

THE IMPACT OF DOMESTIC VIOLENCE IN THE WORKPLACE



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I. Introduction

Violence and harassment are one of the major problems and threats for everyone, both in the private and public sectors. A person can become a victim of violence anywhere: including in the family, at the workplace, and from everyone: from a partner, spouse, ex-partner/spouse, co-worker, supervisor. Violence is often gender-based, and its expressions manifest in various forms: physical, psychological, economic, sexual, etc.

Violence has a significant impact on the victim's psychological state, physical and sexual health, dignity, social environment, professional development, and work performance.

"One in three women worldwide has experienced physical or sexual violence - mostly by a partner. In the case of sexual harassment, the numbers are even higher."¹ "In EU countries, between 45% and 55% of women over the age of 15 have been sexually harassed".²

In the EU, the most prevalent form of domestic violence by a current or former partner experienced by 43% of women victims is psychological violence; 22% have experienced physical and sexual violence by a current or previous partner, and 18% have experienced stalking by a current or former partner.³

On average, 70% of victims of domestic violence are women, and 30% are men. However, female victims experience higher levels and severity of physical violence and coercive control than male victims.⁴

The rate of domestic violence is also very high in Georgia. According to the data of the Ministry of Internal Affairs, in 2023, 8,734 restraining orders were issued and 7,773 victims were identified. 84% of the victims are women. Of course, the mentioned indicator does not reflect the actual number of victims of domestic violence, as in most cases the victim is deprived of the opportunity to report to the relevant authorities for various reasons.

Domestic violence does not stay only in the family. Its consequences affect all aspects of a person's life, including working relationships. The condition resulting from domestic violence can lead to reduced labour productivity, loss of job and financial dependence

¹<https://interactive.unwomen.org/multimedia/infographic/violenceagainstwomen/en/index.html#intimate-3>

² <https://interactive.unwomen.org/multimedia/infographic/violenceagainstwomen/en/index.html#sexual-5>

³ Piningler, J., Domestic Violence in the Workplace, Discussion Paper, European Agency for Safety and Health at Work, 2023, 1, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf

⁴ Ibid, 0.

for the victim. In this process, along with the state, the actions of the parties involved in the labour relationship – employers - are crucial, as is their response to supporting employees who are victims of domestic violence and providing them with a safe environment. Additionally, trade unions play a significant role as organizations defending workers. They should facilitate raising of awareness of the issue during the collective bargaining process, in society, and, where necessary, coerce the employers into implementing specific protection mechanisms.

II. Research objectives and methodology

2.1. Objectives of the research

The purpose of the present research is to assess the impact of domestic violence on labour relations, and to identify effective measures and methods that will mitigate the negative consequences of domestic violence on the working environment in Georgia. This involves studying Georgian legislation, as well as effective policy documents, regulations, and approaches for workplaces, with the aim of developing relevant recommendations. Based on the results of the research, concrete and practical recommendations are issued for government authorities, employers, and trade unions.

2.2 Research methodology

2.2.1. Statistical information

Information on cases of violence and harassment was requested from the LEPL Public Safety Command Center “112”, the Office of the Public Defender of Georgia, the Ministry of Internal Affairs of Georgia, the LEPL Legal Aid Service and the LEPL Labour Inspection Service.

The received information was processed within the framework of the research.

2.2.2. Survey

As part of this research, specialists/employees from the human resources management service, along with representatives of employer association and trade unions, were interviewed to identify problematic issues and explore potential solutions.

2.2.3. Analysis of the best international practices

For the purposes of the research, the ILO Convention N°190 and Recommendation N°206, as well as the national legislation of a number of countries, internal policy documents of foreign companies, and collective agreements/pacts were studied.

III. Domestic violence and its impact on labour relations

3.1. ILO N°190 Convention and N°206 recommendation

The ILO N°190 Convention on Violence and Harassment, and N°206 recommendation were adopted by the International Tripartite Labour Conference of the International Labour Organization (ILO) in June 2019. The mentioned convention entered into force on June 25, 2021⁵ and as of today, has been ratified by 38 countries.⁶

The emergence of domestic violence provisions in the ILO Convention N°190 and Recommendation N°206 is unprecedented and holds historical significance. This marks the first time that the impact of domestic violence on labour relations has been clearly highlighted at the international level.

Historically, domestic violence was regarded as a “private” issue, with no connection to work, domestic violence is now being recognized as having real consequences for workers, businesses, and society as a whole. The new instruments finally recognize the negative spillover effects that domestic violence can have on the world of work and the positive contribution that work can make towards improving the well-being of victims of domestic violence.⁷The preamble to the ILO Convention N°190 states that domestic violence can affect employment, productivity and health and safety, and that governments, employers’ and workers’ organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence.⁸

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https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:3999810.

⁶ Ibid. The ILO Convention N°190 has been ratified by the following countries: Albania, Antigua and Barbuda, Argentina, Australia, Bahamas, Barbados, Belgium, Canada, Central African Republic, Chile, Ecuador, El Salvador, Fiji, France, Germany, Greece, Ireland, Italy, Lesotho, Mauritius, Mexico, Namibia, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Rwanda, San Marino, Somalia, South Africa, Spain, Uganda, United Kingdom, Uruguay. It has been ratified by some countries, but has not yet entered into force.

⁷ Domestic violence and its impact in the world of work, ILO, 2020, 1, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf.

⁸ The ILO Violence and Harassment Convention N°190 of 2019, Preamble.

The ILO Violence and Harassment Convention Nº190 of 2019 recognizes the right of everyone to a world of work free from violence and harassment⁹ and adopts an inclusive, integrated, and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.¹⁰

The above-mentioned convention obliges each member to take appropriate measures to recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work.¹¹ While paragraph 18 of Recommendation Nº206 explains appropriate measures to mitigate the impacts of domestic violence in the world of work.

3.2. The concept of domestic violence

According to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as “the Istanbul Convention”, “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.¹²

In common usage, “domestic violence” is sometimes treated as a synonym for “intimate partner violence” and “family violence”, but each term can have a slightly different meaning. For example:

Intimate partner violence refers to: “physical, sexual or psychological harm by a current or former partner or spouse”.¹³

Domestic violence refers to “partner violence, but [...] may also encompass child or elder abuse, or abuse by any member of a household”.¹⁴

⁹ Ibid, art. 4, para.1.

¹⁰ Ibid, art. 4, para. 2.

¹¹ Ibid, art. 10 (f).

¹² The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), art. 3.(a)

¹³ Domestic violence and its impact in the world of work, ILO, 2020, 1, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf.

¹⁴ Ibid.

And Family Violence - refers to "child maltreatment, sibling violence, intimate partner violence and elder abuse."¹⁵

Domestic violence is an expression of unequal power relations (both at the personal, relationship, community, and societal levels)¹⁶ and is linked to issues of social domination and economic control. Therefore, any successful response to domestic violence must deal with the power inequalities and stereotypes that underlie it.¹⁷

Anyone can be a victim or perpetrator of domestic violence. Everyone, irrespective of, for example, their sex, gender, age, social and migration status or educational level, can be a victim, or perpetrator of domestic violence. However, the vast majority of reported cases are committed by men against women. Some legislation on domestic violence protects persons living in the household beyond family members, such as domestic workers.¹⁸

Issues related to domestic violence in Georgia are regulated by criminal, administrative, and civil legislation.

Article 126¹ of the Criminal Code of Georgia defines domestic violence as a separate component.¹⁹ Namely, violence, regular insults, blackmail, humiliation by one family member against another family member, which has resulted in physical pain or anguish and which has not entailed the consequences provided for by Articles 117, 118 or 120 of this Code.²⁰

Article 3 of the Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence defines domestic violence as follows: "Domestic violence is the violation of the constitutional rights and freedoms of one family member by another family member through neglect and/or physical, psychological, economic, sexual violence or coercion". For the purposes of this law, the circle of family members is quite broad and includes the following: mother, father, grandfather, grandmother, spouse, person in an unregistered marriage, child (stepchild), foster child, foster parent (mother, father), stepmother, stepfather, grandson, sister, brother, spouse's parent, parent of a person in an unregistered marriage, child's spouse (including a person in an unregistered marriage), ex-spouse,

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid, 2.

¹⁹ Khatiashvili G., Handbook on issues of combating violence against women and children and domestic violence, 2021, 41.

