



Università
Ca' Foscari
Venezia

Master's Degree programme – Second
Cycle (D.M.270/2004)
in Comparative International Relations

Final Thesis

In case of emergency break the Glass Ceiling

A legal analysis of glass ceiling
and sexual harassment in the workplace

Supervisor

Ch. Professor Sara De Vido

Assistant supervisor

Ch. Professor Vania Brino

Graduand

Alessia Da Ros

Academic Year

2018/2019

Empowered women empower women.

TABLE OF CONTENTS

Abstract.....	7
Abbreviations.....	15
Introduction.....	17
Chapter I. Violence against women: a social phenomenon.....	21
Premise.....	21
1. Where does VAW come from?.....	22
1.1 VAW and feminism.....	25
2. Gender-based violence.....	30
Chapter II. Discriminations and gender-based violence at work.....	34
Premise.....	34
1. Introduction. Glass ceiling and sexual harassment: a vicious cycle.....	38
2. Work-related violence.....	40
2.1 Defining violence at work: an ongoing process.....	42
2.2 Causes and triggering factors of violence at the workplace.....	45
2.3 Women as “primary-targets”.....	47
3. Physical discrimination and sexual harassment in the working environment	49
3.1 Sexual harassment: physical, verbal and non-verbal conduct.....	53
3.2 Consequences impacting the victims.....	57
4. Invisible barriers: horizontal and vertical gender segregation.....	60
4.1 Horizontal segregation.....	62
4.2 Vertical segregation.....	64
5. The glass ceiling effect.....	68
5.1 Origins and development.....	69

5.1.1 The Glass Ceiling Commission.....	72
5.1.2 Sticky Floors, Glass Escalators and Double Trap Doors...	74
5.2 The glass-ceiling index.....	78
5.3. Incidence and effects.....	82
Chapter III. Counteracting the sexual harassment and the glass ceiling phenomenon in the workplace.....	88
Premise.....	88
1. International legal framework against sexual harassment.....	89
2. European legal framework against sexual harassment.....	96
2.1 Legal framework against sexual harassment in Italy.....	98
3. Measures recommended at international level to counter glass ceiling.....	100
4. Measures recommended at European level to counter glass ceiling.....	103
5. Effectiveness.....	106
Conclusion.....	110
Bibliography.....	115
Ringraziamenti	

ABSTRACT

La violenza contro le donne (VCD) è una delle forme più oppressive di disegualianza di genere che si espande universalmente e impedisce la parità di genere a livello sociale, politico e culturale.

Il seguente elaborato tratta il presente argomento partendo delle origini della disparità che sono da rintracciarsi in una cultura patriarcale che ha avuto origine secoli fa e che ha tollerato la violenza di genere senza riconoscerla come un effettivo problema da arginare. La violenza contro le donne può essere di tipo fisico, psicologico, economico e sessuale ed è un problema che è stato trascurato fino alla nascita di movimenti femministi nella seconda metà del ventesimo secolo, che hanno dato modo alle donne di condividere esperienze riguardanti la loro vita privata e di denunciare le barriere di carattere sociale, legale e personale che impedivano loro di raggiungere uno status di eguaglianza rispetto agli uomini. Il ruolo dei movimenti femministi è stato particolarmente cruciale nell'introduzione di riforme e servizi nei confronti delle vittime di violenza.

Nel 1979 è stata adottata dall'Assemblea Generale delle Nazioni Unite la Convenzione sull'eliminazione di ogni forma di discriminazione della donna (CEDAW) il cui scopo è quello di garantire alle donne gli stessi diritti ed opportunità offerti agli uomini, definendo la discriminazione e le misure da adottare da parte degli Stati. L'introduzione del concetto di violenza risale al 1993 con la Dichiarazione sull'eliminazione della violenza contro le donne.

La violenza contro le donne avviene su diversi fronti e in diversi luoghi, uno tra i più importanti è riguarda la violenza nel posto di lavoro, minaccia alla dignità, sicurezza, salute e benessere non solo per quanto riguarda i lavoratori, ma anche l'ambiente circostante che include famiglia, comunità e società. L'Organizzazione Internazionale del Lavoro (OIL) raggruppa sotto l'idea di "mondo del lavoro" tutte le attività che vengono svolte nell'ambiente tradizionale di lavoro, ma anche in ambienti più informali e sia nel caso in cui a queste corrisponda un riscontro economico, sia nel caso in cui questo non avvenga. Inoltre, è considerato parte del "mondo del lavoro" non solo il posto di lavoro, ma anche il trasporto per raggiungere il posto di lavoro, eventi sociali relazionati all'impiego e luoghi che ospitano lavoratori informali. Nella scena internazionale, ad oggi non c'è ancora una definizione generale per quanto riguarda i termini "violenza" e

“molestia”, tuttavia la definizione di violenza nel mondo del lavoro redatta dall’ Expert Meeting della Commissione Europea indica “episodi nei quali persone sono abusate, minacciate, o aggredite in circostanze collegate al lavoro, risultando in un rischio diretto o indiretto per la loro sicurezza, benessere and salute.”¹

L’Organizzazione Internazionale del Lavoro ha esteso la definizione di “violenza e molestie” come “una serie di comportamenti e pratiche inaccettabili che risultano in sofferenza fisica, psicologica o sessuale.”² Le cause scatenanti sono da rintracciarsi in diversi aspetti, uno fra tutti e forse il più evidente è la mancanza di equilibrio di poteri tra ruoli nell’ambiente lavorativo. La scarsa gestione delle risorse umane e del lavoro che di conseguenza risulta nell’assenza di regole e compiti assegnati, obiettivi produttivi irreali e scarsa comunicazione nell’ambiente lavorativo costituiscono i motivi più tangibili. Sebbene la violenza non sia limitata solo alle donne, quest’ultime sono considerate i “primi obiettivi”, mentre i perpetratori sono per la maggior parte dei casi uomini.

La violenza sessuale a lavoro è varia ed include i comportamenti più eclatanti effettivamente sanzionati dal diritto penale, ma anche azioni molto più “soft”, parte delle iterazioni giornaliere, come giochi, battute a sfondo sessuale, commenti e contatto fisico superficiale. Negli ultimi anni l’attenzione nei confronti di tale problema è cresciuta vertiginosamente anche grazie alla presenza di tecnologie avanzate e mass media che permettono di divulgare le informazioni in modo veloce e conseguentemente di dare vita a movimenti come il recente movimento #MeToo, il cui scopo è proprio quello di aumentare la consapevolezza sul problema della violenza a lavoro, le cui origini sono da rintracciarsi già durante l’età moderna.

La molestia sessuale è stata poi suddivisa in fisica, verbale e non-verbale, a seconda delle azioni perpetrate e ulteriormente suddivisa a seconda del target a cui è indirizzata. Le conseguenze ed effetti che interessano le vittime di violenza sono le più disparate e riguardano diversi e molteplici aspetti, considerato che includono problemi fisici e psicologici, ansia e depressione, ma compromettono anche la vita professionale delle

¹ Wynne, R., Clarkin, N., Cox, T., and Griffiths, A., *Guidance on the prevention of violence at work*, Brussels, European Commission, DG-V, Ref. CE/VI-4/97, 1997.

² ILO, *Final Report*, Meeting of experts on Violence against Women and Men in the World of Work, Conditions of Work and Equality Department, Geneva, 2016.

vittime, che riscontrano una riduzione di soddisfazione professionale e disimpegno. Nel mondo del lavoro sono inoltre presenti altre barriere meno evidenti, ma che contribuiscono ad alimentare la diseguaglianza di genere: si tratta della segregazione occupazionale di genere, dunque la tendenza di rivestire ruoli diversi per donne e uomini. La segregazione può definirsi orizzontale nel caso in cui si registri una sovra rappresentanza di donne o uomini in una precisa occupazione o settore, mentre la segregazione verticale indica la sovra rappresentazione di un gruppo di lavoratori nelle alte cariche di un'occupazione, conseguentemente rispecchiato nel salario, prestigio e stabilità professionale. Proprio in merito alla segregazione verticale, si è creata negli anni una barriera invisibile che impedisce alle donne la possibilità di rivestire un ruolo nelle posizioni decisionali e contribuisce al gap salariale definita “soffitto di cristallo”, proprio perché risulta invisibile ma esiste.

Il termine è diventato popolare negli Stati Uniti negli anni 80, l'origine precisa non è certa, ma è stato definito come “una barriera invisibile che blocca le donne dai lavori all'apice”³, “una barriera trasparente che non concede alle donne di sovrastare un certo livello all'interno di società e viene applicato alle donne come gruppo che non riesce ad avanzare proprio per il fatto di essere donne”⁴.

