialogue and attempts are made to resolve all issues through dialogue. It is an example of how a senior female negotiator was able to effectively persuade the company to prepare effective rules, which have led to standardized rules and procedures on harassment, bullying and sexual harassment. The agreement covers all Mercator workplaces and the 10,000 employees working in the supermarket chain.

The President of Slovenian Trade Union of Workers' in Trade Sector and President of the Mercator Trade Union group, Vesna Stojanović, played an instrumental role in getting the agreement, rules and procedures agreed with the company:

It would be an illusion that everything goes smoothly and there is a danger that things don't get implemented properly. Many managers don't have the natural talent to work with people, and all sorts of situations have had to be resolved. I realised that there is a need to regulate all of these issues. The union was alerted to the problem of mobbing and sexual harassment as a wide phenomenon and we found that people didn't understand the issues in the same way. This is why we wrote down in detail these definitions in the company's rules.

#### **Workplace policy between Mercator and Mercator's Trade Union (ZSSS, commerce sector) against sexual and other harassment and mobbing at the workplace and in relation to work**

##### **Article 1**

- 1) Management of Mercator are obliged to make every effort to protect the dignity of all employees at the work place and in relation to work regardless of their position.
- 2) Sexual and other harassment and mobbing are forms of violence at work and are not acceptable in the company.
- 3) The management commits not to tolerate violence at work and in relation to work regardless of the hierarchical position of the victim or the perpetrator.
- 4) Every employee in the company has the right to a working environment that is free from violence especially free from sexual and other harassment and mobbing.
- 5) Each employee in the company has the right to complain if his or her right to a work place that is free from violence is violated.
- 6) All employees in the company are obliged to help in their best possible way and capacity to provide help to the victim in order to resolve the violent situation.
- 7) Sexual and other harassment and mobbing represents a violation of obligations arising from labour relations which may result in the termination of a contract of employment if a perpetrator is found guilty.
- 8) All these expressions – worker covers male and female worker.

Article 2 sets out definitions of verbal sexual harassment, sexual proposals, forcing someone to have sexual acts, repeating proposals for sexual acts and dates, suggestive remarks, vulgar comments related to the clothes body or appearance, addressing the person as baby sugar sweetheart, use of obscene language and gestures such as whistling, changing business topics into sexual topics, stories and jokes that contain sexual content, boasting about sexual relations, asking personal questions relating to the sexual/social life of a person and other similar behaviour.

Art 3 sets out actions related to non-verbal sexual harassment, including sending faxes, emails and other material with sexual content, showing porno materials, sexual desirable looking and flirting, sexually suggestive gestures, looking at body parts, standing and leaning across a person when seated.

Art 4 sets out actions on physical sex harassment, including unnecessary tapping and touching someone's body, pinching, moving body against someone's body, touching person's body, hugging, kissing, repeating body touches after the end of a relationship, sexual assault, forced sexual relations or acts, and other similar physical actions or behaviour.

The company has seen a higher rate of reporting of sexual harassment since the rules were implemented. In practice the majority of cases of mobbing are in fact sexual harassment related to inappropriate use of language and power, and insulting sexualised and abusive behaviour on the part by a manager. As Vesna Stojanović explains:

Before the agreement women didn't come forward, but the agreement has helped a lot for workers to open up and to report cases. But if the case is not very critical they prefer not to report. Sometimes a problem has been identified because they are afraid they will lose their job. We know there are many, many more cases, but women don't always come forward.

The Mercator supermarket chain now has a dedicated team that deals with mobbing and harassment, with involvement of trade unions. A trade union team of 40 people intervene in cases. Trade union representatives have been trained in how to handle cases. There have been between 15 and 20 cases handled by the trade union since the agreement was signed, of which 80% of cases are successfully resolved.