²⁰ Criminal Code of Georgia, Article 126¹, Part 1.

person in an unregistered marriage in the past, guardian, caregiver, supporter, person under guardianship or custodianship, a beneficiary of support, as well as to persons who have always permanently engaged or engaged in joint family business;²¹

The labour legislation provides for the right of the victim of domestic violence to benefit from the suspension of the employment relationship.²²

3.3. Forms of domestic violence

Forms of violence can include, but are not limited to, psychological, economic, physical, and sexual violence.²³ With the advent of digitization worldwide, various new forms of violence and harassment have become possible.

3.3.1. Domestic violence (physical and psychological)

The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence explains in detail the forms of domestic violence and its elements.

According to the mentioned law:

Physical violence – beating, torture, damage to health, illegal deprivation of liberty or any other action that causes physical pain or suffering, withholding health needs, which leads to damage to health or death of a victim of violence;²⁴

Psychological violence – offence, blackmailing, humiliation, threats, or any other action that violates a person's honour and dignity;²⁵

Psychological abuse is aimed at controlling and managing the victim. Psychological abuse may not be directly directed at the victim, but violent relationships between family members can also affect and depress that person.²⁶

²¹ The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, art. 4, para (g).

²² Labour Code of Georgia, Article 46.2. (h).

²³ <https://www.quebec.ca/en/family-and-support-for-individuals/violence/forms-violence>.

²⁴ The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, art.4, para (a).

²⁵ Ibid, art.4, para (b).

²⁶ Khatiashvili G., Handbook on issues of combating violence against women and children and domestic violence, 2021, 32-33.

Psychological violence is considered to be the most common form, but the lack of obvious signs of violence makes it difficult to identify.²⁷

3.3.2. Economic violence

Economic violence concerns the attempt to create a victim's economic dependence on the perpetrator, including by preventing him or her from entering or remaining in employment or by withholding the victim's earnings. Specific examples include: destroying work tools or clothes; physically restraining victims from leaving their homes, beating or creating such conditions that they are unable to go to work; and forcing victims to leave their place of work.²⁸

At the legislative level of Georgia, economic violence is considered to be an act, that causes restriction of the right to have food, dwelling, and other conditions for normal development, to enjoy property, and labour rights, to use common property and to administer one's own share of that property;²⁹

3.3.3. Coercion

According to Georgian legislation, coercion is defined as one of the forms of violence. The forms of coercion can be both physical and psychological, with the aim of compelling a person by using physical or psychological force to carry out or fail to carry out an act, carrying out or refraining from which is the right of that person, or making a person tolerate an action carried out against his/her will;³⁰

3.3.4. Sexual violence

The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence defines sexual violence as one of the forms of violence. It is defined as sexual act by violence or threat of violence, or by taking advantage of the victim's helplessness; sexual act or other acts of sexual nature or child sexual abuse.³¹

²⁷ Ibid, 33.

²⁸ Domestic violence and its impact in the world of work, ILO, 2020, 2, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf.

²⁹ The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, art. 4 (e).

³⁰ Ibid, art. 4 (c).

³¹ Ibid, art. 4 (d).

3.4. The negative impact of domestic violence in the workplace

Domestic violence may originate at home but has a significant impact on the workplace. It has severe and long-term effects on occupational safety, employee health and well-being, and productivity.³²

The impact of domestic violence in the workplace is sometimes more visible. Especially, if the workplace is easily accessible to the public, such as schools, hospitals, public services or street markets, etc.

Domestic violence represents an even more relevant risk for particular work arrangements, such as working from home, as well as for some categories of workers, such as domestic, home-based, or contributing family workers.³³

Although domestic violence may originate in the home, it can spill over into the world of work. This happens, for example, when abusive partners follow victims to their places of work, use work-related phone or computer technologies to intimidate, harass or control them, or prevent them from leaving the household to go to work.³⁴

Domestic violence can negatively impact a survivor's participation in employment, financial independence, productivity at work, career progression, and safety at work.³⁵ Co-workers are also potentially affected, especially, when they have to cover for a colleague who cannot work to their full potential.

Survivors of domestic violence may also face safety risks of violence at work. For example, abuse may occur as a result of stalking, threatening phone calls or messages during working hours. Not only could the victim be the object of the violence, but

³² Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 1, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

³³ Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206, ILO, 2021, 14, https://www.ilo.org/global/topics/violence-harassment/resources/WCMS_814507/lang--en/index.htm.

³⁴ Domestic violence and its impact in the world of work, ILO, 2020, 2, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf.

³⁵ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 0, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

perpetrators may also pose safety and security risks for co-workers. Drawing up a safety plan with a survivor can play an essential role in minimising these safety risks.³⁶

Moreover, if victims take time off work to seek medical attention or attend legal proceedings, it can cause problems regarding their ability to fulfill their job duties promptly and effectively. Consequently, domestic violence represents a cost for national economies, but also negatively affects enterprises through reduced productivity, absenteeism, and increased leave and sick days. Domestic violence exacerbates gender inequalities in labour market participation and can contribute to widening the gap between what men and women earn.³⁷

Spillover can also go from work to home, when certain workplace environments – such as those that are violent or dangerous - condition workers to violence, making it more likely that they will commit violence at home.³⁸ The importance of regulating the spillover into the work environment, including the need for additional regulations regarding teleworking, has increased during the COVID 19 pandemic.³⁹

3.5. Negative effects of domestic violence on the economy

The economic costs of domestic violence are high.⁴⁰ There are 2.3 million victims in England and Wales each year, with an economic cost of around £71 billion per year.⁴¹ Some studies across the world have explored the estimated annual cost of domestic violence to national economies. For example, in Switzerland, intimate partner violence was estimated in 2013 to cost CHF 164 million per year; In Chile, the cost of violence against women in the intra-family context in 2009 was estimated at approximately

³⁶ Ibid, 2.

³⁷ Domestic violence and its impact in the world of work, ILO, 2020, 2, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf .

³⁸ Melzer, S. 2002. "Gender, work, and intimate violence: Men's occupational violence spillover and compensatory violence", in *Journal of Marriage and Family*, Vol. 64, 820–832; Holmes, S. and Flood, M. 2013. *Genders at work: Exploring the role of workplace equality in preventing men's violence against women* (Sydney, White Ribbon).

³⁹ Piningler, J. European Agency for Safety and Health at Work, *Domestic Violence in the Workplace*, Discussion Paper, 2023, 0, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁴⁰ Ibid, 2.

⁴¹ Business in the Community and Public Health England, *Domestic abuse: A Toolkit for Employers*, 2021, 6, <https://www.eida.org.uk/resources/employer-toolkit>.

32.195 CLP; and in Canada, the economic impact of spousal violence in 2009 was estimated at CAD 7.4 billion.⁴²

IV. The role of legislative regulations in reducing the impact of domestic violence in labour relations

4.1. International standard

As mentioned above, Article 10 (f) of the ILO Convention N^o190 appeals to members to take measures to recognize the consequences of domestic violence in the world of work and, within practical possibilities, take measures to mitigate its negative impact on labour relations.

In accordance with the Paragraph 18 of Recommendation N^o206, such measures may include:

- a) leave for victims of domestic violence;
- b) flexible working arrangements and protection for victims of domestic violence;
- c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- d) the inclusion of domestic violence in workplace risk assessments;
- e) a referral system to public mitigation measures for domestic violence, where they exist;
- f) awareness-raising about the effects of domestic violence.

In accordance with the paragraph 4 of the ILO Recommendation N^o206, the members of the organization must take appropriate steps to: promote the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work.

Perpetrators of violence and harassment in the world of work should be held accountable and provided counseling or other measures, as it is required, with a view to

⁴² Domestic violence and its impact in the world of work, ILO, 2020, 2, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf.

preventing the reoccurrence of violence and harassment, and facilitating their reintegration into work, where appropriate.⁴³

Labour inspectors and officials of other competent authorities, as appropriate, should undergo gender-responsive training with a view to identifying and addressing violence and harassment in the world of work, including psychosocial hazards and risks, gender-based violence and harassment and discrimination against particular groups of workers. The mandate of labour inspection should cover violence and harassment in the world of work.⁴⁴

Defining relevant legal regulations at the national level is one of the objectives of the above-mentioned Convention and Recommendation.

