



THE CHALLENGES OF PREVENTING VIOLENCE AT WORK

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CONTEXT:

Definition:

“The term «violence and harassment» in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work of 2019.



More information in the link and in the QR <https://www.insst.es/documentacion/material-tecnico/documentos-tecnicos/encuesta-europea-de-condiciones-de-trabajo-2021-datos-espana-2023>

Statistical data:

According to data provided by the European Working Conditions Survey 2021 (Spain Data - Year 2023), 6.6% of respondents reported having been subjected to verbal offenses or threats, and 0.3% to unwanted sexual attention. Gender is a determining factor in being subjected to violent behavior, as 8.5% of women suffer from it compared to 4.8% of men, and furthermore, all victims of unwanted sexual attention were women.



More information in the link and in the QR

https://normlex.ilo.org/dyn/normlex/en/?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:3999810,en

Types of violence in the workplace:

Based on the individuals involved and the type of relationship between them
[California Division of Occupational Health and Safety (Cal/OSHA)]:

Type I External: The aggressor has no legitimate relationship of interaction with the victim. There is no commercial or user relationship between the aggressor and the victim. The most common cases refer to actions with the intent of robbery.

Type II External: There is some type of professional relationship between the aggressor and the victim, but not an employment one, meaning the aggressor is a client, a patient, a consumer, etc., and the violence is usually exerted while the service is being provided.

Type III Internal: There is some type of employment involvement between the aggressor and the victim with the affected place or with a specific worker of the place.

Based on the form of manifestation of violence:

Physical Violence: Includes hitting, pushing, aggression with objects or weapons, and any other form of intentional physical harm against a person in the workplace.

Sexual Harassment: Any sexual behavior or behavior based on a person's sex that is unwanted and may affect the dignity of individuals at work. Includes unwanted sexual attention and suggestive behavior.

Psychological Harassment or Mobbing: Includes intimidation, threats, humiliation, discrediting, isolation, and other behaviors that affect the psychological and emotional health of the worker.

Moral Harassment or Bullying: Refers to actions or words that seek to discredit, belittle, or isolate an individual or group, creating a hostile environment and affecting morale.

Verbal Violence: Includes insults, shouting, offensive or derogatory comments, and other forms of verbal aggression.

Discrimination: Unequal or unfair treatment based on personal characteristics, such as gender, age, race, religion, sexual orientation, disability, etc.

Cyberbullying: Use of information technology to harass, intimidate, or defame a worker.

CONCLUSIONS AND RECOMMENDATIONS FOR FUTURE LEGISLATION:

- Spanish legislation should offer a concept of workplace violence in line with ILO Convention No. 190.
- Spanish legislation should provide a typology of workplace violence.
- Training should be emphasized as one of the employer's obligations in the field of occupational risk prevention.
- Public policies for training and awareness are needed.

REGULATORY FRAMEWORK:

- ILO Convention No. 190 on the Elimination of Violence and Harassment in the World of Work of 2019.
- Council Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation.
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.
- Royal Legislative Decree 2/2015, of 23 October, approving the consolidated text of the Workers' Statute Law.
- Law 31/1995, of 8 November, on the Prevention of Occupational Risks.
- Organic Law 3/2007, of 22 March, for the effective equality of women and men.
- Royal Legislative Decree 5/2000, of 4 August, approving the consolidated text of the Law on Offences and Sanctions in the Social Order.
- Organic Law 10/1995, of 23 November, of the Penal Code.
- Collective agreements.
- Codes of conduct, plans, and company policies.

THEORETICAL FRAMEWORK:

Workplace violence can constitute a violation of human rights such as the right to dignity, to physical and moral integrity, and the right to equality and non-discrimination. In employment relationships that are subordinate and dependent, the employer is the responsible party for ensuring a safe working environment.

OBJECTIVES:

To examine the main challenges posed by the prevention of workplace violence and to find solutions.

METHODOLOGY:

The aim is to provide real, practical, and relevant solutions for the prevention of workplace violence through a combination of dogmatic methodology, based on qualitative research, with realistic methodology, characterized by quantitative research.

RESULTS:

Main challenges of workplace violence prevention:

Identification of violence:

- Difficulties in defining workplace violence.
- Different definitions in national and international regulations.
- Various classifications.
- Underreporting and lack of incident reporting.

Prevention:

- The need to impact the legal obligations of employers to prevent workplace violence.
- Lack of clear prevention policies and training.
- Absence of standard procedures to address incidents.

Protection:

- Determining the responsibility of employers and employees.
- Complications in cases involving third parties (customers, patients, the general public).
- Difficulties in assuming responsibilities when violence is perpetrated against self-employed workers.
- Limitations in compensation and support for victims.

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