

NOVEMBER 25th THE INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

United National Resolution 54 / 134, made on December 17, 1999, recognized November 25th as the International Day for the Elimination of Violence Against Women. When speaking of this subject one may often think of domestic violence or cases of sexual assault and abuse of individuals from anonymous members of the public. However, there is a more silent and subtle form of violence against women – that which occurs in the workplace.

A report published by the National Italian Institute of Statistics ([ISTAT](#)) on September 15th, 2010, which covered the period between 2008 and 2009, revealed that an estimated 10.5 million women in Italy, aged 14 – 65 years, had experienced at some point in their life sexual harassment in the workplace. Of these, over 3.5 million women had experience sexual harassment in the workplace within the past 3 years of the survey. The forms varied between stalking, obscene phone calls, exhibitionism, as well as verbal or physical harassment. 140,000 women even reported to be propositioned the moment they were hired. Whichever form it appears in - it is illegal... and employers can be liable for failing to provide adequate protection.

These statistics also revealed surprising figures in terms of the frequency of sexual harassment if women in the workplace. In the 3 years prior to the research 11.9% of the survey participants indicated harassment on a daily basis, 36.4% more than once a week, 7.2% once a week, 10.5% once a month, and 19.8% a few times a year.

Worse still 81.7% of the women who had suffered sexual harassment in the workplace revealed that they did not report the incident to any of their work colleague. This means that less than 20% of cases of sexual harassment in the workplace were reported by these women.

The reasons they gave for not reporting the incidents were due to 28.4% not thinking the situation was important enough, they were able to escape the situation alone or with the help of their families (23.9%), lack trust in the authorities or their inability to act (20.4%), fear of being judged or treated badly the moment the denounced the situation (15.1%).

So what protections are in place to protect women – and let us not forget also men – from sexual harassment in the workplace?

A GLOBAL ISSUE

A study commissioned by the international law firm Slater & Gordon, and published on October 23rd, 2013, has revealed that the situation concerning sexual harassment in the workplace are not much better in the United Kingdom than it is in Italy.

Their report, which surveyed 1,036 women, reveals that 6 in 10 working women has had a male colleague behave 'inappropriately' towards them.

Surprisingly (well it should in theory be surprising) two-thirds of the women surveyed reported inappropriate behavior coming from a married man.

Furthermore, of the 24% of women in the survey that experience sexual harassment from a superior - 5% of them reported to have lost their jobs. Others reported to have been turned down for a promotion.

However, it looks as if UK based female employees may be a little bit more confident about reporting sexual harassment in the workplace. This survey revealed that 27% of the women polled reported the incident to a more senior person within their company. In Italy this figure is estimated at less than 20%.

We all still have a long way to go.

To date there are no specific laws in Italy concerning sexual harassment in the workplace. Instead in cases such as these a victim will be protected – in cases ranging from physical violence to sexual assault to harassment and to abuse in a broad sense – by the Italian Penal Code. In reference to more the more subtle form of sexual harassment 'stalking' Italian Penal Code Law Number 38 of 2009 (with Article 612 bis) provides for severe penalties for 'acts of persecution' for the perpetrators.

In spite of the fact that there are no comprehensive regulation in terms of sexual harassment in the workplace – there are legal tools in place to defend against this practice. It is advisable for anyone, female or male, who is subject of sexual harassment in the workplace to use these tools to the full extent of the law.

In cases of stalking, there is a legal precedent for victims to request assistance from the Police force to issue a 'warning' to the perpetrator as an alternative to a law suit. However, if the stalking continues then the victim will retain the right to call for full prosecution and a criminal trial.

If you, or someone you know, is a victim of sexual harassment in the workplace – the necessary steps in the eyes of the law to confront the situation would be to:

- Gather evidence and witnesses, if possible.
- Alert your superiors or human resources officers.
- Report everything as soon as possible to the relevant authorities (Police, Carabinieri)
- Do not be afraid to exercise your rights.

Sexual harassment is a violent act against women and should not be tolerated in any form - subtle or not. Unfortunately there will always be bad apples looking for ways to inappropriately assert themselves upon the female sex. We must never forget that in Italy *The Law is Equal for Everyone and Everyone has the Right to Assert Their Rights.*

By staying silent the victims of sexual harassment are only endorsing the behavior of the culprits and perhaps even strengthening their resolve that this behavior is acceptable. Perhaps one as an individual may be able to 'handle the situation' – but please do not think about ones individuals situation – but instead about the situation of the women who will find themselves in the same shoes in the future because you did not act. No one today - or tomorrow should suffer.

It is time to work together for the elimination of violence against women.

You are not alone.



AL - Assistenza Legale is the first law firm in Italy – with offices located throughout the country – exclusively dedicated to the legal needs of private individuals and SME's. Founded in 2008, **AL** is the inspiration of two lawyers - Cristiano Cominotto and Francesca Passerini – who created a new law firm model following the liberalisation of the profession in Italy.

AL - Assistenza Legale is proud to be a founding member of LINEE – The Lawyers International Network for Employees and Executives, the 1st legal network in the world which is exclusively dedicated to the needs and protection of employees and executives who work in an international environment. www.lineenetwork.org.