Il riconoscimento formale di tale effetto e problema è avvenuto nel 1989 con la creazione di “Glass ceiling Initiative” da parte degli Stati Uniti, con lo scopo di analizzare il numero esiguo di donne e minoranze nelle alte cariche e successivamente con la costituzione della Glass Ceiling Commission come parte integrante della Legge sui Diritti Civili del 1991 il cui scopo era l'investigazione di “barriere che impediscono l'avanzamento di donne e minoranze all'interno delle gerarchie d'impresa e pubblicare una relazione in merito ai risultati ottenuti e alle conclusioni, così come elaborare raccomandazioni su come abbattere il soffitto di cristallo”.⁵

³ Hymowitz, C., Schelhardt, T.D., *The Glass-ceiling: why women can't be seem to break the invisible barrier that blocks them from top jobs*, The Wall Street Journal, 57, 1986.

⁴ Morrison A. M., White, R. P., Van Velsor, E., The Center for Creative Leadership, *Breaking the Glass Ceiling: Can Women Reach the Top of America's Largest Corporations?*, Addison-Wesley Publishing Company, 1994.

⁵ US Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation's Human Capital*, Washington DC: US Government Printing Office, 1995.

Sono stati inoltre introdotti nuovi concetti in risposta all'effetto del soffitto di cristallo, come ad esempio il "pavimento appiccicoso" che indica il divario tra donne e uomini che si presenta dalle prime fasi dell'entrata nel mondo del lavoro oppure "l'ascensore di vetro" che si riferisce al modo in cui gli uomini riescano a raggiungere in maniera molto più veloce le posizioni più alte. Le immagini riescono in modo chiaro a rappresentare le barriere che incontrano le donne nel mondo del lavoro e che sono causate da una serie di convinzioni che ritraggono la donna come la figura il cui ruolo è prendersi cura della famiglia e del focolare domestico. Inoltre, il lavoro dirigenziale è legato al ruolo maschile considerato il fatto che richiede delle capacità da sempre attribuite all'uomo.

Il processo di selezione, inoltre, spesso recluta le donne per rivestire i ruoli meno prestigiosi all'interno di organizzazioni, ed infine un importante ruolo è ricoperto dal problema delle molestie sessuali che prende di mira molto più le donne rispetto agli uomini e contribuisce al soffitto di cristallo. Per capire l'entità del problema e misurare il livello di discriminazione e delle barriere sociali e culturali che impediscono l'accesso alle donne a posizioni di responsabilità il quotidiano *The Economist* ha creato e pubblicato quello che verrà definito come "Glass-ceiling Index", il cui obiettivo è di analizzare e rivelare i quali Paesi le donne hanno maggiori possibilità di ricevere parità di trattamento rispetto agli uomini. L'indice prende in considerazione dieci fattori tra cui l'accesso all'istruzione superiore, il divario retributivo, la rappresentanza nell'alta dirigenza e, a partire dal 2016, anche il congedo di paternità. L'indice è stilato annualmente ed è possibile notare le costanti e variabili dei sei anni analizzati dei Paesi facenti parte dell'Organizzazione per la cooperazione e lo sviluppo economico. L'Istituto Europeo per l'uguaglianza di genere ha svolto lo stesso tipo di inchiesta per quanto riguarda i Paesi membri dell'Unione Europea.

La segregazione occupazionale genera uno spreco di capitale umano costituito da donne che investono nella formazione accademica più degli uomini e riescono a raggiungere risultati migliori, ma rimangono comunque indietro per quanto riguarda il lavoro. Un report della Commissione Europea⁶ dimostra che l'uguaglianza di genere stimolerebbe la crescita economica e sottolinea l'esigenza di sviluppare un perfetto equilibrio tra vita privata e professionale, da raggiungersi attraverso un'adeguata assistenza all'infanzia,

⁶ European Commission, *Progress in gender equality leads to economic growth*, Press release, 16th April 2012.

flessibilità dell'orario lavorativo e congedi parentali. Inoltre è stato dimostrato da studi condotti che la presenza di donne all'interno delle imprese costituisce un acceleratore di competitività e profitto.

L'ultima parte dell'elaborato riguarda le misure di contrasto adottate a livello internazionale ed Europeo riguardanti le molestie sessuali e il soffitto di cristallo e analizza la lotta e la prevenzione di entrambe problematiche nel mondo del lavoro. Il primo documento che sostiene il rispetto dei diritti umani e libertà di uomini e donne senza alcun tipo di discriminazione basata sul genere risale al 1945 ed è lo Statuto delle Nazioni Unite. A partire da quell'anno, diversi risultati si sono raggiunti grazie alla creazione della Commissione delle Nazioni Unite sullo status delle donne e la Dichiarazione Universale dei Diritti Umani, considerata cruciale per la storia dei diritti umani poiché proclama l'esistenza di diritti umani fondamentali. Un ulteriore passo avanti è stato fatto con la Convenzione sull'eliminazione di ogni forma di discriminazione della donna (CEDAW) adottata dall'Assemblea generale delle Nazioni Unite nel 1979 il cui obiettivo è quello di adottare leggi appropriate e altre misure che proibiscono ogni discriminazione contro le donne, così come stabilire la protezione dei diritti delle donne alle stesse condizioni degli uomini e assicurare la stessa protezione. Nel 1993 l'Assemblea Generale ha emanato la Dichiarazione sull'Eliminazione della Violenza contro le Donne (EDAW) che afferma che la violenza contro le donne costituisce una violazione dei diritti umani e libertà fondamentali⁷. L'Organizzazione Internazionale del Lavoro ricopre un ruolo chiave nella lotta alla violenza contro le donne nell'ambito lavorativo e tratta della specifica problematica, oltre ad adottare diversi strumenti non-vincolanti contenenti disposizioni sulle molestie sessuali. Proprio il problema delle molestie sessuali è stato catalogato dai singoli Stati a seconda di diversi approcci, e di conseguenza affrontato da uno o più rami legali.

Nel 2011 l'adozione della Convenzione del Consiglio d'Europa sulla prevenzione e la lotta alla violenza contro le donne e la violenza domestica stabilisce la prima definizione di violenza contro le donne legalmente vincolante ed obbliga gli Stati ratificanti a proibire, prevenire, perseguire ed eliminare le molestie sessuali e tutte le forme di violenza domestica. Inoltre crea un meccanismo in grado di monitorare l'attuazione delle

⁷ UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

disposizioni includendo un Gruppo di Esperti sulla Violenza del Consiglio d'Europa (GREVIO).

Per quanto riguarda l'Unione Europea, il problema della violenza contro le donne è stato trattato per la prima volta nel 1986⁸ dalla Risoluzione del Parlamento Europeo, che ha invitato i governi nazionali, le commissioni per le pari opportunità e i sindacati a condurre campagne di sensibilizzazione. La Commissione Europea ha, in seguito, pubblicato una serie di relazioni e direttive con lo scopo di affrontare il problema delle molestie sessuali. Il diritto penale dello Stato Italiano ha estrapolato le definizioni di violenza contro le donne e di genere da convenzioni internazionali e diritto Europeo rendendole interamente parte del sistema nazionale attraverso il diritto internazionale. Il crimine della violenza sessuale è stato introdotto dalla Legge 15 febbraio 1996 n.66 ed è regolato dall'art. 609 bis del codice penale, mentre la prima importante misura è stata introdotta nel 2006 con il Codice delle pari opportunità ed è stata identificata dalla Legge di Bilancio del 2018 che ha potenziato la protezione contro le molestie sessuali a lavoro, pur tenendo conto che il problema dell'assenza di denuncia costituisce un problema che ostacola la risoluzione o, quantomeno, il miglioramento della problematica situazione che si presenta a livello internazionale, Europeo e nazionale.

Per quanto riguarda il fenomeno del soffitto di cristallo a livello internazionale, la prima importante misura riguarda il già menzionato Glass Ceiling Act contenuto all'interno del Titolo II della Legge sui Diritti Civili del 1991 degli Stati Uniti, che costituisce la Commissione per le pari opportunità. Recentemente il governatore Californiano Jerry Brown ha imposto la presenza nelle imprese quotate in borsa di almeno una figura femminile, impegnandosi attivamente nella rottura del soffitto di cristallo. Altri Stati hanno creato delle reti e istituti per fornire supporto, contatti ed informazione per le donne, mentre l'Organizzazione Internazionale del Lavoro ha emanato regole e programmi volti a promuovere l'uguaglianza e l'emancipazione delle donne. A livello europeo, nel 2010 è stata introdotta la Strategia Europea 2020 da parte della Commissione Europea che ha promosso la crescita sostenibile e la coesione sociale e la Carta delle

⁸ Resolution of 11 June 1986 on violence against women, in Official Journal of the European Communities, No. C176, 14 July 1986.