4.2. Practice of various countries

It is important that in recent years, a number of countries have taken into account the impact of domestic violence on the safety, well-being, and productivity of employees and, accordingly, have strengthened the mentioned issues with additional legal regulations.⁴⁵

It is significant that each country, which in recent years reflected the relevant regulations at the national legislative level, was guided by the general principles provided for in the ILO Convention N^o190 and Recommendation N^o206, although individually regulated specific issues.⁴⁶

Within the framework of individual solutions, the following types of regulations can be found in the legislative acts of different countries:

- Consideration of additional paid or unpaid leave for employees who are victims of domestic violence.⁴⁷

⁴³ Violence and Harassment Recommendation, 2019, N^o206, Para. 19.

⁴⁴ Ibid, Para. 20, 21.

⁴⁵ Violence and Harassment in the World of Work – A guide on Convention N^o190 and Recommendation N^o 206, ILO, 2021, 15, https://www.ilo.org/global/topics/violence-harassment/resources/WCMS_814507/lang--en/index.htm.

⁴⁶ In a number of cases, countries addressed these issues before the enacting of the ILO Convention N^o190 and Recommendation N^o206.

⁴⁷ Violence and Harassment in the World of Work – A guide on Convention N^o190 and Recommendation N^o206, ILO, 2021, 15, https://www.ilo.org/global/topics/violence-harassment/resources/WCMS_814507/lang--en/index.htm.

- Considering cases of domestic violence as a potential basis for the occurrence of discrimination in labour relations.⁴⁸
- Taking into account the employer's obligations towards the protection of the victim and other employees regarding the implementation of preventive measures in cases of domestic violence; Determination of forms of response to cases of domestic violence with labour safety regulations;⁴⁹
- Broad definition of domestic violence. Considering violence against persons employed in the household as family violence.⁵⁰

United States of America

In the USA, domestic violence varies significantly at state, district, or territory-level protections.⁵¹ These provisions include, but are not limited to, the following benefits for victims of domestic violence: anti-discrimination protection, providing additional day offs for obtaining respective services, also providing them with unemployment insurance, etc.⁵²

Anti-discrimination Protection - Under Washington Law (RCW 49.76.115), an employer may not refuse to hire, terminate the employment agreement, or discriminate against any privileges of employment (including promotion, etc.) because the individual is an actual or perceived victim of domestic violence.⁵³

Additional Leave - Under Washington regulations, the right for leave/time off work is additionally defined for victims of domestic violence, including for the purposes of obtaining respective services/consultations, also for attending relevant court proceedings.⁵⁴

Unemployment Insurance - it should be noted that in the USA (e.g. Washington) legislation provides additional benefits such as unemployment insurance for employees who are victims of domestic violence.⁵⁵

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ State Guide on Employment Rights for Survivors of Domestic Violence, Sexual Assault, and Stalking, The Women's Legal Defence and Education Fund, Futures Without Violence // Legal Momentum, 2022, 1.

⁵² Ibid.

⁵³ Ibid, 105.

⁵⁴ Ibid, 105-106.

⁵⁵ Ibid, 107.

New Zealand

The 2018 Domestic Violence Victims' Protection Act⁵⁶ offers a number of benefits to employees in New Zealand. In this Act, domestic violence, in relation to any person, means violence against that person by any other person with whom that person is, or has been, in a domestic relationship.⁵⁷ In this section, violence means—physical abuse; sexual abuse; psychological abuse, including, but not limited to, intimidation; harassment; damage to property; threats of physical abuse, sexual abuse, or psychological abuse; financial or economic abuse (for example, denying or limiting access to financial resources, or preventing or restricting employment opportunities or access to education); in relation to a child, abuse of the kind set out by this act.⁵⁸

In labour relations, a person affected by domestic violence is defined as:

- (a) a person against whom any other person inflicts, or has inflicted domestic violence;
- (b) a person with whom there ordinarily or periodically resides a child against whom any other person inflicts, or has inflicted domestic violence.⁵⁹

For victims of domestic violence, the mentioned act provides employees with a right to make, a request for a variation related to the location of the workplace and working schedule for up to 2 month period.⁶⁰ Changes may affect hours of work, days of work, place of work and additional terms that need variation.⁶¹ The employer is required to deal with a request as soon as possible but not later than 10 working days after receiving request in writing form.⁶² The legal regulation provides for a number of cases in which the employer has the right not to meet such a request. For example, an employer may refuse a request only if proof of domestic violence is required and not produced, or the request cannot be accommodated reasonably on certain non-accommodation grounds;⁶³

It should be noted that an employer may refuse a request on changing conditions only if the employer determines 1 or both of the following:

- (a) inability to reorganise work among existing staff;
- (b) inability to recruit additional staff;
- (c) detrimental impact on quality;
- (d) detrimental impact on performance;
- (e) insufficiency of work during the periods the employee proposes to work;

⁵⁶ The 2018 Domestic Violence Victims' Protection Act.

⁵⁷ The 1995 Domestic Violence Act, Art. 3 (1).

⁵⁸ The 1995 Domestic Violence Act, Art. 3 (2).

⁵⁹ The 2018 Domestic Violence Victims' Protection Act, Art. 69ABA Interpretation (person affected by domestic violence).

⁶⁰ The 2018 Domestic Violence Victims' Protection Act, Art. 69AB (a).

⁶¹ The 2018 Domestic Violence Victims' Protection Act, Art. 69ABA Interpretation (working arrangements).

⁶² The 2018 Domestic Violence Victims' Protection Act, Art. 69AB (b).

⁶³ The 2018 Domestic Violence Victims' Protection Act, Art. 69AB (c).

- (f) planned structural changes;
- (g) burden of additional costs;
- (h) detrimental effect on ability to meet customer demand.⁶⁴

New Zealand regulations take into account the interests of both the employee and the employer. However, if an employee is finding it hard to get their employment rights, it's likely they can resolve the problem through mediation, by going to Employment New Zealand or the Human Rights Commission.⁶⁵

Of course, properly assessing a specific case is an additional challenge for employers in any country, as they seek to avoid false claims of domestic violence made by employees attempting to avoid work. Under New Zealand legislation, the employer may request proof immediately or within 3 working days after receiving such a request.⁶⁶ At the same time, employers are obliged to implement internal policies related to domestic violence.⁶⁷

Brazil

In Brazil, there are provisions on domestic violence, in the criminal, as well as in the civil and the labour law.⁶⁸

In accordance with Article 9 (2) (II) of the Law of Maria de Penha, regarding domestic and family violence, female employees who are victims of domestic violence, are entitled to an additional leave of up to 6 months based on the judge's decision. In the process of making a decision, the judge takes into account the physical and psychological condition of the victim.⁶⁹ In 2019, a precedent-setting decision was made and the period of temporary disability leave was extended under the above provision.⁷⁰

⁶⁴ The 2018 Domestic Violence Victims' Protection Act, Art. 69ABF (2).

⁶⁵ <https://www.employment.govt.nz/leave-and-holidays/family-violence-leave/resolving-problems/>.

⁶⁶ The 2018 Domestic Violence Victims' Protection Act, Art. 69ABEA (2).

⁶⁷ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 6, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁶⁸ Baker Mckenzie, Fighting Domestic Violence – Brazil, 2024, 9, <https://resourcehub.bakermckenzie.com>.

⁶⁹ Maria da Penha Law, Article 9.2. https://learningpartnership.org/sites/default/files/resources/pdfs/Brazil-Maria-Da-Penha-Law-2006-English_0.pdf.

⁷⁰ Baker Mckenzie, Fighting Domestic Violence – Brazil, 2024, 7, <https://resourcehub.bakermckenzie.com>.

Canada

With the Recent amendments of 2021 to the Labour Code and Workplace Harassment and Violence Prevention Regulations additional social guarantees were laid in. According to these amendments provisions for workplace policies, prevention policy and risk assessment, and domestic violence leave of 10 days per year, of which five days are paid, were defined.⁷¹ Additionally, it is important to note that some Canadian provinces, for example, Ontario and Manitoba, include paid domestic violence leave in their OSH laws.⁷² According to the regulations of the province of Manitoba, the amount of such paid leave must not be less than the pay that the employee would normally receive for the hours worked.⁷³ Employees must give to their employer prior notice as is reasonable and practicable in the circumstances.⁷⁴

Ontario and Manitoba occupational safety regulations, meanwhile, set out preventive measures to be taken by the employer.⁷⁵ The mentioned regulations oblige employers to take into account circumstances external to the workplace, such as domestic violence, that could give rise to harassment and violence in the workplace, when identifying risk factors.⁷⁶ The identification of risk factors, and then the determination and implementation of preventive measures are carried out jointly, with the involvement of an employer and a safety specialist or a specific internal policies/regulations committee.⁷⁷

Spain

In the case of Spain, these issues are regulated by the Organic Law on Protection Against Domestic Violence.⁷⁸ In the case of gender-based violence, the reason for the

⁷¹ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 5, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁷² Ibid.