One very successful aspect of the Mercator agreement is the involvement of workers, first through a consultation process and later in disseminating information about the company's rules to all workers, including the induction of all new employees. The agreement is integrated into the company's business standards, which have been rewarded with Certification as a family friendly company. As Vesna Stojanović explains:

We give information about terms and conditions, rights and responsibilities of employers and employees, as well as instructions of how the worker can report any violations. We also give information on preventing mobbing and harassment of women who are pregnant. We have a training service and we organise training for small and large groups. Employees are very well informed about the policy and procedures. They all receive a guide *[photo available]*. All employees receive information about why we are family friendly company because we are aware that employees and the company together form an unity. A three monthly bulletin, covers new company documents and information. The latest issue covered violence and mobbing in order to inform all the employees.

### ***Petrol - company collective agreement***

Company collective agreement for the **oil company Petrol and ZSSS (commerce sector), 2014**. Employers obligations are set out in Article 16, para 6. The employer is obliged to ensure that working environment in which no worker will be exposed to sexual and other forms of harassment or mobbing by the employer, supervisor and colleagues, to that end the employer should adopt appropriate measures to protect the workers from sexual and other forms of harassment or mobbing at the workplace and to protect workers' personal data.

#### ***d) Other union initiatives: policies and procedures***

**Public administration:** Since the introduction of the 2009 Regulation on Measures to Protect the Dignity of Employees in Public Administration, employers in public administration have a duty to protect dignity at work, which includes protecting workers from harassment and sexual harassment. The regulation provides for the appointment and training of workplace counsellors and since 2009 the Ministry of Labour, Family, Social Affairs and Equal Opportunities has trained over 600 workplace counsellors to this effect. The head of each public administration service is required to publicise the role of the counsellors. The counsellor gives advice and helps to mediate and resolve the issue. Good practices have been established in the police and army; these are sectors where complaints had been made of sexual harassment in the past.

In 2008, ZSSS started to formulate an agreement at the State level, which led employers to adopt a zero tolerance approach towards mobbing and sexual harassment. During the process of formulation ZSSS ran awareness raising campaigns and ran training for trade union members. However, the agreement was not signed as employers were not ready to sign and believed that the provisions in the legislation were sufficient. At the time trade unions recognised that if the government had laid down in the legislation specific procedures on how to address mobbing and sexual harassment, it would not have been necessary for the trade unions to do this.

The metal working union has drawn up procedures for employees: **Practical Guide to prevent mobbing** which defines mobbing, including sexual harassment and gives guidance for reporting and measures to take. Also, a form for the monitoring of mobbing was prepared and is available online. Similarly, the Employers Association ZDS is also active in this field and has provided a practical tool in the form of a diary template for recording cases of sexual harassment by day, hour, place of event, perpetrator, short description of the event, who was present, response after the event, actions taken after the event, and who was present after the event.

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

Unions and employers in Slovenia have undertaken a range of measures, which have contributed to the implementation of the 2007 Framework Agreement on Violence and Harassment.<sup>11</sup> They include:

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<sup>11</sup> Joint report by ZSSS (Association of Free Trade Unions of Slovenia) - Member of ETUC), ZDS (Association of Employers of Slovenia - Member of BUSINESSEUROPE) and OZS (Chamber of craft and small business of Slovenia - Member of UEAPME). See: Implementation of the ETUC /BUSINESSEUROPE-UEAPME/CEEP 2 Framework agreement on Harassment and Violence at work. Available at: <http://erc-online.eu/wp-content/uploads/2014/04/2010-00884-E.pdf>



- Presentation of the agreement to the public and at seminars and training events by ZSSS in 2007 and again in 2014. Also, in 2014 the manual for trade union negotiators was published, including detailed presentation of framework agreement on harassment and violence at work and its' implantation into collective agreements on all levels.
- The 5th congress of ZSSS in December 2007 outlined ZSSS policy on action to prevent both stress and harassment and violence at work.
- ZSSS has also carried out training for workers' representatives and has engaged in consultations with employers on the topic of mobbing/harassment.
- ZSSS cooperated with an NGO, which in 2009 prepared an awareness raising publication on mobbing at workplace.
- The Slovenian Association of Employers (ZDS) has also introduced a range of measures to promote a healthy working environment, free from harassment and violence, including seminars, promotional and training events. ZDS has prepared sample internal rules to be adopted in the companies, which has been adopted as the official sample by the Association of Banks of Slovenia. The employers have also been willing to include mechanisms for preventing the harassment and violence at work in the branch collective agreements and collective agreements at company level.
- ZSSS plans a manifestation in December 2016 to stress the importance of zero tolerance to harassment, sexual harassment and mobbing. The discussion with the President of the Parliament is foreseen in which the zero tolerance approach towards workplace and domestic violence will be promoted. Video material as well as large poster and mini leaflets will be prepared with the aim of awareness raising of trade union members and public.