Donne da parte di Viviane Reding⁹ che presenta una serie di impegni finalizzati a promuovere l'eguaglianza nel mercato del lavoro, parità di retribuzione, eguaglianza nei processi decisionali attraverso misure Europee, rispetto della dignità ed integrità. La Commissione ha avanzato la proposta di una percentuale di donne nei consigli di amministrazione che però non è mai stata resa valida. Ciononostante, alcuni Stati hanno adottato singolarmente misure per favorire l'uguaglianza, introducendo le quote di genere, come è accaduto in Italia grazie alla Legge Golfo-Mosca che impone la presenza di 3/5 di donne nei consigli di amministrazione o hanno optato per misure non-vincolanti con l'obiettivo comune di garantire l'equilibrio di genere. La riconciliazione della vita privata e professionale viene facilitata attraverso l'introduzione di misure conciliatorie come il lavoro agile, considerato uno strumento che migliora la condizione della donna, consentendo alla donna di rimanere nel mondo del lavoro anche durante periodi come la maternità e i congedi parentali, il cui obiettivo è di bilanciare i ruoli senza delegare tutte le responsabilità genitoriali alla donna.

Miglioramenti e progressi sono stati svolti da diversi e molteplici punti di vista, ma il problema della violenza contro le donne a lavoro rimane presente e importante. Prendendo in considerazione in particolare il fenomeno del soffitto di cristallo, la strada da percorrere è ancora lunga. Il sistema delle quote non può ritenersi sufficiente, anche se ad oggi è necessario, per risolvere il problema di un tipo di violenza che, seppur non paragonabile a quella fisica, contribuisce al sostrato di quest'ultima alimentando la falsa concezione dell'inferiorità delle donne rispetto agli uomini.

⁹ European Commission, *A Strengthened Commitment to Equality between Women and Men, A Women's Charter*, COM (2010)78, Brussels, 5th March 2010, p.3.

ABBREVIATIONS

CAHVIO	Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of Racial Discrimination Against Women
CONSOB	Commissione nazionale per le società e la Borsa National commission for corporates and stock market
CSW	Commission on the Status of Women
DEVAW	Declaration on the Elimination of Violence Against Women
EC	European Commission
EEOC	Equal Employment Opportunity Commission
EIGE	European Institute for Gender Equality
EU	European Union
EU-OSHA	European Agency for Safety and Health
FRA	Fundamental rights agency
GA	General Assembly
GBV	Gender-based violence
GBVAW	Gender-based violence against women
GCI	Glass ceiling index
GDP	Gross Domestic Product
GPG	Gender Pay Gap
GR	General Recommendation
GREVIO	Group of experts on Action against Violence against Women and Domestic Violence
IC	Istanbul Convention
ICVS	International Crime Victim Survey
ILO	International Labour Organization
IMF	International Monetary Fund
IO	International Organization
OECD	Organization for Economic Cooperation and Development
NGO	Non-governmental Organization

UDHR	Universal Declaration of Human Rights
UN	United Nations
USEEOC	US Equal Employment Opportunity Commission
VAW	Violence against women
WLM	Women Liberation Movement
WHO	World Health Organization

INTRODUCTION

Violence against women (VAW) is one of the most oppressive form of gender inequality which is nowadays spread worldwide and it prevents equal participation of both gender in social, economic and political field. VAW is a social issue, a violation of human rights and in particular of the fundamental right to life. It encloses countless conducts and crimes which include sexual assault, domestic violence, stalking and feminicides.

As a girl and women, the problem of violence against women is an issue that hits close to home, and which I believe has not yet reached the attention it deserves as a global matter which affects girls and women, irrespective of age, ethnicity, social background. It is quite shocking to believe that in the third millennium the problem of VAW is still so widespread and serious. As a matter of fact, according to the estimates published by the World Health Organization, 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner violence in their lifetime.¹⁰

The work will analyse, in the first place, violence against women as a social phenomenon with special focus on the patriarchy and the theories and approaches which have emerged over the years aimed at determining when it established. An attempt will be made to try to define when VAW was first identified as an issue, how it was originally treated and how the idea of violence against women shaped itself and developed through the years, until reaching the importance it plays nowadays.

A crucial role was played by the feminist movement which was able to raise consciousness about VAW, to adopt measures to prevent it and to provide aid to the victims of violence. Moreover, I will further the concept of gender-based violence (GBV), to what extent it spreads in our society and the impact that could derive from a violence perpetrated only in relation to the gender.

Once a general framework is provided, I will deepen the topic of gender-based violence with specific regard to the working environment. As I am completing my studies and approaching the labour market, I find myself nourishing a precise interest and, to some extent, a sort of concern, about the employment market and the challenges offered by an

¹⁰ World Health Organization, *Violence against women*, Factsheet 27th November 2017.

environment that is evidently affected and yet proponent of the ideas concerning the role played by women in the society. Gender-based violence at work affects women in many different ways and it is one of the most widespread obstacle to women's economic empowerment, independence and autonomy. The segregation of women in low paid, precarious and low status positions contribute to the deterioration of the women condition and status. I will analyse the various causes leading to violence of physical, psychological and sexual kind within the workplace, to which women are subjected as "primary targets". I took into consideration such aspects with specific respect to the United States and Europe, due to the notable commitment devoted to the issue of VAW, but also to compare and investigate the major similarities and differences when dealing with an issue of utmost importance, namely violence against women at workplace.

Considered the fact that violence at work is a wide topic, I purposely focused on two major aspects: physical discrimination and sexual harassment at work and a much more silent violence, namely the gender segregation, both horizontally, across operational layers of the company and vertically, up and down the hierarchy.

Sexual harassment will be first deepened according to the splitting carried out by academics, which divide it in groups dealing with physical, verbal and non-verbal conduct and secondly according to psychologists which divide it according to the conduct and the target. The consequences of such issue, which are visible in both the private and professional life of women will be inquired.

On the other hand, I will take into consideration segregation as one of the major discriminatory aspects within the working environment which includes both the underrepresentation of a group in specific occupations (horizontal segregation) and the underrepresentation of a group of workers at the top positions of the corporate ladder (vertical segregation). While analysing such aspects, I encountered a concept that particularly drew my attention and that I would define as the key element of my research: the glass-ceiling effect. The glass-ceiling is a metaphor used to indicate a situation in which the career progression of a person within a working organization is hindered due to discriminations and barriers, mainly of sexual and racial nature, which interpose as insurmountable barriers, even though they appear to be undetectable.

The work will take into consideration how the term originated, where it appeared for the first time and how it developed through the years, becoming a work of common use and

how it affects nowadays gender-based violence in the working environment. In 2013, a glass-ceiling index has been drawn up by the weekly English magazine *The Economist*, whose aim is to elaborate data coming every year from International Organizations such as the European Commission, the Organization for Economic co-operation and Development (OCSE) and the International Labour Organization (ILO). The effects of such phenomenon are tangible in the structure and organization of the labour market, which witnesses the considerably lower presence of women in the management positions compared to the employment of men. In response to the glass ceiling effect, other concepts were introduced to witness the numerous discriminations women are subjected to which affect several aspects within the labour field.

The importance of overcoming the glass-ceiling phenomenon is not simply restricted to an individual need, with due respect accorded to a single person, but it carries a particular relevance in both social and economic terms. Besides the waste of human capital which is identified as one of the major consequences, the presence of women in the executive board of enterprises is proven to ameliorate the society performances and decisional processes. Despite the presence of legislations formulated by international bodies and by governments and the measures adopted, aimed at safeguarding the equality between women and men in the working environment, substantial discrepancies are still present worldwide.

In order to prevent, counteract and sanction VAW and GBV in the labour market, international and European legislations have been implemented through the adoption of instruments of *hard* and *soft law*. One of the major achievements lies within the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, the *Istanbul Convention*,¹¹ the more exhaustive treaty as far as violence against women in concerned fostered by the Council of Europe (CoE) that allowed the creation in Europe of a legal framework for the actions aimed at countering violence against women and domestic violence. The main innovative element is the identification of violence against women as form of violation of human rights and

¹¹ The Istanbul convention is a Council of Europe convention against violence and domestic violence against women, which was opened for signature on 11 May 2011 and came into force on 1 August 2014. On 12 March 2012 Turkey was the first country to ratify the convention, followed by 33 other countries from 2013 to 2019.

discrimination. However, it is necessary to pay attention to the effectiveness of the solutions introduced by governments.

The whole research aims at devising a consistent framework of the current situation concerning the violence against women, specifically speaking as far as the working environment is concerned and at analysing the steps that have been taken in the legal field, in order to prevent and counteract such major issue at international and European level, with the mention of specific provisions introduced by different Countries.

Furthermore, the work is central in emphasizing that the place held by women in our society has still to be largely implemented in order to guarantee equality, dignity and respect of the fundamental human rights. In the past years a lot has been done to try to bridge the gap, but still a lot has to be done. Being aware of the presence and scale of the limits is already a step closer to overcoming them.