⁷³ Domestic Violence Leave, Manitoba, 2019, 2, https://www.gov.mb.ca/labour/standards/doc,domestic_violence_leave,factsheet.pdf

⁷⁴ Ibid, 4.

⁷⁵ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 5, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁷⁶ <https://gazette.gc.ca/rp-pr/p2/2020/2020-06-24/html/sor-dors130-eng.html>.

⁷⁷ Ibid.

⁷⁸ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 6, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

recognition of the employment rights of women victims of gender-based violence is to avoid their expulsion from the labour market as a result of the violence they suffer.⁷⁹

The law provides victims with the rights of domestic violence leave, changes in working hours, workplace and work transfers, and/or immediate termination the working relationships.⁸⁰ Immediate termination of the employment relationship may in some cases be a protection mechanism for the victim, e.g. changing the place of residence and continue working in another region or city.

The employee is entitled to request:

Right to geographic mobility: women who are forced to leave their place of work where they have been employed in order to ensure their protection of the right to integral social assistance shall have preferential rights to occupy another position in the same or equivalent professional group or category that the company has at any of its premises. The company shall retain their jobs during the first 6 months.⁸¹

The right to the suspension of the employment contract at the demand of the employee who has to leave their place of work as a consequence of suffering gender-based violence, with the retention of the position.⁸²

The right to termination of the employment contract at the demand of the employee who has to leave their place of work for ever as a consequence of suffering gender-based violence.⁸³

Work absences or lack of punctuality due to the physical or psychological situation caused by gender-based violence will be considered justified when so determined by the social services or healthcare services.⁸⁴

⁷⁹ Guide to the Rights of Women Victims of Gender Violence, Ministry of the Presidency, Relations with Parliament and Equality, 2019, 11, <https://violenciagenero.igualdad.gob.es/informacionUtil/derechos/docs/mayo2019/GUIADERECHOSeng22052019.pdf>.

⁸⁰ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 6, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁸¹ Guide to the Rights of Women Victims of Gender Violence, Ministry of the Presidency, Relations with Parliament and Equality, 2019, 11, <https://violenciagenero.igualdad.gob.es/informacionUtil/derechos/docs/mayo2019/GUIADERECHOSeng22052019.pdf>.

⁸² Ibid.

⁸³ Ibid, 12.

⁸⁴ Ibid.

Ireland

Work Life Balance and Miscellaneous Provisions Act⁸⁵ came into effect on April 4, 2023. Article 7 of this act regulates the right to leave in case of domestic violence. The mentioned article, in turn, defines the definition of "domestic violence".⁸⁶ Within the framework of this law, an employee can enjoy the right to leave not only when one is a victim, but also when victims are persons defined by the same act (including a minor child, spouse and/or partner, etc.).⁸⁷

The purpose of the leave is determined by this act for the following cases:

- (i) seek medical attention;
- (ii) obtain services from a victim services organisation;
- (iii) obtain psychological or other professional counseling;
- (iv) relocate temporarily or permanently;
- (v) obtain an order under the Domestic Violence Act 2018;
- (vi) seek advice or assistance from a legal practitioner;
- (vii) seek assistance from the Garda Síochána⁸⁸;
- (viii) seek or obtain any other relevant services.⁸⁹

Domestic violence leave, shall not exceed 5 days in any period of 12 consecutive months.⁹⁰ Such leave is paid within the framework of established regulations.⁹¹

Italy

The Jobs Act⁹² implements a protection program for survivors and paid leave of up to 90 working days, which can be taken over a period of three years. Workers are paid at the same level as provided for maternity leave; workers can change from full-time to part-time work or take the leave on a flexible basis. These entitlements must be negotiated in collective agreements.⁹³

⁸⁵Work Life Balance and Miscellaneous Provisions Act 2023, <https://www.irishstatutebook.ie/eli/2023/act/8/section/7/enacted/en/html#sec7>.

⁸⁶ Work Life Balance and Miscellaneous Provisions Act 2023, Art. 7 (8).

⁸⁷ Work Life Balance and Miscellaneous Provisions Act 2023, Art. 7 (1) (b).

⁸⁸ National Police and Security Service of the Republic of Ireland.

⁸⁹ Work Life Balance and Miscellaneous Provisions Act 2023, Art. 7 (1) (b).

⁹⁰ Work Life Balance and Miscellaneous Provisions Act 2023, Art. 7 (3).

⁹¹ Work Life Balance and Miscellaneous Provisions Act 2023, Art. 7 (5), 7(6).

⁹² The Jobs Act, Legislative Decree 80/2015.

⁹³ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 6, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

In Italy, amendments adopted in 2024 made it possible for employers of female victims to make reduced social insurance contributions. This encourages companies to employ women who are victims of domestic violence.⁹⁴

Philippines

The section of the General Labour Standards Act № 9262 that addresses violence against women and children entitles workers to up to 10 days paid leave, to enable a woman to attend medical and legal appointments. This can be extended, if necessary, and as specified in the respective order.⁹⁵

In today's world, especially with the increasing demand for remote work, there is also a growing risk of domestic violence. In remote work, of course, an employer may have less leverage to control the safety of an employee's physical workplace. It is for this reason that some countries implement additional regulations in relation to remote work, persons employed in households.⁹⁶

V. Legislative regulation of Georgia

The legislation of Georgia regarding domestic violence provides criminal, administrative-legal, and civil legal mechanisms.⁹⁷

In 2017, Georgia ratified the Convention on Preventing and Combating Violence Against Women and Domestic Violence of the Council of Europe.

The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence, defines:

- The set of actions that characterise violence against women and/or domestic violence in public or private life;
- Legal and organisational grounds for detecting and eliminating domestic violence;
- Guarantees for social and legal protection and support for victims of violence.⁹⁸

⁹⁴ https://www.linkedin.com/pulse/updates-italian-labor-law-2024-lets-gonex-fssic/?trk=organization_guest_main-feed-card_feed-article-content.

⁹⁵ Piningler, J. European Agency for Safety and Health at Work, Domestic Violence in the Workplace, Discussion Paper, 2023, 6, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf.

⁹⁶ Violence and Harassment in the World of Work – A guide on Convention No. 190 and Recommendation No. 206, ILO, 2021, 15, https://www.ilo.org/global/topics/violence-harassment/resources/WCMS_814507/lang--en/index.htm.

⁹⁷ Khatiashvili G., Handbook on issues of combating violence against women and children and domestic violence, 2021, 39.

In terms of the employment relationship, the only right provided by the aforementioned law and the Labour Code of Georgia is the possibility for the victim employee to enjoy additional unpaid leave.⁹⁹

It is true that, in recent years, a number of legislative changes have been implemented in Georgia to improve labor rights. However, the regulation aimed at reducing the impact of domestic violence in the workplace remains minimal.

In labor legislation, the only guarantee an employee who is a victim of violence has is the right to take a leave. In addition to special leave, the employee may take both paid and unpaid leave at their discretion. However, the use of leave depends on a number of conditions.

5.1. Additional unpaid leave for victims of domestic violence

In accordance with subparagraph (h) of the second paragraph of article 46 of the Labour Code, it is possible to suspend the employment relationship for a maximum of 30 calendar days annually, if the victim of violence against women and/or domestic violence is accommodated in a shelter and/or crisis center, and is unable to fulfill their job duties any longer.¹⁰⁰ Therefore, cumulatively, it is necessary for a victim to be in a shelter and/or crisis center, as well as being unable to perform their job duties. Non-fulfillment of such duties may be due to psychological and physical condition, as well as the period of adaptation of the minor child to a foreign environment and other objective grounds.¹⁰¹

This right is also provided for by the Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence.¹⁰²

5.2. Paid leave

⁹⁸ The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, Art. 1.1.

⁹⁹ The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, Art. 17.1. (f) and the Labour Code, Art. 46.2. (h).

¹⁰⁰ The Law of Georgia on Public Service, Art. 55.2.f. provides the same regulation.

¹⁰¹ The Labour Code Commentary, Collective of Authors, New Vision University, 2023, 515.

¹⁰² The Law of Georgia on Violence Against Women and/or Elimination of Domestic Violence, Protection and Support to Victims of Violence, Art. 17.1. (f).