As mentioned above, unions have played an important role in providing training and awareness rising amongst union members and workers which have had the objective of implementation of agreements and rules on violence and harassment.

Some unions have taken a proactive role in raising awareness about gender based violence amongst their membership and in decision making structures. For example, the ZSSS regularly covers gender based violence in their bulletin, and carry out workshops and training for workplace representatives on sexual harassment at both national and regional levels. The training has an input from legal experts and gives guidance to union representatives about how they can play a role in reducing mobbing and harassment at work. Internal ZSSS training is also provided to officers on psychosocial risks, the need for legal support and how the legislation can be used to end harassment.

Gender-based violence was on the agenda of the 2016 Congress of the Metal Workers Union. Although in the past there was a lack of interest amongst members in the issue, there has been a very active woman champion in the union, Mateja Gerečnik, who has made the union more aware of the problem. A great deal of effort has been given to raising awareness of men. In the metal and electro industries, unions have carried out a lot of awareness raising activities to persuade employers that they need to act. This has led to several collective agreements on how to recognise mobbing in the workplace and how to resolve it. The unions in the metal and electro industry have also carried out a lot of awareness raising at company level about the importance of putting in place procedures to prevent harassment and sexual harassment and to have a zero tolerance approach.



The development of women's structures in trade unions has helped to keep issues of gender equality and sexual harassment on union agendas. For example, the trade union for metal and electro industry, a Commission on Women's Issues was created ten years ago to address gender inequalities in the workplace. The Commission has carried out training, education, seminars, awareness raising on mobbing and violence in all regions, which includes training for trade union representatives on how to negotiate agreements at workplace and company levels. This helped enabled the Commission to promote the signing of agreements on violence at work at company level. There are now agreements in all electro companies and in the larger companies the union has been able to persuade employers to organise training for workers on mobbing. Media release are issued when regional training courses are held to show good practices. The Commission on Women issues regularly visit companies and meets with workplace representatives to raise awareness with employers and workers. As Mateja Gerečnik explains:

After one training session a woman worker reported sexual harassment by her boss, she was just divorced and he thought she was available, she reported as she was no longer able to cope and the union supported her case. The employer wanted to terminate her employment rather than deal with the harasser. However, the union dealt with the issue by warning the employer that if the issue was not dealt with it would continue. The union reports that awareness raising with companies has pushed companies in the right direction, including in providing compensation.

In the catering sector unions have been involved in awareness raising as it is a sector where there is little recognition that the problem of sexual harassment exists. An example was given of the requirement for some women workers to wear short skirts. Unions have attempted to persuade employers of the need for a dignified approach and to implement measures to address third-party violence, including a rising number of severe forms of violence from guests in hotels and from patients in a health care setting.

In the commerce sector, where 80% of workers are women, attempts have been made to raise awareness about and regulate working time for families and mothers. The union representing workers in the sector has pressurised companies to adopt codes on family friendly working time and rules on the prevention of violence at work.

The ZSSS commerce sector has seen an increase in violence against women at work, including physical third-party violence which affects small shop keepers. The union has worked with small employers and trade union representatives to raise awareness about how they can prevent violence at work. With the assistance of labour inspection services, has led the union to being successful in agreeing rules on preventing violence at work and unions have been directly involved in formulating company policies and rules with employers.

In the teacher's union, training union members about sexual harassment has been a priority, this has been important in creating a positive working environment free from mobbing and sexual harassment.