I. VIOLENCE AGAINST WOMEN: A SOCIAL PHENOMENON

Premise

Violence against women (VAW) is one of the most widespread violation of human rights and fundamental freedoms of women. It occurs worldwide, affecting women regardless of income, race, class or ethnicity and it includes an enormous variety of crimes perpetrated on women, ranging from physical and sexual to psychological abuse in the light of gender-related reasons. Some examples of what may be defines as VAW include battering, marital rape, female genital mutilation, dowry-related violence, violence related to exploitation, sexual harassment at work, women trafficking, forced prostitution and violence perpetrated or condoned by the State.¹²

VAW has a story deeply rooted in the past, but became a matter of widespread interest only after the creation of the United Nations (UN) and the work carried out by the organization in the last twenty years, which turned the issue into a priority. As a matter of fact, before the emergence of the intergovernmental organization, the problem concerning the situation of women was considered not to be included in the concern of States, on the contrary it was perceived as a domestic criminal problem.

The Declaration on the Elimination of Violence against Women adopted by United Nations General Assembly in 1993, defines VAW as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”¹³

In the first section of the following chapter of the dissertation, I will analyse the groundwork and origins of what is now defined as VAW and I will investigate the root causes of unequal relations which separated men and women according to gender within society. The analysis will be carried out through a selection of theories which may be considered the most accredited of sociological, philosophical and religious nature which

¹² United Nations work on violence against women, *Information Note, Division for the Advancement of Women*, <https://www.un.org/womenwatch/daw/news/unwvaw.html>.

¹³ Resolution AG ONU, *Declaration on the Elimination of Violence against Women*, A/RES/48/104, 20 December 1993, art. 1.

have been developed by scholars, aimed at identifying the moment and facts in history that may be considered the cause or starting point for the emergence of VAW. Furthermore, special focus will be placed on the movements which emerged in The United States in the second half of the twentieth century, whose role has been crucial in the spread and fight of VAW, which consequently led States to take seriously the problem of VAW and to introduce binding and non-binding acts. The second part of the chapter will focus on gender-based violence, with an overview of the conventions and declarations amended by the United Nations and Council of Europe which introduced major innovations as far as VAW and gender-based violence is concerned. The term 'gender' will be examined in comparison with the term 'sex' and as the triggering factor for violence.

1. Where does VAW come from?

Analyzing the problem of VAW, it is essential to try to identify the origin of the idea picturing the women as an inferior figure compared to men, which consequently led to the use of violence. What has laid the groundwork for what is now defined as VAW? Does it have a traceable origin in the past?

As far as violence in general is concerned, there are several theoretical explanations for such action and they range from biological theories, to psychological and sociological ones.¹⁴ However, if we shift the focus towards VAW, scholars were able to identify other bodies of thought which influenced western society's views and the resultant behavior adopted towards women, amongst other religion and philosophy.¹⁵

The mutual feature is the assumption of patriarchy as natural, which consequently led to the idea that violence towards women was the natural expression of the dominance of males in relation to women.

The word 'patriarchy' comes from the Greek language *patriarkhēs*, which is composed by *patria* which means 'descendant, bloodline, breed' (from *pater*, 'father') and *arkhō*

¹⁴ Ray, L., *Violence and society*, Sage Publications, p.14, 2011.

¹⁵ Fox, V. C., *Historical perspectives on violence against women*, *Journal of international Women's Studies*, 4(1), 2002, pp. 15-34.

which means 'I rule', namely "the rule of the father". It originally referred to the large household of the patriarch, which incorporated all the members of the family such as women, children, slaves and servants under the rule of the man in a male-dominated environment. Nowadays, its meaning is different to the original one and it is used to refer to social system in which the power is mainly held by adult men. It is based on a system of unequal power relations and sex-based inequality, where men are able to control aspects of women's lives.

The concept, however, has been defined in several ways according to different lines of thought. Sylvia Walby defines it as "a system of social structures and practices in which men dominate, oppress and exploit women."¹⁶ The sociologist Dorothy E. Smith considered it as "the totality of male domination and its persiveness in women's lives."¹⁷ According to Gerda Lerner, an Austrian-born American historian and feminist author, whose aim is to identify the gender social construction in western civilization, patriarchy is "the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general". In her work *The Creation of Patriarchy*, she argues that the patriarchal system is historically rooted and in order to demonstrate so, she was traced back to the history of ancient Mesopotamia. In her analysis, in the period defined as prehistory, the division of labour was necessary for group survival, women were in charge of the mothering, but men and women were still in a position of equality, with no traces of hierarchy. Afterwards, a clear shift towards the subordination of women is registered, and due to the presence of several causes that contributed to the transition, Lerner attributed different explanations to the process that later led to the rooting of the idea of the woman seen as inferior, arguing against single cause theories and against the search of a single historical event or moment where patriarchy established.¹⁸

As far as the origin of patriarchy is concerned, many theories and approaches have emerged and developed through the years, starting from the traditionalist theory,

¹⁶ Walby, S., *Theorizing patriarchy*, Basil Blackwell, 1990, p. 20.

¹⁷ Smith, D., *Women, the family and the productive process*. In Grayson, J. P., *Introduction to Sociology*, Gage, Toronto, pp. 312-344.

¹⁸ Lerner G., *The creation of Patriarchy*, Oxford University Press: New York, 1989.

according to which men are born to be the dominant gender and women's subordination is to be considered universal, God-given and natural.

The traditionalist line of thought highlights the capacity of women of reproduce and identifies in motherhood the main goal of women's life, in addition to a necessity of the human species, aimed at advancing society that could have not survived into the shift to modernity without the role played by women in child-bearing.¹⁹

Furthermore, traditionalists endorse the concept of "sexual asymmetry", according to which different activities and roles are entrusted to women and men, depending on their predisposition. Men's physical nature, their speed and strength led them to become hunters and consequently food providers and warriors. Therefore, thanks to the role they played in society, they were more highly valued and seen as protectors of women, considered vulnerable and allocated to maternity and household caring.²⁰

In order to support their argument, they include also the religious aspect by stating that women are inferior to men because of how God created them.²¹ Aristotle adopted a quite similar theory, defining men as the active sex and categorizing females as passive. He considered women as "mutilated male", lacking in soul and claimed that such biological inferiority has an impact also in her skills, her ability to reason and to make decisions. Men are therefore born to rule, while women to be ruled.²²

Sigmund Freud's theory was included in the traditionalist vision and claimed that the normal human was male and that women struggle to deal with the idea of not being a man.²³ Freud introduced also the concept that "anatomy is destiny", reinforcing the male supremacist argument. According to his theory, one's gender determines one's

¹⁹ Ibid.

²⁰ Ibid.

²¹ According to the Bible, God gave Adam, his male creation, the power to name all that he created which included the naming of the female that was formed from Adam's rib. Such idea reinforces the subordinate position of women compared to men.

²² Lerner G., *The creation of Patriarchy*, Oxford University Press: New York, 1989.

²³ Freud, S., *Female sexuality*, 1931, available at

http://www.aquestionofexistence.com/Aquestionofexistence/Problems_of_Gender/Entries/2011/8/28_Sigmund_Freud_files/Freud%20Female%20Sexuality.pdf

personality traits. It is the anatomy of the woman that does not allow her to escape from being subordinate to the male and determines her submission to the man.²⁴

However, no historical or scientific evidences have been registered to corroborate such hypothesis, despite the differences at biological level between men and women, which do not have to function as starting point for a sexual hierarchy where men are recognized as dominant sex.²⁵

Another theoretical position that deserves to be taken into consideration because of the importance played at historical level is the maternalist theory, which is constructed on the acceptance of biological sex differences that differentiate men and women. Over the course of 19th century, the Swiss professor and anthropologist Johann Jacob Bachofen carried out an extensive study concerning the origins of human society with an evolutionist approach, collected in his book “Das Mutterrecht”, literally translated as “the mother’s right”. In his work, he asserts that patriarchy was historically preceded by a matriarchal society characterized by the dominion of the mother over family and state, followed by a civil rule called by Bachofen “gynocracy”.²⁶ Eventually, such rule was conquered by the forces of male supremacy which established its order in culture, society and civilization.²⁷ The radical idea developed by Bachofen, which was later transmitted to the following generation of intellectuals, and made him a key figure of the theory concerning the passage from matriarchy to patriarchy, claims that dominance of men over women was contingent on times, places and cultures instead of being bound to happen.²⁸ Precisely Bachofen theory is what inspired years later the German sociology, philosophy and economist Friedrich Engels’ view exposed in his book published in 1884, *Origin of the Family, Private Property and the State*, where the author argues that patriarchy was born together with the State and the private property. The subordination of women began

²⁴ Lewis, H. B., *Anatomy is destiny*, in: Freud and Modern Psychology. Emotions, Personality, and Psychotherapy. Springer, 1983, pp. 94-117.

