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ADDENDUM TO THE INTRODUCTORY NOTE

from : Permanent Representatives Committee (Part I)
to : Council (EPSCO)

Subject : **Review of the implementation by the Member States and the EU institutions
of the Beijing Platform for Action**
– Draft Council Conclusions on sexual harassment at the workplace

Delegations will find attached in the Annex a paper concerning the three indicators put forward by the Dutch Presidency in relation to "sexual harassment at the workplace".

**Indicators on "Sexual Harassment at the Workplace"
put forward by the Dutch EU Presidency**

I. Introduction

The Beijing Platform for Action (PfA), which was adopted by consensus at the UN Fourth World Conference on Women in Beijing 1995 calls on Governments, the international community and civil society to take strategic measures with regard to 12 critical areas of concern: Women and poverty, Education and training of women, Women and health, Violence against women, Women and armed conflicts, Women and the economy, Women in power and decision-making, Institutional mechanisms for the advancement of women, Human rights of women, Women and the media, Women and the environment, the Girl-child.

In December 1995, the European Council in Madrid acknowledged the commitment in Beijing. In the conclusions of the Summit, the European Council stated that it "wishes to continue action in favour of women with a view to achieving fully equal treatment" and for this purpose "the European Union will also monitor annually the action platform which emerged from the Beijing Conference".

Since then, the Council for Employment, Social Affairs, Health and Consumers Affairs has conducted the annual implementation reviews.

In December 1999, the Finnish Presidency proposed 9 indicators on Women in Power and Decision-making, introducing a new methodology in the evaluation process.

In 2000, the French Presidency presented a report and a series of indicators relating to the reconciliation of family life and working life and, in 2001, the Belgian Presidency proposed indicators relating to unequal pay between women and men (gender pay gap).

Furthermore, in 2001, the Council invited the forthcoming Spanish and Danish Presidencies to consider the theme of "violence against women".

The Spanish Presidency prepared a study, which analysed the replies of a questionnaire, sent out to Member States, on measures and data in the field of violence against women. On the basis of the study and a ministerial conference on violence against women, a report and a "Good practice guide" was presented to the Council in June 2002. At its meeting in Barcelona in March 2002, the European Council stressed the importance of the declaration from the Social Council on violence against women.

Consequently, the Danish Presidency chose to propose indicators that could facilitate achieving the common goal of eliminating violence against women and supporting victims of violence, in particular domestic violence.

In 2003, the Greek Presidency prepared a comprehensive study, which analysed the replies of a questionnaire, sent out to Member States, on measures and data in the field of economic decision-making. Based on the preparatory work of the Greek Presidency, the Italian Presidency subsequently formulated nine indicators on women and men in economic decision-making.

The definition of violence against women in the Beijing Platform for Action covers many different forms of violence. The study and the indicators prepared during the Spanish and Danish Presidencies mainly consider domestic violence. The Danish Presidency proposed that

when revisiting the theme the Council could consider taking up a broader definition, hence dealing with other perspectives and target groups.

In 2004, the Irish Presidency took the initiative to add to this information and carried out a comprehensive study, which analyses the replies of a questionnaire, sent out to Member States, on measures and data on sexual harassment at the workplace. Based on this study, the Dutch Presidency formulated a limited amount of indicators that could facilitate the common goal of eliminating this particular form of violence against women.

II. Definition of "Violence against women"

It has been recognised by various international agreements that violence against women both violates, impairs or nullifies the enjoyment of their human rights and fundamental freedoms, as well as constituting a violation of women's physical, psychological and/or sexual integrity. There are many forms of violence against women.

The Beijing Platform for Action (PfA) defines violence as follows:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutes and elsewhere, trafficking in women and forced prostitution;

- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

The Beijing definition is broader than the definition used by the Irish Presidency in the study "Indicators on Sexual Harassment in the Workplace" and the definition in the revised 2nd Directive (76/207/EEC) of the European Parliament and the Council on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

The definition used by the Dutch Presidency to develop the proposed indicators only partly encompasses the definition of the Beijing Platform for Action. To be able to build on the information coming from the study of the Irish Presidency, the Dutch Presidency restricted the definition to deal with "sexual harassment at the workplace" only.

In anticipation of the implementation of Directive 2002/73/EC in October 2005 and because of the fact that the definition was already adopted within the European Union, the Dutch Presidency decided to use the definition from this Directive. On this basis, the Dutch Presidency proposes the following definition:

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

The study entitled "Indicators on Sexual Harassment in the Workplace" that was carried out under the Irish Presidency lists the following options for indicators:

- Benchmarking indicators: Collecting basic information about the extent to which sexual harassment at the workplace occurs. Based on this information continuous monitoring can be initiated.
- Context indicators: Collecting information on other variables (age, gender, sector, profession) sexual harassment at the workplace is related to and which can provide an insight into the way sexual harassment is influenced by outside factors.
- Policy and practice indicators: Collecting information on the number of public and private enterprises that are implementing a preventative policy and have formulated codes of conduct and joined agreements that refer to the new Directive.

When choosing the proposed indicators, the Dutch Presidency took into consideration that the indicators had to be meaningful and useful both at national and EU level. That is why the Presidency is proposing a limited amount of indicators to enable Member States to further build on the information collected by the Irish Presidency.

The proposed indicators listed below fall into two of the three categories – benchmarking indicators and policy and practice indicators – and are meant to be quantitative and qualitative as well as disaggregated by sex.

III. List of indicators in the area of sexual harassment

A. Benchmarking indicators

In order to ensure that sexual harassment at the workplace becomes a political agenda item, it is important to show how often sexual harassment at the workplace occurs. To be able to do this, it is important to record statistics of reported incidents of sexual harassment. In addition, it is important to know to what extent employees are able to report work-related sexual harassment.

- The number of employees who report incidents of sexual harassment at the workplace, as a percentage of the total workforce.

B. Policy and practice indicators

In order to make it transparent to what extent a Member State is taking action to prevent and combat sexual harassment at the workplace, it is important to collect statistical information about preventive policy and sanctions.

- The number of private and public enterprises which have a preventive policy regarding sexual harassment at the workplace, as a percentage of the total number of employers.
- The number of private and public enterprises which have procedures for sanctions in place for perpetrators of sexual harassment at the workplace, as a percentage of the total number of employers.

IV. Research in the area of sexual harassment

In order to create a basis for the development of possible future context indicators, the Presidency is recommending Member States to conduct research to get more insight into other variables (age, gender, sector, profession) influencing sexual harassment at the workplace. In line with the Irish study, one may make a distinction between the size of enterprises, based on their staff numbers: small 1-50; average 50-200 employees; large 200 employees and over.
