

4th Study Commission : Topics for 2014

I- PREAMBULE

At our last conference held in Yalta (Ukraine), the choice of the Committee for the general topic was:

Well-being at work: Health and safety at work

Given the extent of the materials on the concept of health and safety at work, it was agreed to retain only one of its aspects.

Our topic's choice was:

Protection against violence, bullying and sexual harassment at the workplace

It seemed to us that this topic of study would ensure dynamic exchanges in the committee work.

II- QUESTIONNAIRE 2014

Laws and regulations

- 1) What is the definition of violence, bullying and sexual harassment in the legislation in your country applicable to the workplace, if any?
- 2) Does your country have specific regulations to guarantee the protection of workers against violence, bullying and sexual harassment in the workplace?

Scope of application

- 3) Who has a legal obligation to refrain from all acts of violence and moral or sexual harassment at work? (private and / or public sector - employers, employees, third party?)

The employer's obligation

- 4) Is the employer required to put in place a policy to prevent violence, bullying and sexual harassment in the workplace?
- 5) Does the employer have to conduct a risk analysis taking into account the nature of his activities and the size of his business? What are the minimum preventive measures that he has to provide?
- 6) How are employees informed of the risks, the preventive measures and the procedures applicable to the victims of violence and moral or sexual harassment at work?
- 7) Is the employer required to appoint persons with specific skills to deal with cases of violence and moral or sexual harassment at work?
- 8) What are the sanctions against the employer who doesn't adopt policies against violence and moral or sexual harassment at work?

Remedies available to victims

- 9) What are the ways of actions available to the victims?
 - Internal procedures in the enterprise?
 - External procedures?
 - Legal remedies before the court?
 - Civil?
 - Criminal?
- 10) Who can take an action (the worker and / or the employer, colleague workers of the victim, others persons in contact with the victim, the union representative or the agent of an organization of employers, etc.)?
- 11) Who bears the burden of proof of the violent acts and moral or sexual harassment at work?
- 12) In order to avoid reprisals at work, is there special protection provided for the victim and the witnesses?
Specify the nature and duration of the special protection.

What about any improper use of the procedures?

- 13) What would be the consequences for a worker who has abused the procedure put in place to combat violence and moral or sexual harassment at work?

Supervision and sanctions

- 14) Who is responsible for monitoring the measures put in place to combat violence and moral or sexual harassment at work?
- 15) What are the sanctions applicable to perpetrators of violence and moral or sexual harassment at work?

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Philippe Bron – President
C.J. (Karin) Frikkee – Vice-presidente
Julie Dutil – Vice-presidente

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