The ZSSS has undertaken a project, 'Workers' safety representatives' training for better occupational health of workers'. The project, co-financed by the Health Insurance Institute of Slovenia, 2013-2014 aimed to enhance workers' occupational health and to increase the number of workplaces with an elected worker safety representative. The trade union has established an e-network of workers' safety representatives and will provide them with professional training.<sup>12</sup>

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<sup>12</sup> Cited in: <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/violence-and-harassment-in-european-workplaces-extent-impacts-and-policies>

A further project run jointly with ZSSS and the main health insurance institution has been running for two years to find ways to reduce absenteeism at work. The project which has trained workplace representatives to identify and address health and wellbeing, and promote good relations between colleagues, in the workplace has also examined psychosocial risks and violence at work. Workshops have been held with the health insurance institute and with experts, including experts from the USA. The project has led to reduced absenteeism and the Insurance companies have stated that their investment in the project has been returned four times. According to Andreja Poje, ZSSS, mobbing has been revealed as an important workplace risk during the project:

We try to find out what is wrong and why people are absent from work, and we look at how health and wellbeing and prevention of violence can be implemented in the workplace. In practice we found that mobbing was reported as a significant issue by many participants.

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

Unions have developed very good cooperation with NGOs. ZSSS and the teacher's unions have both worked very well with NGOs to prevent violence and harassment at work. One example is a partnership between the Healthcare Trade Union, the SOS Helpline and the Chamber of Nursing and Midwifery Services of Slovenia who ran a joint project, 'Advisory phone for people with experience of violence at the workplace', which provides support and information to people who have been victims of harassment or violence at work and to enable workers to take action to stop violence.<sup>13</sup>

The SOS Helpline is a national organisation providing information and advice on workplace violence through their web site. The organisation ran a dedicated helpline to address workplace violence, which ran for five years and closed down after the number of calls declined and as more people sought health and advice through the web site. During this time 4-5% of calls were sexual harassment, other calls concerned sex related bullying and psychological violence and different forms of social exclusion in the workplace. More than 95% of calls were from women. The SOS Helpline has collaborated with trade unions in health and education in preventing sexual harassment at work. Today these calls come through the main SOS helpline. (see Section 4 for more information about SOS Helpline)

### 3.6 Challenges faced by unions

- Even though there is general acknowledgement in Slovenia that mobbing exists, several NGOs and unions referred to the persistent challenge that there is a low level of knowledge and understanding of sexual harassment.
- There is a lack of awareness amongst trade unions of the issues of gender power relations in the labour market, which means that sexual harassment is rarely addressed as a serious problem. The culture in Slovenia means that: "We don't want to speak openly about this – many don't see jokes about women as sexual harassment. Employers have a responsibility in the legislation to do something – to implement procedures and prohibit it in the workplace – but they rarely do so." (Metka Rokсандić, Women's Lobby of Slovenia).
- On a company level only a few of ZSSS's 22 sectoral trade unions have worked on the issue of sexual harassment and there are challenges in persuading some unions and employers to negotiate collective agreements on the issue.

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<sup>13</sup> Cited in: <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/violence-and-harassment-in-european-workplaces-extent-impacts-and-policies>

- Several unions stated that employers will only normally tackle an issue if it is required in legislation.
- One of the problems highlighted by NGOs and trade unions is that since the introduction of legislation in 2007 on workplace bullying/mobbing is that sexual harassment has been given a lower profile, even though unions and NGOs report that sexual harassment is frequently the main indicator of mobbing/harassment. Company rules on dignity protection do not always include sexual harassment, and there is a general low awareness and understanding of the issue.
- Despite good progress in concluding agreements, a major challenge is a need to change awareness amongst employers about implementing effective rules and procedures in the workplace.
- Unions cite problems in specific sectors. For example, in the hospitality and tourism sector, there is a high tolerance of sexual harassment. In metal sector there is a lack of understanding amongst employers and they are not ready to discuss the problem. In the electro industry, which is very male dominated, employers are not responsive and they do not want to regulate prevention of sexual harassment and mobbing into collective agreements.
- Unions spoke of new challenges ahead with regards to the overall framework of collective bargaining, which they foresee will reduce the capacity of unions to negotiate at national/sectoral and company levels.
- Unions cite a growth in third-party violence; for example, growing violence against health workers by patients and their families in the health sector – legislation says that the patients only have rights but not obligations.
- Due to the crisis, the reduction in the number, coverage and influence of collective agreements is a major challenge for unions. Also employers have an ambition for greater decentralisation, from sectoral to workplace level bargaining.
- There is a corresponding reduction in the number of employees who are covered by collective bargaining (this was over 90% until 2006, but according to unions coverage has been decreased and it stands at about 80 %). In some sectors unions have been unable to conclude collective agreements.
- A growth of non-standard work, including atypical and precarious contracts, agency work and casualization in affecting sectors such as security, catering, commerce and services.