Paid leave is at least 24 working days annually for all employees covered by the Labour Code of Georgia.¹⁰³ Also, it provides for an additional paid leave in the amount of 10 calendar days annually for an employee working under arduous, harmful and hazardous labour conditions.¹⁰⁴ The aforementioned Labour Code also provides for additional leave in the amount of 15 calendar days once after the end of the martial law and/or state of emergency, emergency measures, and in the amount of 30 calendar days after the expiration of the rotation period in the peace operation and returning to Georgia.¹⁰⁵ It should be noted that the Labour Code does not provide for special regulations for part-time employment.¹⁰⁶

However, the Labour Code of Georgia sets restrictions for the use of paid leave in the following two cases:

- If 11 months have not passed since the beginning of employment relationship, an employee can take paid leave only with the consent of an employer;¹⁰⁷
- An employer can determine the sequence of granting paid leave to employees during the year, which limits the time an employee can take paid leave. However, this rule can be changed by agreement of the parties.¹⁰⁸

Taking into account that the Georgian legislation does not define the right to use additional paid leave for victims of violence, employed victims of violence have to use the specified leave period in critical situations.

In addition, in some cases, in particular, when 11 months have not passed since the employment, or the sequence of granting leave is established by an employer, a victim may not be able to take advantage of the paid leave.

5.3. Unpaid leave

The Labour Code provides for an unpaid leave of at least 15 calendar days annually for all employees that are covered by the Code.¹⁰⁹

¹⁰³ The Labour Code of Georgia, Art. 31.1.; the Law of Georgia on Public Service, Art. 62.1. provides the right to paid leave at least 24 working days per year.

¹⁰⁴ The Labour Code of Georgia, Art. 31.3. a.

¹⁰⁵ The Labour Code of Georgia, Art. 31.3. b. and 31.3.c.

¹⁰⁶ The Labour Code Commentary, Collective of Authors, New Vision University, 2023, 360.

¹⁰⁷ The Labour Code of Georgia, Art. 32.1.

¹⁰⁸ The Labour Code of Georgia, Art. 32.5.

¹⁰⁹ The Labour Code of Georgia, Art. 31.2.

According to the Law of Georgia on Public Service, Art. 62.5. the public servant is entitled to enjoy unpaid leave for up to 1 year, if this does not contradict with the interests of the public entity.

When taking an unpaid leave, an employee shall be obliged to notify the employer at least two weeks in advance of taking the leave, except when giving such notification is impossible due to urgent medical or family circumstances.¹¹⁰

5.4. Additional parental leave

In accordance with the Labour Code of Georgia, an additional unpaid parental leave of 12 weeks shall be granted at the employees' request, at once or in parts but at least two weeks a year, until the child reaches the age of five. Additional parental leave may be granted to the employee who actually cares for the child.¹¹¹

While the purpose of this provision is to grant the right to use leave due to the care of the child by the parent, however, the mentioned norm can be used precisely by a person who is a victim of violence for the purpose of taking care of the child in a critical situation.

5.5. Temporary disability

The labour legislation of Georgia provides for the possibility of compensation for the period of temporary incapacity to work for all employees, both in the private and public sectors.¹¹²

A worker/employee is granted assistance due to temporary incapacity for work:

- a) in case of loss of working capacity caused by illness or disability;
- b) due to taking care of a sick family member;
- c) due to quarantine;
- d) due to prosthetics.¹¹³

It should be noted that for those employees covered by the Labour Code, long-term incapacity for work can be the basis for termination of the employment contract if its duration exceeds 40 consecutive calendar days or the total duration exceeds 60

¹¹⁰ The Labour Code, Art. 33.

¹¹¹ The Labour Code, Art. 40.

¹¹² Order No. 87/N of February 20, 2009, of the Minister of Labour, Health and Social Affairs of Georgia on the appointment and approval of the procedure for providing assistance due to temporary incapacity for work.

¹¹³ Order No. 87/N of February 20, 2009, of the Minister of Labour, Health and Social Affairs of Georgia on the appointment and approval of the procedure for providing assistance due to temporary incapacity for work, Art. 4.1.

calendar days within 6 months. In addition, the employee must have used the paid and unpaid leave provided for by the Labour Code.¹¹⁴

And for those employees who are covered by the Law of Georgia “On Public Service”, the grounds for termination of the employment contract may be absenteeism, long-term incapacity for four consecutive months or for six months during a calendar year.¹¹⁵

The legislation does not provide for a different regulation for victims of violence.

5.6. Occupational safety

When discussing the issue of domestic violence, it is essential to consider a number of preventive measures at the legislative level for the safety of both the victim and his/her co-workers. Issues related to occupational safety are regulated by the Organic Law of Georgia on Occupational Safety of 2019. Since, in cases of domestic violence, it is difficult to make an accurate prediction regarding the actions of the perpetrator, it is essential to have a number of preventive measures at the workplace, especially in cases where the perpetrator appears at the victim’s workplace.

The purpose of the Law on Occupational Safety is to define those basic requirements and general principles of preventive measures that are related to matters of occupational safety, existing and potential hazards, the prevention of accidents and occupational diseases, the training of employees, and the provision of information and consultation to such employees, and the equal participation of employees in matters related to occupational safety and health care.¹¹⁶

Therefore, based on the objectives of the above-mentioned law, it is necessary to include some preventive measures in the occupational safety provisions, which are not clearly provided for, in order to reduce the negative effects of domestic violence in the workplace.

5.7. Statistical information regarding the impact of domestic violence on labour relations

LEPL Labour Inspection Service

¹¹⁴ The Labour Code of Georgia, Art. 47.1.i.

¹¹⁵ The Law of Georgia „On Public Service”, Art. 111.1.

¹¹⁶ The Organic Law of Georgia on Occupational Safety, Art.1.1.

The following types of information were requested from the LEPL Labour Inspection Service:

a) From January 01, 2021 to February 2024, how many victims of domestic violence applied to the Labour Inspection Service regarding violation of the labour provision by an employer, and in how many cases and what kind of violations were confirmed. In the same period, how many victims of domestic violence requested information/consultation regarding the labour rights of victims of domestic violence;

b) During the inspections carried out from January 1, 2021 to February 2024, how many employers have included the following in their internal regulations: additional benefits for employees who are victims of domestic violence; response schemes, in the event of an abuser appearing at the workplace and in the event of a safety risk at the workplace;

According to the explanation of the LEPL Labour Inspection Service, there was no application/complaint or request for consultation regarding the specified issues. Also, during the inspection, the Service did not record additional benefits for employees who are victims of domestic violence in internal regulations; or response schemes, in the event of a perpetrator's appearance at the workplace or in the event of a safety risk at the workplace;

[Office of the Public Defender of Georgia](#)

The following information was requested from the Office of the Public Defender of Georgia:

- From January 1, 2018 to February 2024, how many complaints were submitted regarding violence and how many of them were related to domestic violence. Also, in the specified cases, information was requested regarding the gender and age of a victim and a perpetrator, the victim's employment and the form of violence (for example, economic violence or others). Also, about the decision/recommendation issued by the Public Defender on the applications.

According to the Office of the Public Defender of Georgia, in 2018-2024, a total of 528 applications related to domestic violence were submitted.

2018 - 223 applications

2020 – 123 applications
2021 - 63 applications
2023 - 104 applications
2024 - 15 applications

In addition, it was noted that the statistical information on gender, age, place of work and other criteria of victims and perpetrators is not stored in a systematized manner.

Ministry of Internal Affairs of Georgia

The following information was requested from the Ministry of Internal Affairs of Georgia:

-From January 1, 2018 to February, 2024, in how many cases of restraining orders were issued for cases of domestic violence, violence was recorded at the workplace of the victim.

It was defined by the Ministry of Internal Affairs of Georgia that the statistics related to violence are presented on the website - <https://info.police.ge/page?id=102>, however, the information is not systematized in the requested form.

LEPL Public Safety Command Center - 112

The following information was requested from the Public Safety Command Center - 112:

a) From January 1, 2018 to February 2024, how many people used the mobile application "112" and the hotline indicating the gender and age of a victim and a perpetrator, the victim's employment and the place of violence (for example, workplace or residence).

b) From January 1, 2018 to February 2024, how many people reported domestic violence through the mobile application "112" and the hotline indicating the gender and age of a victim and a perpetrator, the victim's employment and the place of violence (for example, workplace or residence).

c) How many people have downloaded/installed "112" mobile application from January 1, 2018 to February 2024, indicating the years.

