

## DV@WORK NETWORK COVID-19 BRIEFINGS

### Briefing 4: Domestic violence and the COVID-19 crisis – what can workers and trade unions do?!



This is the fourth in a series of short briefings intended for a diverse audience to rethink policy and practice during the Covid-19 crisis and beyond. Our main focus is on **stakeholders from the world of work** (companies, employers, business associations, workers and trade unions). These briefings are also relevant for the policies and actions of international organisations, government agencies, NGOs and domestic violence support organisations.

We have written this briefing out of a concern for the need for urgent policy and workplace responses in the light of the Covid-19 crisis, but also because we believe that the crisis has opened up a possibility to develop new thinking and solutions to the problems we confront during this crisis and post-crisis.

## 1. Introduction

This briefing is for workers and trade unions. It gives information and guidance about immediate and longer-term actions to undertake in response to the increased risk of domestic violence during the Covid-19 crisis and beyond, and particularly how affected workers can be protected and supported.

This guidance is targeted to trade unions representing workers who are survivors of domestic violence working remotely and still in an employment relationship with their employer. While we focus specifically on those working remotely from home, the guidance is also relevant for workers providing essential services who continue to go to their workplace during the pandemic and as lockdowns begin to lift for some categories of workers. The briefing also addresses the longer-term issue of trade union negotiations, advocacy and campaigns for laws and policies to enable survivors of domestic violence to remain safely in their homes or the places where they live and/or work. This especially applies to workers in the most precarious situations, including informal workers, care workers, homeworkers, domestic workers, workers living in employer-provided accommodation, and workers who have lost their jobs and livelihoods.

In previous DV@Work Network Covid-19 briefings we have made suggestions **for immediate and urgent responses to ensure the safety of employees and explained what the ‘duty of care’ means for employers** in relation to information, support, security measures and emergency assistance when employees are affected by domestic violence during the lockdowns and confinements across the world.

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<sup>1</sup> This briefing has been written by Jane Pillinger, Ludo McFerran, Barb MacQuarrie, Robin Runge (Solidarity Centre, Washington DC) and Lisa Kelly (Unifor, Canada). We have written this briefing out of a concern for the need for urgent policy and workplace responses to domestic violence in the light of the Covid-19 crisis, but also because we believe that the crisis has opened up a possibility to develop new thinking and solutions during this crisis and post-crisis. To contact us please email: [janepillinger@me.com](mailto:janepillinger@me.com).

The changes we propose can contribute to greater safety during times of crises, particularly when employees are working remotely. It is also relevant in the longer-term in the changing world of work when working remotely is likely to increase, even without the pressures of a pandemic.

**It is critical to make home a safe place for workers who are survivors of domestic violence and their children. Removing perpetrators from the home is the most effective way to limit the disruption to survivors' lives, safety and security during the Covid-19 crisis and in the longer-term.**

Domestic violence negatively affects a workers' participation in work, their productivity and achievement of work tasks, as well as their health. The many work-related impacts of domestic violence are already recognized in a growing number of government policies, regulations and laws, in company and corporate initiatives, and in workplace policies and collective bargaining agreements in countries across the world. Domestic violence also negatively impacts a workplace when the perpetrator of domestic violence is a coworker who is using work resources to abuse the victim, especially when the victim is a coworker. Moreover, threats to the workplace by perpetrators targeting a victim may place coworkers at risk, and in this way, domestic violence has a negative impact not just on the targeted victim, but the workplace as a whole, including on productivity.

As well as the need for urgent responses to the Covid-19 pandemic, the increase of reported domestic violence cases has revealed the need for longer-term systems change.

## 2. Immediate Actions for Trade Unions

### a) Workplace representatives supporting workers and members working remotely from home

- Workplace representatives need to be aware that data and experience shows that during the pandemic there will be domestic violence occurring within their membership.
- Workplace representatives need to take immediate and practical steps to protect members affected by domestic violence, including where dismissal or discriminatory action is threatened or taken if a worker discloses domestic violence, is under-performing and/or unable to carry out work tasks.
- It is important that workplace representatives act on the signs of domestic violence and provide information about where a survivor can seek support and keep a number safely (under a pseudonym) on their phone.
- Help the worker who is a survivor to develop their own safety plan and stay in regular contact with them. Be non-judgmental and ask questions that require yes and no answers in case an abuser is listening to calls, and agree to a code word that can indicate an alarm for help.
- Stay in touch with members through union communication channels, web sites, text messaging asking if they feel safe in their homes, and provide regular information about domestic violence safety measures and legal advice, what employers' obligations are, and how to seek help from a trade union representative, employer/manager, and/or domestic violence organisation. Work with

women union members and through women's union networks and committees to ensure that these messages reach vulnerable women.

**b) Discussions and negotiations with employers**

- Carry out urgent discussions and negotiations with employers to protect workers' safety and health while they work remotely from home. Ensure there is employment security, safety measures and confidentiality for survivors.
- If relevant, work with the employer to adapt existing workplace policies to the new situation of remote working.
- Negotiate for language prohibiting discrimination against victims of gender-based violence and harassment in rehiring and maintaining employment if they are essential workers.
- Provide financial assistance to workers for safety measures to stay safely in their homes (e.g. improved locks, security and alarms) or who are evicted from their homes because of domestic violence during the pandemic so that they may continue to work safely.

**c) Union strategies and awareness raising to protect the most vulnerable workers**

- Put in place union strategies and awareness raising to protect the most vulnerable workers, such as homeworkers and domestic workers.
- Put in place union strategies and awareness raising to protect the safety and health of those working in essential services, if they experience domestic violence when they get home, and where their partners use COVID-19, amongst other tactics, as a tool for that abuse, for example, refusing to let them into their homes because they are saying they will infect them.