### 3.7 Recommendations from unions

“We should include specific procedures and obligation on employers and unions to solve this issue, written into collective agreements. This is the first step, the second step is to have a national survey about sexual harassment at the workplace. We absolutely need to have some statistics and results we can build on. You also have to prepare people and have debates about sexual harassment, not only mobbing also sexual harassment – they need to know what it is – if our judges don’t know what sexual harassment is – we have some court verdicts that are crazy from legal standpoint – take position of perpetrators.” Metka Roksandić, Women’s Lobby Slovenia

- Unions recommend that all sectoral and company collective agreements adopt model clauses, particularly with reference to the model clauses contained in the model ZSSS agreement. This should include reference to the statement on zero tolerance to harassment and sexual harassment, and give guidance on effective procedures for regulating prevention, reporting and resolution of cases, and support for victims.
- Agreements could be modelled on existing good practices laid down at the national level and or in company agreements, for example, the agreement with Mercator.

- Collective agreements should specify employer obligations to provide training for management and workers, and information for workers about the rules and procedures established at company and workplace levels.
- All company initiatives, policies and procedures should be carried out with the consultation and involvement of unions.
- Negotiating collective agreements is recommended as the most important role for trade unions in the future and this should be the basis for all trade union negotiators training. Training should cover how to draw up company rules, who is responsible, how violence and harassment can be tackled and prevented and implementing effective complaints procedures that protect victims in the workplace.
- All unions interviewed stressed the importance for sustained levels of training for trade union representatives in companies, so that they can negotiate rules on mobbing and sexual harassment and give advice on how to help victims of violence. As one union official said: “This is an issue of zero tolerance that we need to get across to employers and workers”.
- Unions should raise awareness amongst workers to encourage a higher level of reporting of complaints.
- Exchange of good practice (national and cross-national) is recommended as being very important too in sharing and learning from each other. Unions recommend that it is very useful to model good practice and to demonstrate the benefits of good workplace policies.
- Several unions called for national campaigns to target violence at work and raise awareness amongst the general public, workers, employers and the judiciary.
- Unions need to understand that sexual harassment is a form of gender discrimination, and that means that unions need to focus more concretely in tackling structural gender inequalities.
- Changing gender culture and engaging men as champions is recommended, particularly in male dominated sectors. It is important to ensure that men in union leadership and negotiating positions understand the causes of violence and harassment and why this is a gender equality issue. This means that specific guidance and awareness raising is required on the causes of sexual harassment and particularly its connection to gender inequalities.
- The ETUC agreement on violence and harassment needs to be written into law in Slovenia, otherwise it will not be implemented.
- Trade unions are well equipped to monitor how agreements are implemented, in particular, it will be very important in the future for trade unions to monitor how the issue of sexual harassment is implemented in general agreements on violence, harassment and bullying.
- There needs to be a structured and multi-professional help for victims of workplace violence, including lawyers and counsellors.
- CEDAW reports and the Istanbul Convention give very limited focus to the workplace – it is important that a gender-lens on violence at work is addressed as a global rights issue in the proposed ILO standard on violence at work.
- More data is needed on the extent of sexual harassment at work. Recommendations are made for a European survey on gender-based violence, which could be modelled on the EU-FRA survey on violence against women or further elaborated under Eurofound’s working conditions survey.

## 4. Domestic violence at work

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

Preventing domestic violence at work, which includes providing leave, support and safety in the workplace, for victims of domestic violence, is a new issue in Slovenia.