The Public Safety Command Center - 112 clarified that incoming messages are classified based on the initial information provided by the initiator of the call. The problem, i.e. the type of incident, is determined programmatically by the Public Safety Command Center "112" call recipient. The purpose of classifying an incident type is not to determine the exact content of the report in relation to the legislative disposition, but to determine the priority of the incident and emergency resources to be sent to respond to it. Therefore, for timely response to the incident, differentiation of gender, age and place of employment is not a priority for the Center. Based on the above, there is no systematized information on the number of reports based on gender, age and place of employment of the victim/perpetrator.

As for the place where the violence was committed (for example, a workplace or a place of residence), the mentioned data, as needed, is recorded in specially allocated text fields, in a non-template format. Therefore, it is not subject to statistical processing.

Regarding the number of persons registered in the "112" mobile application, the following data were provided:

2018 – 18785 registered persons
2019 – 11690 registered persons
2020 – 14196 registered persons
2021 – 13467 registered persons
2022 – 10995 registered persons
2023 – 12454 registered persons
2024 - 900 registered persons

[LEPL Legal Aid Service](#)

The following types of information were requested from the LEPL Legal Aid Service:

- a) From January 1, 2018 to February 2024, how many individuals were provided with legal advice by the Service regarding domestic violence, indicating the gender and age of a victim and a perpetrator, the victim's employment and the form of violence (for example, economic violence or other).
- b) From January 1, 2018 to February 2024, how many individuals were represented in court by the Service in connection with domestic violence, indicating the gender and

age of a victim and a perpetrator, the victim's employment and the form of violence (for example, economic violence or other).

c) In relation to labour law issues/disputes, the number of consultations provided to victims of domestic violence and/or cases in court proceedings.

The LEPL Legal Aid Service provided information on the amount of consultations in connection with domestic violence:

2018 – 168 consultations
2019 – 250 consultations
2020 – 235 consultations
2021 – 176 consultations
2022 – 128 consultations
2023 – 130 consultations
2024 - 11 consultations

Regarding the number of cases filed in court related to domestic violence:

2018 - 18 cases
2019 - 57 cases
2020 - 47 cases
2021 - 57 cases
2022 - 84 cases
2023 – 103 cases
2024 - 12 cases

Also, according to the explanation of the LEPL Legal Aid Service, the data regarding the employment of a victim and forms of violence are not processed in the form of a statistical analysis (report) in the information system for the legal proceedings management at this stage. As to counseling/representation in court for victims of violence on labour law issues, not a single case has been recorded from 2018 to February 2024.

VI. The role of collective bargaining in reducing the impact of domestic violence

6.1. International practice

Domestic violence is not an individual problem. It is everyone's problem. Its consequences are felt by society everywhere: in kindergartens, schools, public spaces. The effects of domestic violence are most evident in the workplace. Accordingly, it is the main actors of the world of work - employers and trade unions - who should play a decisive role in reducing the impact of domestic violence on labour relations.

In the discussions during the adoption of the ILO Convention №190, it was noted that "employers could be allies to address such violence, though they are not responsible for it".¹¹⁷

Employers and co-workers can save lives by creating a safe environment, showing solidarity and identifying incidents of abuse.

Of course, the introduction of legal regulations in this direction is essential, but it is equally important to discuss the issue in the process of collective negotiations and develop effective mechanisms in order to reduce the impact of domestic violence on labour relations.

In order to protect the victims of domestic violence, reflection of measures and additional regulations in the workplace is of particular importance in the collective agreements. The above-mentioned, on the one hand, serves the protection and support of the employee who is a victim of domestic violence, and, on the other hand, well-being of an employing organization itself, which is manifested in retaining an effective, able staff. Public solidarity is crucial in preventing domestic violence and eliminating its consequences. Employer and trade union involvement in this process ensures fostering a stable, safe work environment for all.

The issue of protecting the rights of employees who are victims of domestic violence is covered by a number of collective agreements in different countries of the world. In the process of collective negotiations, these issues are often discussed along with issues of gender equality. For example, the French telecoms company Orange and unions (CGT-KAPT, CFDT F3C, CFE-CGC ORANGE, CGT FAPT, FO-COM, SUD-PTT) negotiated the 'Agreement on professional equality between women and men and the balance between private and professional life'. Among provisions on domestic and family

¹¹⁷ ILO. 2016. Final Report. Meeting of Experts on Violence and Harassment against Women and Men in the World of Work (Geneva, 3-6 October 2016), Appendix, para. 27. See also: ILO. 2019. Reports of the Standard-Setting Committee on Violence and Harassment in the World of Work: Summary of Proceedings (Provisional Record No. 7B (Rev.)), para 851 and 1514.

violence, confidential support is provided by the company social worker and/or from specialised psychological, legal, medical or emergency assistance, financial assistance, as well as support from domestic violence associations. According to the Agreement, Paid leave of five days can be divided into half days. Funding is made for emergency housing. Confidential counseling is provided by telephone or face-to-face by an external clinical psychologist.¹¹⁸

The La Poste Agreement on 'Professional equality between women and men (2019-2022)' covers measures for the prevention of domestic and workplace violence. Any worker who experiences domestic or workplace violence can avail of three days paid leave, support from the company social worker, or they can call a freephone number to access external psychological support and counseling. Each entity appoints an HR manager who acts as the reference person to inform, guide and support postal workers and to establish risk prevention actions. A gender equality advisor will be identified and appointed by staff representatives to play a role in the prevention of risks to which women may be exposed. In addition, throughout the term of the agreement, training on sexist behaviour, harassment and sexual harassment, will be provided to all members of the Occupational Safety and Health Committee (CHSCT).¹¹⁹

In Ireland, the Danske Bank policy and guidance agreed with the Financial Services Union, sets out zero tolerance for domestic abuse, including the duty of care of the employer under applicable health and safety legislation. The policy aims to ensure that 'any colleague who is the victim of domestic abuse has the right to raise the issue with us in the knowledge that they will receive appropriate support and assistance'.¹²⁰

The document constitutes: "Danske Bank recognises that its colleagues will be amongst those affected by domestic abuse; for example as a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted upon by domestic abuse or as an individual who perpetrates domestic abuse. We are committed to developing a workplace culture in which there is zero tolerance for abuse and which recognises that the responsibility for domestic abuse lies with the perpetrator. Danske Bank has a 'zero tolerance' position on domestic abuse and is committed to ensuring that any colleague who is the victim of domestic abuse has the right to raise the issue with us in the knowledge that they will receive appropriate

¹¹⁸ Piningler, J., Domestic Violence in the Workplace, Discussion Paper, European Agency for Safety and Health at Work, 2023, 8, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf

¹¹⁹ Ibid.

¹²⁰ Ibid, 9.

support and assistance. This policy also covers the approach we will take where there are concerns that a colleague may be the perpetrator of domestic abuse. By developing an effective domestic abuse policy and working to reduce the risks related to domestic abuse, we will create a safer workplace and we will also convey a strong message that domestic abuse is unacceptable, without exception. We want to ensure our colleagues can work in a safe environment. This includes those who may work from home. Danske Bank is committed to providing support to those impacted, without judgment or prejudice. Domestic abuse occurs right across our society and it has devastating consequences for the victims and their families. It has no boundaries as regards to age or gender, gender identity, race, religion, ethnicity, sexual orientation, socioeconomic status, disability or geography. Domestic abuse affects not only adults – it may be inflicted on, or witnessed by children. The potential adverse effects on children living with domestic abuse include poor educational achievement, social exclusion and juvenile crime, substance and alcohol misuse, mental health problems and homelessness.”¹²¹ This policy applies to colleagues across all sites including full and part-time staff, those on fixed term contracts, interns, self-employed contractors, temporary workers etc.

The aim of the document is also to raise the awareness of employees about violence and its forms. Thus, the forms of violence are explained accordingly. The policy document outlines the likely signs that victims of violence should be aware of and respond to. For example:

- **Changes in attendance at work:** Arriving at work late; Wanting to change working hours for no particular reason, needing to leave work early; Frequent unexplained absence from work; Increase in sickness absence; Spending an unusual number of hours at work for no particular reason.