²⁵ Sultana, A., *Patriarchy and Women’s subordination: a theoretical analysis*, The Arts Faculty Journal, July 2010-June 2011.

²⁶ Bamberger, J., *The Myth of Matriarchy: Why Men Rule in Primitive Society*, in: Rosaldo, M. Z., Lamphere, L. (eds.), *Women, Culture and Society*, Stanford, CA: Stanford University Press, 1974, pp. 67-87.

²⁷ Allen, A. T., *Feminism, Social Science and the Meanings of modernity: the debate on the origin of the Family in Europe and the United States, 1860-1914*, The American Historical Review ol. 104, No. 4, 1999, p. 1092.

²⁸ *Ibid.*, p. 1092-1094.

with the establishment of private property and of male ownership when, according to his idea, took place the world historical defeat of the female sex.²⁹ Engels claimed that patriarchy intensifies men's domination over women due to the fact that it creates wealth which consequently confers power on men as wage possessors and inheritors of property.³⁰ Furthermore, capitalism relies on women, exploiting them for unpaid labour concerning the care of the household.³¹

Of a different perception is the theory concerning the origin of the patriarchy exposed by the structural anthropologist Claude Levi Strauss, who identifies the 'exchange of women' as the first form of trade in which they are considered as objects than as human beings and the beginning of the subordination of women.³² The innovation introduced by Strauss lies in the shift from the search of the origin of the patriarchy in the economy, to the study in depth of the dynamics of society, which included relationship among subjects protagonists of the social scenario.

While analysing the theories of scholars concerning the concept of patriarchy, it is evident that approaches and views range according to time frames and disciplines, taking in consideration different aspects of the individual, both in their own right and regarded as part of a more complex body, which it may be defined as society.

In the middle of 19th century, the matter became of widespread interest and the debate gained broad interest also in relation to the topic I will deepen in the dissertation concerning violence against women, giving rise among others to the political, social and cultural movement of feminism, whose goal is to establish equal rights and legal protection for women.

1.1 VAW and feminism

The issue of violence against women was left in the background until the emergence of the feminist movement around the second half of last century in the United States and

²⁹ Engels, F., *Origin of the Family, Private Property, and the State*, 1884. The text analysed in the English translation by Alick West published in 1942 with revision against the German text as it appeared in *Marx-Engels Werke*, volume 21, Dietz Verlag, 1962. The spelling of names and terms has been modernised.

³⁰ Giddens, A., Griffiths S., *Sociology*, Cambridge, Polity Press, 2006, p. 470.

³¹ Ibid.

³² Lévi-Strauss, C., *The Elementary Structures of Kinship*, Boston, 1969, p. 481.

other Western States. Within the second wave of feminism³³, several forms of activism and women mobilization with various origins and characteristics emerged. We may distinguish the re-emergence of the women's rights movement, the birth of the women's liberation movement (WLM) and the African-American activism.³⁴ Feminist activists campaigned for women's legal rights, abortion rights, reproductive rights, protection of women and girls from domestic violence, sexual harassment, rape, workplace rights, including equal pay and maternity rights and against forms of gender-specific discrimination. The women shaping the social movement were able to share experiences concerning their life and report the barriers of social, legal and personal nature which prevented them to reach a status of equality in comparison with men. It became quite evident that VAW was a mutual concern which profoundly impacted their lives and for this reason it turned to be a major issue of concern in the development of the movement.³⁵ The aim was to raise consciousness about VAW, to adopt measures to prevent it, to provide services to the victims and to reform legislations and policies. Precisely in regard with this matter, the movement devoted special attention to the treatment reserved by the criminal justice system to major types of VAW, specifically speaking sexual assault, rape and battering.³⁶ The analysis enhanced the complete absence of services dedicated to women victim of violence and led to the demand of public solutions, including the establishment of programs and services for the women, treatment for male partners and the involvement of criminal justice system to hold men accountable for their violence.³⁷ The role played by the feminist movements has been crucial in accomplishing substantial reforms in order to reach the definition of the crimes of sexual assault, criminal domestic violence, child abuse and other crimes against women and in order to establish countless

³³ Feminist history can be divided into three waves. The first wave occurring in the 19th and early 20th century was mainly concerned with women's right to vote. The second wave, occurring in the 1960s and 1970s refers to the women's movement for equal legal and social rights. The third wave beginning in the 1990s may be seen as the extension of the other two movements on an international basis.

³⁴ Baritono, R., *Il femminismo Americano degli anni '60. Betty Friedan, Shulamith Firestone, Kate Millett, Robin Morgan, Frances Beal e Gloria Anzaldù*, Storicamente, 4, 2008.

³⁵ Kilpatrick, D. G., *What is violence against women? Defining and Measuring the Problem*, Journal of interpersonal violence, Vol. 19 no. 11, November 2004, pp. 1209-1234.

³⁶ Ibid.

³⁷ McPhail, B. A., Busch N. B., Kulkarni S., Rice G., *An Integrative Feminist Model: The Evolving Perspective on Intimate Partner Violence*, Violence against women, 2007.

services for victims of violence.³⁸ Moreover, they treated the problem of VAW in transversal terms, converting it into a health and criminal justice issue and consequently into a social matter.³⁹

The movement was driven by the idea that “the personal is political”, which immediately became also a popular slogan and has its origins in a paper written by Carol Hanisch, one of the feminist pioneers that launched the WLM in 1960s. Women were, as a matter of fact, devalued for expressing their so-called ‘personal problems’ publicly, specifically speaking issues concerning sex, appearance and abortion.⁴⁰ Such topics were considered, by the society, personal issues which should have been left out of collective initiatives and political organizations. In feminist terms, the ‘personal is political’ concept aims at transmitting the idea that many of the problems women face during their life are the result of a more complex situation, which may be identified as the result of a systematic oppression.⁴¹ Therefore, feminist calls aim at making the private public, objecting to the withdrawal of the law from the so-called domestic sphere on the basis that the withdrawal left women unprotected from abuse, transmitting the ideological message that domestic life was less important than other life aspects governed by law.⁴² The binding, which links women to the domestic sphere, strengthens their inequality compared to men and places them in a position perceived as subordination.⁴³

Western law system also makes the difference between the public and the private. As a matter of fact, law claims rationality, neutrality and authority, which are all associated with the public sphere, which encompasses political and economic activities, neglecting

³⁸ Hall, R. J., *Feminist Strategies to End Violence Against Women*, The Oxford Handbook of Transnational Feminist Movements, 2014.

³⁹ Kilpatrick, D. G., *What is violence against women? Defining and Measuring the Problem*, Journal of interpersonal violence, Vol. 19 no. 11, November 2004, pp. 1209-1234.

⁴⁰ Rogan, F., Budgeon, S., *The personal is Political: assessing feminist fundamentals in the digital age*, Department of social policy, sociology and criminology, University of Birmingham, 2018.

⁴¹ “By realizing that an individual problem was in reality a common problem and by discovering that the personal was really collective, a woman might begin to understand how a sexist society had limited her opportunities.” Shreve, A., *Women together, Women Alone: The Legacy of the Consciousness-Raising Movement*, Viking, 1989, pp- 14-15.

⁴² Taub N., Schneider E. M., *Perspectives on Women’s subordination and the Role of Law*, in David Kairys, ed., *The politics of Law: a progressive critique*, Pantheon 2nd ed., 1990, pp. 151-157.

⁴³ Charlesworth, H., *The public/private distinction and the right to development in international Law*, 12 Australian Year Book of International Law, 1988-1989, pp. 190-204.

the aspects concerning women and the more intimate and private sphere concerning feelings, subjectivity, family and relationship and activities in which a person engages privately. According to Katharine O'Donovan, the private realm is the area of life into which the law will not intrude. In her work *Sexual Divisions in Law*, she claims that the legal translation of the distinction between the private and public has a crucial role in the subordination of women.⁴⁴ In this general environment of discontent, the feminist legal theory made its way into the legal scenario and it involved the systematic examination of law from a feminist perspective.⁴⁵

As far as international law is concerned, feminist legal theorists have contributed to the broadening of human rights law to include VAW and all the abuses perpetrated towards women which were originally dismissed as customary or 'private' abuse instead of a human rights violation.⁴⁶ Violence against women, oppression and subordination were since the beginning of time extensively undeclared and therefore its incidence was not officially recorded, and women felt downright guilty, accepting violence as part of their life.⁴⁷

Finally, in the early 1990s, States and International Organizations (IOs) took the issue of violence against women seriously and signed binding and non-binding acts, directly addressed to the protection of violence at national and international level.

In the following section, I will analyse the so-called gender-based violence and international law's impact on women's rights.