A 2011 study of the impact of the 2008 Family Violence and Protection Act<sup>14</sup> found that institutions were detecting, identifying and dealing with cases of family violence more frequently – this was related to a greater willingness of victims to seek assistance and the better knowledge and sensitivity of staff who assist victims. Various education and training courses and awareness-raising and information campaigns on the prevention of violence against women and family violence have been carried out in recent years. An important element of the Act is the appointment of expert staff at social work centres who provide professional support and assistance for victims and perpetrators of violence. Training courses, for police officers and other professional staff who encounter victims and perpetrators of violence in their work.

The Act is regarded by NGOs and gender experts in Slovenia as providing a comprehensive legal framework covering the coordination of services, protection orders and services for victims of domestic violence. According to NGOs, the 2008 Act has made a big difference, it is clear on restriction orders and who is responsible for reporting and providing support and services, including the duty on health, social care and education professionals to report cases of domestic violence. In health and social care and in the education protocols have been drawn up giving information on how to react and report cases of domestic violence. Protocols have yet to be drawn up on inter-agency cooperation. However, NGOs believe that the provisions of the Act have yet to be fully implemented in practice.

Slovenia NGOs are recognised by unions as holding a lot of knowledge and experience of working with victims of domestic violence. This experience shows the importance of someone who is trained in the organisation to provide appropriate support and advice, and point them to services and resolve the problem quickly. As Sonja Robnik argues it is vitally important that trade unions take action in this area:

Prevention needs to be driven by an outside force, which is the trade unions and as there is a strong culture of trade unions in Slovenia, they can do something. Let's have this outside intervention from trade unions and let's educate them, as all forms of violence have the same dynamic. There is a big chance for trade unions but there is a lot of work to be done, the problem has to be dealt with, trade unions have to start to know that there is something wrong with violence.

Violence against women was first highlighted in campaigns by the women's movement in the 1980s, when the first NGOs and helplines were established. The SOS Helpline<sup>15</sup> is a national organisation established in 1989 to prevent and provide support to women and children victims of domestic violence. It started with two shelters, and carried out projects and mass media

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<sup>14</sup> Cited in the government of Slovenia report:

[http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti\\_pdf/enake\\_moznosti/PekingPorocilo20.pdf](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/enake_moznosti/PekingPorocilo20.pdf)

<sup>15</sup> <http://www.drustvo-sos.si/?lang=en>



campaigns, and was an important pressure group that led to the adoption of legislation in 2008. The organisation now runs 16 shelters. The SOS Helpline welcomes the possibility of working in partnership with trade unions in preventing domestic violence at work. As Doroteja Lešnik Mugnaioni, SOS Helpline states:

Cases of women experiencing violence at home, has an effect at work, it is often more psychological focussed because the violence has changed her, she is more vulnerable, the way of communicating, not being able to cope with her work, many issues that lead to changing attitude in the working environment. We noticed this in our programmes.

As Vesna Leskošek, University of Ljubljana, Faculty of Social Work also explains workplace policies and prevention programmes are vitally important:

[domestic violence] puts limits on women's time at work, it is a huge impact as they don't go out with colleagues, they are afraid of the workplace even though the workplace should be a safe place. If they go from home to a shelter they want to go outside the home town, they don't want to be in the same town as the perpetrator. This makes it difficult for women to continue to work. We found that women living in shelters are losing their jobs. They give us stories about being ashamed of going to work if they have physical signs of violence. Many hide the violence and it is the main reason for their medical leave.

## 4.2 Data and evidence

A national survey of the prevalence of domestic violence 'The Extent and Responsiveness to Violence in the Domestic Sphere and in Partnerships'<sup>16</sup> was carried out in 2010 (co-funded by the Office for Equal Opportunities, the Ministry of the Interior/Police and the Slovenian Research Agency).