- **Changes in work performance and productivity:** The quality of work has deteriorated – performance targets and deadlines are missed, and mistakes are made. Work quality is affected by frequent text messages, emails, phone calls and/or visits to work by the colleague’s partner; There is an avoidance of phone calls and there are signs of distress or anxiety when a text or phone message is received; There is an influx of phone calls that are made at specific times throughout the day; Could include photographs being sent to show where they are or report who they are with;

¹²¹ Domestic Abuse: Support for our colleagues policy, Danske Bank, 3, https://www.fsunion.org/assets/files/pdf/domestic_abuse_-_support_for_our_colleagues_policy.pdf

- **Changes in behaviour:** Becoming quiet, anxious, frightened, aggressive, distracted or depressed; Becoming isolated from colleagues – not joining colleagues for coffee or lunch breaks, not joining in work social events; Secrecy about home life and relationships; Fear about leaving children at home and not leaving work on time.

- **Physical changes:** Visible bruising or injuries with unlikely explanations; Changes in the pattern or amount of make-up used; Changes in clothing, such as wearing long sleeves to hide injuries; Changes in appearance; Tiredness and irritability; Substance use/misuse.

- **Other factors :** Partner or ex-partner stalking a colleague in or around the workplace or on social media; Partner or ex-partner exerting unusual amount of control or demands over work schedule; Isolation from family and friends.¹²²

An Post in Ireland developed a domestic abuse and coercive control policy with the Communication Workers Union (CWC) in 2021. It addresses support for victims and holds perpetrators accountable for domestic abuse. Workplace support includes changes in working hours, redeployment, financial assistance in the form of an advance to salary, up to two weeks paid leave, workplace security, and measures such as record keeping of violence and harassment by perpetrators.¹²³

According to the document, “the effects of domestic abuse and coercive control do not subside during working hours. The consequences can seep into every part of a person’s life, including work. In the workplace domestic abuse and coercive control can impact productivity, attendance, well-being and workplace relationships. It puts limitations on an employee’s full and active participation at work. Domestic abuse may also continue during work hours. While at work the employee may be upset or harassed by the perpetrator either turning up at their workplace or through the receipt of abusive phone calls, text messages or emails. Colleagues also may be affected and face direct threats or intimidation. Colleagues may be aware that abuse is taking place but may not know how to help. The perpetrator may also be employed in the same workplace. An Post understands the challenges to retaining employment while experiencing domestic abuse and the particular pressures to retain financial independence. Early communication with the Company will prevent the impacted employee from being subjected to unwarranted disciplinary action and discriminatory approaches and also, to get swift

¹²² Ibid, 8.

¹²³ Piningler, J., Domestic Violence in the Workplace, Discussion Paper, European Agency for Safety and Health at Work, 2023, 9, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf

access to meaningful supports. An Post will seek to support an employee experiencing domestic abuse and coercive control in retaining their employment to help ensure financial independence.¹²⁴

The 2020 collective bargaining agreement between Italian trade unions (SLC CGIL, FISTEL CISL and UILCOM UIL) and Vodafone Italy 23 addresses smart working and wellbeing at work. The mentioned document, also includes guidelines on domestic violence in protocols on teleworking/remote working. Workers experiencing domestic violence, along with workers with a disability, single parents with dependent children, parents with a child with a disability and new parents, can work reduced hours and they are also entitled to additional paid leave. The collective agreement increased paid domestic violence leave from 10 days to 15 days to cover medical and psychological advice and counseling. It provides security, with support in reporting to the police and assistance in contacting domestic violence organisations.¹²⁵

National collective agreements on domestic violence in the public sector in Italy provide workplace support for survivors of domestic violence, setting a model for agreements in other sectors. Leave for victims of violence was included for the first time in national agreements in the public sector (2016-2018), including the National Collective Agreement for Education and Research (Article 18), National Collective Agreement for Central Government Functions Triennio (Article 36), National Collective Agreement for local authorities (Article 34) and National Collective Agreement in Health (Article 39).¹²⁶

The collective agreement for the Spanish energy company Endesa Group and the UGT union, of 23 January 2020, provides for revised and flexible working hours, social care, legal advice and assistance, protection orders and counseling, psychological support and medical care. Financial support is given to cover up to 50% of rental expenses (with a limit of €450 per month for up to six months) and 50% of expenses related to personal safety and expenses related to a change of school of children. Special leave is available for between three months and three years. Evidence has to be provided, such as a court-issued protection order or other document giving evidence of domestic violence. Protection measures set out in the policy apply to the victim and to dependent or disabled children or adults living with them.¹²⁷

¹²⁴ An Post Human Recourses Directorate, Domestic Abuse & Coercive Control Policy, 2021, 4-5.

¹²⁵ Piningler, J., Domestic Violence in the Workplace, Discussion Paper, European Agency for Safety and Health at Work, 2023, 9, https://osha.europa.eu/sites/default/files/Domestic-violence-in-the-workplace_en_0.pdf

¹²⁶ Ibid.

¹²⁷ Ibid.

The Finance and Insurance sectoral agreement in Spain was signed on 15 December 2021 by the trade unions CCOO-Servicios and UGT and the employers' organisations UNESPA, AMAT and UGT. It is an example of a sectoral agreement that includes clauses on: the 'protection of victims of gender violence', setting out rights for women workers to social assistance; a reduction in the working day with a proportional reduction in salary or the reorganisation of working time; and financial assistance of up to €1,000 for expenses such as moving home, legal advice and counseling. The agreement has resulted in many companies in the finance and insurance sector including clauses on domestic violence in their equality plans. Notable examples of agreements with financial institutions enable survivors to take a 50% reduction in working hours for up to one month on full pay, which can be extended for up to three months.¹²⁸

6.2. The practice in Georgia

The activity of trade unions in Georgia is regulated by the Constitution of Georgia, the Organic Law of Georgia - the Labour Code of Georgia, the Organic Law of Georgia on Trade Unions. Georgia has ratified the ILO Convention N°87 "Freedom of Association and Protection of the Right to Organize"¹²⁹, the ILO Convention N°98 "Right to Organize and Collective Bargaining", the ILO Convention N°144 "Tripartite Consultation (International Labour Standards)", the European Social Charter.¹³⁰

Article 26 of the Constitution of Georgia defines the supreme principles that apply in the country regarding freedom of labour, freedom of trade unions, right to strike and freedom of entrepreneurship. According to paragraph 2 of the specified norm, "Everyone has the right to establish and join trade unions in accordance with the organic law." According to the definition of the Supreme Court of Georgia, the right to establish and join trade unions is a right guaranteed to the citizens of Georgia by the Constitution and ensures the self-development of people in a democratic society.¹³¹

The issues related to the freedom of association are regulated in detail by the fundamental ILO Convention N°87 that was ratified by Georgia. The guarantees provided for in this Convention shall apply to all workers and employers, without distinction, as everyone, regardless of whether they are employed in the private or public sector, should be able to protect their labour interests through unionization.

¹²⁸ Ibid, 9-10.

¹²⁹ The Convention was ratified by the Parliament of Georgia by Resolution N2144-II of June 23, 1999, <http://gtuc.ge/wp-content/uploads/2017/11/87-asociaciis-tavisufleba.pdf>.

¹³⁰ European Social Charter, Article 6 - Right to collective bargaining (ratified in 2005).

¹³¹ Decision of the Supreme Court of Georgia dated October 11, 2010 in case No. 397-370-2010.

The right to collective bargaining is guaranteed by the Convention №98.¹³² According to the Committee on Freedom of Association (“CFA”), the right to freely negotiate with employers over working conditions is an essential element of freedom of association. A trade union must have the right to collective bargaining or, through other legal means, the opportunity to improve the working conditions of the employees it represents.¹³³

The Organic Law of Georgia, the Labour Code of Georgia recognizes a trade union created with the goals and rules stipulated by the ILO Conventions №87 and №98 as a subject of labour relations; Strengthens the principle of freedom of association and regulates procedures and rules for signing a collective agreement; Determines principles and objectives of the tripartite commission of social partnership, as well as other powers of the trade union.