**d) Campaigning for the ratification of ILO Convention No. 190**

- Trade unions have been at the forefront of the campaign for the ratification of ILO Convention No. 190 on eliminating violence and harassment in the world of work including gender-based violence and harassment.<sup>2</sup> The need for the Convention and for it to be ratified is now more important than ever.
- Even if not ratified, use the provisions in ILO Convention No. 190 and accompanying Recommendation No. 206 as a basis for advocacy with governments and negotiations with employers.

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<sup>2</sup> A forthcoming DV@Work Covid-19 briefing will give an overview of domestic violence in the world of work as provided for in C.190 and R.206 and how the standards can be used to plan and implement actions during the Covid-19 crisis and beyond.

**ILO Convention No. 190 on eliminating violence and harassment in the world of work and accompanying ILO Recommendation No. 206**, was adopted by the ILO in June 2019. It provides a comprehensive and internationally agreed framework for addressing all forms of gender-based violence and harassment, including domestic violence, in the world of work, while also spelling out specific duties on employers.

The Convention notes that workplace violence and harassment can take place in the public and private places where people work. It places responsibilities on ratifying governments, and in turn duties on employers, to mitigate the effects of domestic violence where it affects the workplace. In line with ILO Convention No. 190 it is important to ensure that employers and workers jointly discuss measures to prevent and mitigate the effects of domestic violence in the world of work, and to see their inclusion in occupational health and safety practices, risk management in the workplace, workplace policies and procedures and collective bargaining agreements.

### 3. Longer Term Actions for Trade Unions

#### a) Negotiations for effective workplace policies and procedures

- Use the learning from the Covid-19 crisis to inform future negotiations with employers, recognising the importance of measures to ensure that survivors of domestic violence, and their children, can stay in the safety of their own homes.
- Commence negotiations for comprehensive, evidence-based workplace policies and procedures to address the work-related effects of domestic violence, whether an employee is working from home or not.

Where possible carry out these negotiations at a national/sectoral level, in order to provide a platform for new policies and procedures in all workplaces across a sector. If this is not possible at a national/sectoral level, start a process of social dialogue at workplace level to adopt workplace policies and procedure.

- Include in negotiations and agreements the introduction of workplace policies and supports for survivors of domestic violence, including paid domestic violence leave, protection from adverse/retaliatory action if an employee discloses, and workplace risk assessments and safety plans in order to prevent domestic violence in the workplace.<sup>3</sup>

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<sup>3</sup> These measures are in line with ILO Convention No. 190 and Recommendation No. 206, although we suggest going beyond the provisions in the Convention to include a minimum of **10 days paid domestic violence leave**.

## **b) Trade union representatives, health and safety representatives and advocates**

- Provide training and guidance to trade union officers and representatives on domestic violence and its impact on work.
- Work with health and safety and trade union colleagues to draw up evidence-based risk management programmes based on risk assessments to prevent further harm from domestic violence. It is important that risks are addressed comprehensively and safely in all workplace settings, including for remote working.
- Work with employers to develop a network of workplace advisors/advocates who are trained to give non-judgmental and confidential advice, information and support to survivors. Encourage and train trade union members and representatives to take these roles.
- Through specific trade union information, advocacy and through social dialogue aim to build trust amongst workers, particularly in ensuring that it is safe for survivors to disclose domestic violence and in taking up support.

## **c) Trade union campaigns and partnerships**

- Establish partnerships with women's rights, anti-violence against women and/or domestic violence organisations where survivors can be referred for information, specialist legal support, counselling, safety planning to stay safely in their own homes or to access good quality safe long-term housing.
- Advocate and campaign locally and nationally for improved resources to enable workers who are survivors to have accessible information and access to free specialist domestic violence services, including legal assistance, safety planning to stay safely in their own homes, safety planning if they leave their homes and counselling, amongst other areas.
- Draw up clear guidelines for trade union officers and representatives on how to have conversations with perpetrators of domestic violence who are union members and/or employees, and how they will manage members who are perpetrators of domestic violence, including when they breach of protection/restraining orders.
- Actively engage in information, awareness raising and campaigns to prevent domestic violence, including its impacts in the workplace, by working to change social norms and toxic-masculinity and engaging men in trade unions to advocate to end domestic violence.

Workers and trade unions have been at the forefront of campaigns and awareness raising about the impact of domestic violence on employment and the workplace, particularly during the Covid-19 crisis.

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For further information see:

- **ITUC Union responses to gender-based violence and the COVID-19 pandemic:**  
<https://www.ituc-csi.org/union-responses-to-gender-based>
- **UNI global union, Domestic violence invades the workplace: Why ILO C190 is needed in the time of Covid-19:**  
[https://www.uniglobalunion.org/news/domestic-violence-invades-workplace-why-ilo-c190-needed-time-covid-19?fbclid=IwAR2\\_sM-2woSP\\_gohFqiVNgtJFOEJDItVYrwoVibNRhO7KaYW5WccJGW8VJ0](https://www.uniglobalunion.org/news/domestic-violence-invades-workplace-why-ilo-c190-needed-time-covid-19?fbclid=IwAR2_sM-2woSP_gohFqiVNgtJFOEJDItVYrwoVibNRhO7KaYW5WccJGW8VJ0)
- **UNI global union, Protecting women's rights during COVID-19:**  
<http://www.industrialunion.org/protecting-women-rights-in-during-covid-19>
- **TUC Guide for trade union reps:**  
<https://learning.elucidat.com/course/5e875ae4d0715-5e8c6417dfc28>