⁴⁴ O'Donovan K., *Sexual Divisions in Law*, London: Weidenfield and Nicholson, p. 3, 1985.

⁴⁵ Olsen, F., *What is Feminist Legal Theory and Why Should Gender Studies Care about it?*, 1998, pp. 23-25, available at http://www.igs.ocha.ac.jp/igs/IGS_publication/journal/01/01_03.pdf

⁴⁶ Ibid.

⁴⁷ Chinkin, C., *Violence against women: The international legal response*, in *Gender and Development*, Vol. 3, No. 2, 1995, p. 23.

2. Gender-based violence

Equality between genders is achieved when men and women are able to enjoy the same rights and opportunities across all sectors of society, including economic participation and decision-making. The different roles in society, which are attributed to men and women and the continuity of patriarchal stereotypes, resulting in a male-dominant approach are the fundamental conditions, in some cases even the cause of violence against women. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979, aims at guaranteeing to women rights and opportunities offered to men and identifies a general notion of discrimination and a series of general and specific measures to be adopted by States in order to contrast such phenomenon. However, no explicit reference is made as far as violence against women is concerned. The concept was introduced in the Declaration on the elimination of Violence against Women adopted by the UN General Assembly in 1993, which provides the following definition in art. 1:

“(…) the term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”⁴⁸ No further definition is here given for the term “gender”. What is added by the EDAW Committee in the *General Recommendation n. 19* concerns the causes of gender-based violence, identified in the “traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion. [...] Such prejudices and practices may justify gender-based violence as a form of protection or control of women.”⁴⁹

To be more exhaustive about such matter was the objective of the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as Istanbul convention, open for signature on May 2011 in Istanbul, Turkey. The Convention was intended to prevent all forms of violence, promote equality between men and women, protect and support those who experience violence and prosecute the

⁴⁸ UN General Assembly, *Declaration on the Elimination of Violence against women*, art. 1, 20 December 1993.

⁴⁹ EDAW Committee, *General Recommendation n.19* on VAW, section 11.

perpetrators. First of all, the Convention provides a definition of VAW, intended as “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, physiological or economic harm or suffering to women [...]”.⁵⁰ Furthermore, the convention defines “gender” as “the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.”⁵¹ and also “gender-based violence against women” as “violence that is directed against a woman because she is a woman or that affects women disproportionately”.⁵² This definition introduces the idea of violence perpetrated on the ground of gender.

Gender is a concept which was built up during the social evolution of the human being, by no means to be considered an innate concept. In the light of what has been analysed in the previous section, society has always considered the male sex superior to the female one, constituting an actual hierarchy that ended up being considered natural as far as human relations are concerned.

The term gender is better explained as follows in the *Explanatory Report* of the Convention, whose aim is to provide an interpretation of what has been treated in the convention: “the term gender, based on the two sexes, male and female, explains that there are also socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. Research has shown that certain roles or stereotypes reproduce unwanted and harmful practices and contribute to make violence against women acceptable.”⁵³ Giving an accepted definition of the term was considered necessary for the purpose of the Convention and in order to classify gender-based violence against women.

However, as far as the definition of “gender” is concerned, the Istanbul Convention was not the first law instrument to formulate the notion, which was defined for the first time in an international criminal law treaty in the Rome Statute of International Criminal Court

⁵⁰ Council of Europe, *Convention on preventing and combating violence against women and domestic violence*, art. 3.

⁵¹ Ibid.

⁵² Ibid.

⁵³ *Explanatory report to the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Istanbul, par. 43, 2011.

Available at <https://rm.coe.int/16800d383a>.

of 1998.⁵⁴ Article 7(3) of the Statute provides the following definition: “For the purposes of this Statute, it is understood that the term ‘gender’ refers to the two sexes, male and female, within the context of society. The term ‘gender’ does not indicate any meaning different from the above.”⁵⁵

The given definition was strongly criticized for several reasons, among others the perceived combination of the terms “gender” and “sex”, the potential exclusion of sexual orientation from the given definition of “gender” and the limitations which could be potentially provided by the specification “context of society”.⁵⁶

According to Hilary Charlesworth the definition is confused and merges the concept of “gender” and “sex”, lacking the capacity to express the fact that gender is a socially constructed set of assumptions concerning males and females’ roles.⁵⁷ As a matter of fact, she claims that “gender” is presented as an issue of biology instead of dealing with the concept as influenced by social relations.⁵⁸ Brenda Cossman claims that “the conception of gender is explicitly limited to the two biological sexes”, adding that “it is not entirely clear that it is even intended to include the more typical understanding of gender as socially constructed roles and values”, identifying the notion as strictly limited to the two sexes.⁵⁹ Nevertheless, the definition of the term within the Statute implies the importance of granting a legal character to a key concept that was, until that moment, only being treated in non-binding instruments of United Nations, for instance the “Fourth World Conference on Women: action for Equality, Development and Peace” that took place in

⁵⁴ *Rome Statute of the International Criminal Court*, July 17, 1998, 37 I.L.M. 999 (1998).

⁵⁵ *Rome Statute of the International Criminal Court*, July 17, 1998, art. 7(3).

⁵⁶ Oosterveld, V., *The definition of “Gender” in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?*, *Gender and the International Criminal Court*, Harvard Human Rights Journal, Vol. 18, 2005, pp. 55-84.

⁵⁷ Charlesworth, H., *Feminist Methods in International Law*, *The American Journal of International Law*, vol. 93, No. 2, Apr. 1999, p. 394. Charlesworth is a feminist international law scholar.

⁵⁸ Charlesworth H., Chinkin C., Wright S., *Feminist Approaches to International Law*, *The American Journal of International Law*, Vol. 85, No., 4, October 1991. Available at <https://tspace.library.utoronto.ca/bitstream/1807/88372/1/Cossman%20Gender%20Performance.pdf>.

⁵⁹ Cossman, B., *Gender Performance, Sexual Subjects and International Law*, 15 *Canadian Journal of Law and Jurisprudence* 281, 2002.

1995 in Beijing, China, aimed at achieving greater equality and opportunity for women.⁶⁰ Furthermore, in 2010, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) defined “gender” as “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This social positioning of women and men is affected by political, economic, cultural, social, religious, ideological and environmental factors and can be changed by culture, society and community.”⁶¹ Under the aforementioned circumstances, it is possible to claim that VAW is included is all the forms of violence based on the gender, which originates from social circumstances that are present in nowadays society but are rooted in the past. It is crucial to highlight that gender-based violence includes also violence perpetrated against men. In order to avoid discrimination based on such aspect, the Istanbul Convention I made reference to earlier, aims at protecting victims “without discrimination on any ground such as sex, gender, [...] sexual orientation, gender identity”.⁶²

⁶⁰ United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, available at:

<https://www.refworld.org/docid/3dde04324.html> [accessed 16 July 2019]

⁶¹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, Introduction, sec. 5, 16 December 2010, CEDAW/C/GC/28, available at:

<https://www.refworld.org/docid/4d467ea72.html> [accessed 16 July 2019]

⁶² Council of Europe, *Convention on preventing and combating violence against women and domestic violence*, art. 4, sec. 3.

II. DISCRIMINATIONS AND GENDER-BASED VIOLENCE AT WORK

Premise

As I already made reference to in the previous chapter, violence against women is an umbrella term which was defined in 1993 by the United Nations Declaration and includes multiple conducts and crimes, namely domestic violence, sexual violence and harassment, psychological violence, sex trafficking, sexual exploitation and harmful practices, such as female genital mutilation, forced and child marriage. VAW may be analysed through a fundamental rights lens, as it is a severe violation of basic human rights and dignity, whose impact ranges from immediate to long-term devastating physical, sexual and psychological consequences and, in its worst form, it violates the right to life. Despite being globally recognized as a health, economic development and human rights issue by International organizations, governments and non-governmental organizations (NGOs)⁶³ in many cases and areas of the world, VAW keeps being treated as a private matter, which consequently results in a both implicit and explicit remission.⁶⁴

The overall prevalence of physical and sexual violence is remarkable in a negative sense. Global estimates published by World Health Organizations (WHO) indicate that about 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. The majority of this violence is intimate partner violence, as almost one third (30%) of women who have been in a relationship report they have been victims of some form of physical and/or sexual violence by their partner in their lifetime.⁶⁵

As far as EU members are concerned, according to the survey conducted by the European Union Agency for Fundamental Rights (FRA), one in three women in the EU has been a victim of physical and sexual violence by a partner, a non-partner or both since the age

⁶³ UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993; World Health Organization, *Putting Women first: ethical and safety recommendations for research on domestic violence against women*, 2001.

⁶⁴ Russo, F. N., Pirlott, A., *Gender-based Violence – Concepts, Methods, and Findings*, New York Academy of Sciences, 1087: 182, 2006.