The Organic Law of Georgia “On Trade Unions” defines the legal basis for establishing a trade union, its rights and guarantees of activity. “Union of employees in the form of a trade union, historically, is considered a powerful entity, which, by virtue of the guarantees given by special regulation, can protect the rights of employees more effectively¹³⁴ than an individual entity, or a union without such a structure.¹³⁵

Despite the existence of the above-mentioned legal framework and the principles established in them, one of the most important challenges in labour relations in Georgia today is healthy social dialogue and collective negotiations. The mentioned problem exists not only in the private sector, but also in the public sector, where the state is the employer. The 2023 report of the US State Department highlighted the problem of full realization of the right to freedom of association and collective bargaining in Georgia¹³⁶ - the problem the Georgian Trade Unions Confederation (GTUC) has been speaking about for years.¹³⁷ Due to the discriminatory treatment of trade union members in the process of collective negotiations and collective labour disputes, in November 2023, the Public Defender of Georgia issued a general proposal to the Advisory Council of the Chief Labour Inspector of the State Labour Inspection Service on the issue of

¹³² The Convention was ratified by the Parliament of Georgia by resolution №152 of May 29, 1996, https://gtuc.ge/wp-content/uploads/2023/10/98_koleqtiuri_molaparakeba.pdf

¹³³ 1920 Compilation of decisions of the Committee on Freedom of Association, 2018, par. 1232.

¹³⁴ For a short excursion on the historical role of trade unions, see Segesio M., Commentary on the Labor Code of Georgia, 2016, Article 3, 38, etc.

¹³⁵ Commentary on the Labour Code of Georgia, collective of authors, New Vision University. 2023, 18.

¹³⁶ https://www.state.gov/wp-content/uploads/2023/03/415610_GEORGIA-2022-HUMAN-RIGHTS-REPORT.pdf?fbclid=IwAR2S4DDLvTqmjHE6IE9-025yEXH-h5jqt775BfVSW2mpXgQPZ_xQGoBQCLc

¹³⁷ <https://gtuc.ge/departament-of-state-human-rights-report/>

preventing and fighting against discrimination.¹³⁸ The problem of conducting healthy collective negotiations is confirmed by the fact that only 57 collective agreements have been signed at the enterprise level (at the level of primary organizations) in the country. This is when conducting a collective bargaining process should be a primary goal for both sides of the labour relationship. Signing a collective agreement as a result of collective negotiations is a guarantee of stability for employers and provides a basis for effective cooperation for the company's challenges, while for employees, a collective agreement, during its validity period, meets their additional requirements, provides labour and socio-economic guarantees.

It should be noted that the existing collective agreements in Georgia do not respond to the challenges arising from domestic violence in labour relations.

During the interview held with the representatives of Trade Union it was pointed out, that although, the current collective agreements provide for the involvement of trade unions in the process of maintaining labour safety standards, additional leaves for employees in the cases defined by the agreement, none of the collective agreements consider issues of reducing the negative impact of domestic violence. Mechanisms that should be used to protect safety of a victim and one's co-workers from the alleged threat from a perpetrator have not been defined. There are no specific measures to support a victim employee. The means of identifying victims of domestic violence are not outlined, which can lead to putting a victim in an even more difficult situation, including being disciplined for failure to fulfill obligations (e.g. lateness to work, decreased productivity, etc.) or, in the worst case, being dismissed. This is when maintaining economic independence for a victim may be the only way to survive. Response mechanisms are not provided in case the abuser is an employee.

The absence of regulations to reduce the negative impact of domestic violence on labour relations is based on several important factors. One of them is the low level of awareness, both among employers and employees. Employers are not fully aware of their role in saving a victim, and this issue is not considered in terms of maintaining a capable and qualified workforce. Employees have little information about the measures that employers may take in relation to victims of domestic violence. Unfortunately, identification of cases of domestic violence as a common problem is still a problem in Georgia. As there is a stereotypical attitude of blaming a victim. In many cases, the victim has feelings of shame and self-blame about one's condition, which prevents them from speaking out about the issue and asking for help in the workplace.

¹³⁸ <https://www.ombudsman.ge/geo/akhali-ambebi/zogadi-tsinadadeba-ssip-shromis-inspektsiis-mrchevelta-sabchos-shromit-urtiertobebshi-diskriminatsiuli-mopqrobis-shemtkhvevebis-gamo>

As part of the research, a representative of the Georgian Employers Association (GEA) was interviewed. During the interview, it was mentioned that the association has developed a policy document on the prevention and elimination of discrimination, violence and harassment in the workplace, which is periodically implemented in member organizations, although the specified document does not cover issues of domestic violence. The representative of the Employers Association noted that there was no request from the member organizations for consultation on issues related to domestic violence. Also, the GEA representative does not remember any employee applying to the organizations regarding the mentioned problem. During the interview, it was noted that there is a big problem with the level of awareness of both employers and employees regarding possible mechanisms to be implemented. It is difficult for the business sector to understand what role the employer can have in this process and to what extent they can intervene, where the line lies between personal and professional issues. It was also noted that this problem exists even in society in general. In response to the question as to what extent, in the process of initiating disciplinary action against an employee (or beyond that, in the event that changes are identified in the employee's actions), probable causes of the violation are investigated and possible impact of domestic violence are assessed, it was explained that such cases are rare, due to the above-mentioned reasons. The representative of the Employers Association noted that the issue is very important and involvement of social partners - employers, trade unions and the State - is very important in the development of guidelines and their implementation on the ground. Here, need to correctly define the role of employers was emphasized, so that relevant measures would not be a heavy burden on the business.

As part of the research, representatives of the human resources management service of various companies were interviewed. During the interview, need to take measures to raise awareness about these issues was mentioned. During the interviews, experiences were also shared on measures to respond to incidents of domestic violence in the workplace. It was indicated that internal policies/regulations regulating these issues have not been developed in organizations. However, in practice, when such a case occurs, they directly carry out a detailed study of the case individually and implement mechanisms for resolution. It was also noted that each of such cases requires an understanding of a victim's condition and development of an appropriate individual solution. The role of representatives of the human resource management service, as well as managers and other co-workers was also highlighted. Especially, in the case when the perpetrator tries to enter the workplace. Avoiding talking about domestic violence on the part of the victim was named as the biggest challenge by the interviewers. The representatives of the Human Resources Management Service noted

a readiness to establish appropriate preventive measures and subsequently implement them in the workplace.

VII. Recommendations

In order to reduce the effects of domestic violence in the workplace, it is important to take the following steps:

On the part of the State:

- Ratification of the ILO Convention No. 190 on Violence and Harassment;
- Compliance of the definition provided by the Labour Code with the ILO standard, according to which violence and harassment will be combined under a single concept;
- To carry out legislative and practical measures so that, as defined by the convention, employees in both formal and informal sectors are covered by it;
- In accordance with the Organic Law of Georgia on Occupational Safety, when assessing risk at the workplace, to specify an employer's obligation to take into account risks of domestic violence and harassment in the workplace;
- With the involvement of social partners, to carry out activities aimed at raising awareness of the impact of domestic violence on labour relations, including the development of manuals, preparation of information materials and organization of meetings for employers, employees and their organizations;
- Establishment and monitoring of legal protection mechanisms (protection from dismissal, additional leave, temporary change of working conditions, etc.) and enforcement guarantees for victims of violence in order to reduce the impact of domestic violence on labour relations;
- Establishment of legal protection mechanisms (hotline, referral system, etc.) for victims of domestic violence on labour issues and ensuring access to them;
- Developing a national strategy and action plan to reduce the negative impact of domestic violence on the labour market in the format of the Tripartite Committee of Social Partnership;
- Production of statistical information in order to analyze the negative consequences (economic or other) of the impact of domestic violence on the labour market and to reduce/prevent them.

On the part of employers:

- In the framework of anti-discrimination and safety policies in the workplace, employers should consider measures to protect victims of domestic violence in

accordance with best practices. The policy document should also include a reporting procedure for a victim, as well as a responsible person or structural unit;

- Ensuring involvement of co-workers and trade unions in the policy development and implementation process;
- Taking effective steps in the direction of raising awareness of employees, which also includes training employees on the impact of domestic violence on labour relations and providing information on support measures for victims;
- When assessing risks in the workplace, take into account risks of domestic violence and harassment in the workplace;
- In the process of collective negotiations, effective measures aimed at protecting victims of domestic violence should be developed and implemented at the workplace with involvement of trade unions.

On the part of trade unions:

- Actively include workplace support measures for employees who are victims of domestic violence in the process of collective negotiations;
- To systematically work on raising awareness of employees on the impact of domestic violence on labour relations;
- Provide support to victims of domestic violence on labour legislation issues;
- Continue an active campaign to ensure ratification of the ILO Convention No. 190 on Violence and Harassment;
- Prepare legislative initiatives on additional legal and social protection mechanisms for victims of domestic violence in the workplace, taking into account best practices;
- In the process of workplace monitoring by trade unions, special attention should be paid to the issue of ensuring safety and rights of victims of domestic violence.



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