The survey found that every second woman (56.6%) had experienced one form of violence since the age of 15. The most frequent form of violence was psychological violence (49.3%), followed by physical (23%) and property-related violence (14.1%), restriction of movement (13.9%) and sexual violence (6.5%). Most women who experienced violence in the previous year had experienced psychological violence (49.9%), and a smaller share experienced physical (5.9%), sexual (1.5%) and property-related violence (7%) and freedom restrictions (6.1%). Excluding psychological violence, every fifth woman experienced one of the listed forms of violence in the previous year. The survey also revealed that women experiencing violence are less healthy than women in the general population. The survey found that victims suffered higher levels of stress, anxiety, indigestion, loss of appetite, stomach problems, headache, sleep disorders and poor concentration.

One of the principal authors of the study dr. Vesna Leskošek (University of Ljubljana, Faculty of Social Work) interviewed for the country case study reported on some aspects of the impact of domestic violence at the workplace. Some respondents gave additional information in the survey about how psychological and physical violence impacted on their connection with the workplace, for example, concerning restrictions on freedom of movement, stalking by partners at the workplace, and constant surveillance of victims. Some victims reported that they avoided relationships in the workplace and the majority did not tell work colleagues.

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<sup>16</sup> Leskošek V, Urek M, Zaviršek D (2010) Report on the national survey on violence in the private sphere and partnership.



### 4.3 Collective agreements and workplace policies

Unions have an important role to play in supporting victims of domestic violence, unions have provided ad-hoc support by contacting the police and support services. However, women victims of domestic violence often only approach a union when their situation has become very serious. Unions recognise the important role that they can play in preventing domestic violence at work.

The trade union for commerce sector<sup>17</sup> (SDTS) helps victims of domestic violence through the Trade Union Solidarity Fund, and argues that this is a very important type of support. NGOs and unions highlighted the important role that can be played in the workplace within the existing legal and collective bargaining frameworks. One way that this could be addressed is through the joint union/insurance institution project on addressing sickness absence (referred to in Section 3 above).

Unions also identified the possibility of domestic violence support and leave being included in existing agreements and workplace policies on health and wellbeing at work and family friendly working. A good model for this exists in the Mercator workplace policy. Precedents for providing short leave are already in place in the Employment Relationship Act and extended in many collective agreements; these give up to seven days paid leave, for example, for weddings, family bereavement or moving home, death in family, serious accident suffered by the employee and non-paid leave for up to 30 days. The banking agreement (described in Section 3) gives seven days paid leave for family and personal matters. These types of negotiations for leave could be negotiated and specified for victims of domestic violence.

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

As this is a very new issue in Slovenia no examples of union awareness raising, campaigns or training programmes were identified.

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

The links and cooperation between trade unions and civil society/women's organisations exist at an informal level. However, trade unions anticipate that if the issue of preventing domestic violence at work is to be addressed in Slovenia it will be imperative to carry this out in cooperation with domestic violence organisations.

### 4.6 Challenges faced by unions

- One challenge is that for many women their home is the workplace – this affects self-employed women, women in culture and the arts, outsourced and agency workers. The challenge raised by NGOs is the question of “who is the employer and who is responsible?” In addition, migrant workers who carry out seasonal work in Slovenia are rarely protected and are a group of women workers at risk.
- A further challenge is persuading trade union leadership and the membership that this is a priority area of work, at a time when there are many pressing problems and where staff hold multiple responsibilities.
- A final challenge is that employers will be unlikely to agree to agreements or workplace policies unless there is already a legal framework in place requiring them to act in preventing domestic violence at work.

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<sup>17</sup> The trade union covers retail, wholesale trade and motor vehicles repair

#### 4.7 Recommendations from unions

- It is important to seek funding to enable trade unions and NGOs in Slovenia to carry out projects, pilots and workplace initiatives to prevent domestic violence at work.
- Unions spoke of the importance of carrying out some preparatory work and awareness raising on preventing domestic violence at work.
- Unions are interested in learning from good practice and examining model clauses from other countries and learning how the issue has been negotiated in different sectors.
- It was suggested that a project be commenced with a view to writing model agreements and piloting them in company and workplace negotiations and agreements, possibly in partnership with unions in countries that have experience of developing workplace policies in this area.
- CEDAW and the Istanbul Convention need to give greater focus to the prevention of domestic violence in the workplace – it is important that domestic violence at work is addressed as a global rights issue in the proposed ILO standard on violence at work.