⁶⁵ World Health Organization, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council, 2013, p. 2.

of 15.⁶⁶ The National Violence Against Women Survey in the United States estimated that one out of five women (22.1%) are physically assaulted during the course of their life, and one in thirteen are raped by an intimate partner.⁶⁷ Physical harassment has turned to be a widely diffused issue, which transversally affects women of any race, sexual orientation, age and socio economic provenience.

Gender-based violence includes sexual harassment, abuse and intimidation carried out also in the working environment and in educational institutions. In the current dissertation and in particular in this chapter, I will focus on VAW perpetrated at the workplace and analyse the several aspects included in such concept, with a special reference and deepening of the so-called “Glass-ceiling effect”, which affects women career in the labour market. First of all, I took into consideration all the shades of the term “work” and all the aspects which it includes. Secondly, attention is placed on violence in the world of work with its consequent implications and on the measures adopted by the International Labour Organization, the major body dealing with labour issues, whose aim is to promote rights at work and gender equality within the working environment. Moreover, I will explain the point of view of some authors who addressed violence at work, emphasizing different angles of the issue. I will take into account the different dynamics which are considered to be at the root of violence in the workplace and a range of workplaces which are considered to be more at risk. The investigation will, on the one hand, concentrate on sexual harassment perpetrated at work, and on the categories into which it is divided, as well as all the consequences affecting and harming victims of harassment. On the other hand, I will investigate the invisible barriers which may be considered a discriminatory tool, namely gender segregation, which is the tendency of women and men to work in different sectors and occupations. Gender segregation may be horizontal, if it refers to the concentration of women or men in a specific profession or sector or vertical, if the women ascent to managerial positions is hindered by cultural factors. Mention will be made also of the gender pay gap which is recognized to be one of the reason for the outbreak of the

⁶⁶ European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey*, 2014, p. 27. Available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

⁶⁷ Tjaden, P., Thoenned, N., *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Against Women Survey*, NIJ Research Report, November 2000.

glass ceiling effect, which explains the barriers preventing women from reaching senior executive positions. I will explain the origin and development of the metaphor, which took root especially in the United States and the emergence of new terms associated with the problem of the discrimination towards women. A specific tool to measure the level of such barrier has been developed by the newspaper *The Economist* to draft a classification of the OECD countries where the barriers impeding the access to responsibility positions are evident: the glass ceiling index. Lastly, with the support of surveys and reports, I will explain the incidence that both horizontal and vertical segregation have with regard to women, despite the progress carried out as far as the emancipation of women is concerned. Special attention will be placed on the consequences of the glass ceiling, with the mention of specific measures whose aim is to minimise the quantity gap between men and women in the high positions of corporations.

1. Introduction. Sexual harassment and Glass Ceiling: a vicious cycle.

Among all the aspects which concern violence in the world of work, I deliberately took into consideration sexual harassment and the glass ceiling. As a matter of fact, on the one hand, I wanted my research to be focused on a more concrete aspect like the sexual harassment, while on the other hand on a more latent side, which is more silent but no less serious. Furthermore, besides the common thread which links the two major issues within the labour field, I argue the presence of a correlation between the two kinds of discrimination. Sexual harassment may be considered “visible”, as it is widely recognized as a real, serious and reiterated problem affecting workers worldwide which affects an enormous number of women. States have introduced measures in order to fight the issue and prevent it. The glass ceiling effect concerns, to a certain extent, a more hidden side of the discriminations perpetrated towards women. It is less recognized and spread, but the extent of the problem should not be underestimated.

Sexual harassment is illegal and defined by the U.S. Equal Employment Opportunity Commission as “offensive remarks about a person’s sex, unwelcome sexual advances, requests for sexual favors. It is a broad term which includes sexual coercion, namely the implicit or explicit attempt to make work conditions contingent upon sexual cooperation, unwanted sexual attention which may include sexual assault and rape and gender harassment which is a conduct that disparages people based on gender. Harassment is considered a civil rights issue, as it violates Title VII of the Civil Rights Act of 1964 and it differentiates from sexual assault which is defined as “any type of sexual contact or behaviour that occurs without the explicit consent of the recipient” and includes attempted rape, incest, child molestation, forced sexual intercourse. Sexual harassment is connected with the victim work performance and this is the reason why in the United States categorizes it as a civil rights issue, while sexual assault has nothing to do with the employment, it is a criminal assault of a sexual nature. On the other hand, the glass ceiling is the metaphor linked to vertical segregation, a latent form of discrimination within the working environment. It is defined by the United States Federal Glass Ceiling Commission as “the unseen, yet unbreachable barrier that keeps minorities and women from rising to the upper rungs of the corporate ladder, regardless of their qualifications or achievements”. The barriers are often subtle and include gender stereotypes, lack of

opportunities for women to gain the job experiences which are eventually needed to advance in the career, lack of top management commitment to gender equity.

There is also another aspect (which I will not address in this dissertation) which is one of the most evident manifestation of unequal power relations between men and women, leading to discriminations and preventing the full advancement of women in society: sexism.⁶⁸ Sexism refers to the unfavourable treatment reserved to a person, based on their sex, gender identity, intersex status, sexual orientation, marital or relationship status and constitutes a barrier to the empowerment of women and girls, who are affected by such issue disproportionately. As far as the working environment is concerned, sexism is present both in the public and private sector and is expressed through comments, sexist jokes, objectification, sexist comments and so on. Sexism contributes to glass ceiling as women may be excluded from working opportunities aimed at advancing their careers limiting their possibility to reach leadership positions. The recent Recommendation adopted by the Committee of Ministers of the Council of Europe aimed at preventing and combating sexism, invites the governments of member States to review labour legislations and promote good practices, as well as providing support for the review of policies and regulations.⁶⁹

While analysing sexual harassment and glass ceiling, I observed that the mutual role of both issues is that they represent, though in a different manner, a form of discrimination perpetrated towards women in the working environment. But there is more. Sexual harassment is also strictly linked to the glass ceiling issue by a cause-and-effect kind of relationship. The glass ceiling is constituted by the amount of discriminatory behaviours which hinder the professional growth of women and such barriers include also the sexual harassment, which most likely contribute to the perpetuation of occupational sex segregation, as women may enter occupations typically dominated by women in part to be safer from harassing co-workers.⁷⁰ Furthermore, sexual harassment prevents women from climbing the career ladder as it intimidates and demoralizes women who hesitate to

⁶⁸ Council of Europe, *Preventing and combating sexism – Recommendation CM/Rec(2019)1*, 27th March 2019.

⁶⁹ Council of Europe, *Preventing and combating sexism – Recommendation CM/Rec(2019)1*, op. cit., II.D.1-2

⁷⁰ Bell, M. P., McLaughlin, M. E., Sequeira, J. M., *Discrimination, Harassment, and the Glass Ceiling: Women Executives as Change Agents*, *Journal of Business Ethics* 37, 2002, pp. 65-76.

speak out fearing it will jeopardise their workplace and consequently settle. On the other side, the glass ceiling fuels to some extent workplace sexual harassment. The lack of women in the senior positions creates a situation of fellowship among the men executives and the consequent establishment of a hostile work environment which helps perpetuating a workplace culture in which sexual harassment is allowed to expand. In the case of a greater presence of women in managerial and executive jobs, the enterprise is more likely to be proactive about addressing the issue of sexual harassment and glass ceiling with the aid of inclusion policies and other ethical business practices.⁷¹ As a matter of fact, they find themselves in a unique position to address the issues as illegal discrimination. The loop which binds harassment and discrimination is given by the fact that more women in executive positions are needed to reduce sexual harassment and, at the same time, sexual harassment is one of the main issues which prevents or, at least, limits the advancement of women to managerial positions.⁷²

2. Work-related violence

Violence in the working field is a threat to dignity, security, health and well-being not only with regard to workers and employers, but also to the surrounding environment, which includes family, community and society.⁷³ The problem of violence in the world of work is a matter of concern of many international organizations, first and foremost the International Labour Organization (ILO), whose major goal is “to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”.⁷⁴ When taking into consideration the term “work”, we refer to the activity involving mental or physical effort aimed at achieving a

⁷¹ Zuckerman, J., *Does glass ceiling discrimination fuel sexual harassment?*, Zuckerman Law, 6th May 2018. Available at <https://www.zuckermanlaw.com>

⁷² Bell, M. P., McLaughlin, M. E., Sequeira, J. M., *Discrimination, Harassment, and the Glass Ceiling: Women Executives as Change Agents*, op. cit.

⁷³ International Labour Organization, *Meetings of Expert on Violence against Women and Men in the World of Work*, Conditions of Work and Equality Department, Geneva, 2016. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_522932.pdf

⁷⁴ Declaration of Philadelphia, Declaration concerning the aims and purposes of the International Labour Organization, II(a), 1944.

purpose or result.⁷⁵ The International Labour Organization groups under the concept of “the world of work” all the activities which are both salaried and non-salaried. Paid labour refers to an activity performed for which payment is perceived, while unpaid labour includes both “productive work” and “reproductive work”. The concept of “productive work” refers, for instance, to the work carried out in the familiar field, for which no compensation is received, while “reproductive work” includes the labour mainly carried out within the household, but also performed within the social community in most cases by women and girls.⁷⁶ The “world of work” incorporates both paid productive work taking place in the traditional environment identified as “public sphere”, but also in more “informal” environments (e.g. selling handmade products at home), which might be the result of the need of arranging salaried work with unsalaried activities or contrasting rigid gender stereotypes which reduce women mobility or the working options they may have access to.⁷⁷

Finally, also work-related contexts where gender-based violence might take place are incorporated in the concept. Reference is made to the actions undertaken to reach the working place. As a matter of fact, in the Meeting of Experts on Violence against women and Men in the World of Work, that took place in Geneva in 2016, it is claimed that “The world of work is considered to cover not only the traditional physical workplace, but also commuting to and from work, work-related social events, public spaces for informal workers such as street vendors, and the house, in particular for homeworkers, domestic workers and teleworkers”.⁷⁸

Moreover, the so-called world of work, includes spaces connecting workers to the workplace by the use of technology. Such use, when carried out inappropriately, may be considered a source of concern, and any new instrument should be able to cope with new

⁷⁵ Work. In *Oxford English dictionary*. Retrieved from <https://www.lexico.com/en/definition/work>.

⁷⁶ Cruz, A., Klinger S., *Gender-based violence in the world of work: Overview and selected annotated bibliography*, International Labour Organization, p. 10, 2011. Available at http://www.ilo.int/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_155763.pdf

⁷⁷ Ibid.

⁷⁸ ILO, *Report of the Director-General: Fifth Supplementary Report – Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work*, GB.328/INS/17/5, Geneva, 2016.

challenges and risks potentially causing violence and harassment, namely issues deriving from changing forms of work and technology.⁷⁹

2.1 Defining violence at work: an ongoing process

Currently, in the international scene, there is still no general definition as far as the terms “violence” and “harassment” in the world of work are concerned, due to the fact that the process of building a vocabulary to outline such concepts is still ongoing.⁸⁰ The first steps aimed at reaching a mutual arrangement are registered in the Expert Meeting of the European Commission (EC) which took place in Dublin, in May 1994 and the following definition of “violence at work” was drafted:

“Incidents where persons are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, well-being and health.”⁸¹ In the definition, the following essential aspects are to be taken into consideration:

- The different forms of violence involve abuse, physical attacks and threatening; abuse indicates behaviours that depart from reasonable conduct and involve the misuse of physical and psychological strength, covering all forms of harassment, including sexual and racial harassment, bullying and mobbing.⁸² Threats are defined as the menace of death, or the announcement of an intention to harm a person or damage their property, while assault generally includes any attempt at physical injury or attack on a person including actual physical harm.⁸³

⁷⁹ Ibid.

⁸⁰ Chappell, D., Di Martino, V., *Violence at work*, Third Edition, Geneva, International Labour Office, 2006. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_publ_9221108406_en.pdf

⁸¹ Wynne R., Clarkin, N., Cox, T., Griffiths, A., *Guidance on the prevention of violence at work*, Brussels, European Commission, DG-V, Ref. CE/VI-4/97.

⁸² Di Martino, V., Hoel, H., Cooper, C. L., *Preventing violence and harassment in the workplace*, European Foundation for the Improvement of Living and Working Conditions, 2003.

⁸³ Ibid.

- In the acts of violence are grouped those taking place in the workplace, but also in work-related occurrences such as the shifts from and to the working place or even while at home if the act of violence in respect of a person has work grounds.⁸⁴

Another definition was identified in 2013 by a tripartite Meetings of Experts of the Governing Body of the ILO in the ILO code of practice *Workplace violence in services sectors and measures to combat this phenomenon*: “Any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured in the course of, or as a direct result of, his or her work.”⁸⁵

In this occasion, the code made a distinction between Internal workplace violence, which takes place between workers, including managers and supervisors and external workplace violence, which takes place between workers and any other person at the workplace.⁸⁶

The ILO Meeting of Experts on Violence against Women and Men in the World of Work further expanded the general overview by clarifying the concept of “violence and harassment” as “a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering.”⁸⁷

Unacceptable behaviours have not been officially defined by institutions, but they may be identified in a series of acts aimed at provoking suffering, namely bullying, mobbing, harassment, psychological harassment, abusive behaviour, emotional abuse and workplace aggression. Many of the terms are used synonymously, or they are used to mean different things.⁸⁸ In specific areas, the same concept is communicated through the use of other words such as work abuse, mistreatment, bossing, victimisation, intimidation, psychological terrorisation, psycho-terror, psychological violence, inappropriate treatment or unwanted behaviour.⁸⁹

Academics dealing with violence at work have defined harassment and bullying in several ways. In her book “The harassed worker” that was the first work dealing with harassment

⁸⁴ Ibid.

⁸⁵ ILO, *Code of Practice on Workplace Violence in Service Sectors and Measures to Combat this Phenomenon*, OIT, Mevws/2003/11, Geneva, 2011.

⁸⁶ Ibid.

⁸⁷ ILO, *Final Report*, Meetings of experts on Violence against Women and Men in the World of Work, Conditions of Work and Equality Department, Geneva, 2016.

⁸⁸ European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey*, 2014, p. 27.

⁸⁹ Ibid.

at work, Carol Brodsky defined harassment as “repeated and persistent attempts by one person to torment, wear down, frustrate, or get a reaction from another. It [...] persistently provokes, pressures, frightens, intimidate or otherwise discomfort other people.”⁹⁰

A noteworthy framing is formulated in “The concept of Bullying and harassment at work: the European tradition” which states that “bullying at work means harassing, offending or socially excluding someone or negatively affecting someone’s work. [...] Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systematic negative social acts.”⁹¹

On the other hand, Di Martino considers it “a form of psychological harassment consisting of persecution through vindictive, cruel or malicious attempts to humiliate or undermine an individual or groups of employees, including unjustified, constant negative remarks or criticisms, isolating a person from social contacts and gossiping or spreading false information.”⁹²

Some given definitions place the emphasis on the aim of the behaviour, which is causing harm with regard to a person, by framing it as “repeated activities, with the aim of bringing mental pain and directed towards one or more individuals who [...] are not able to defend themselves”.⁹³ A very interesting aspect taken into consideration by Ireland is the attitude of the perpetrator. As a matter of fact, the enjoyment of the perpetrator is also included as follows “only inappropriate aggressive behaviour that is systematic and enjoyed is regarded as bullying.”⁹⁴

⁹⁰ Brodsky, C., *The harassed worker*, Toronto, Canada, Lexington Books, 1976.

⁹¹ Einarsen, S., Hoel H., Zapf D., Cooper C. L., *The Concept of Bullying and Harassment at Work: The European Tradition*, In S. Einarsen, H. Hoel, D. Zapf, & C. L. Cooper, *Bullying and Harassment in the Workplace: Developments in Theory, Research and Practice*, 2nd Ed., 2011, pp. 3-39.

⁹² Di Martino, V., *Relationship between work stress and workplace in the health sector*, Workplace violence in the health sector, Geneva, p. 2, 2003. Available at https://www.who.int/violence_injury_prevention/violence/interpersonal/WVstresspaper.pdf

⁹³ Björqvist, K., Österman, K., Lagerspetz K., *Sex Differences in Covert Aggression among Adults*, Aggressive Behaviour, 1994, pp. 27-30.

⁹⁴ O’Moore, A. M., Seigne, E., McGuire, L., Smith, M., *Victims of bullying at work in Ireland*, *Journal of Occupational Health and Safety*, Australia NZ, 1998, pp. 569-574.

2.2 Causes and triggering factors of violence at the workplace

Several grounds are to be considered as far as violence and harassment at the workplace are concerned. As a matter of fact, various dynamics take place in the working environment and more generally within society and include power relations, gender norms, cultural aspects and discrimination.⁹⁵ The lack of balance of power between roles within the working environment stands out as a crucial aspect.⁹⁶ The registered inequality and remarkable discrepancies, which take place in such places, are the roots of general dissention and consequences which may lead over time to violence and harassment. Generally speaking, managers are often seen as the perpetrators of violence, however violence and harassment may also be originated from ordinary employees towards the leaders, in what is by several academics identified as “upward workplace violence”.⁹⁷

Other factors potentially leading to violence at work, or at least increasing the risk of it, are identified by the Meeting of Experts of the ILO in the poor management of human resources and work, which encompasses the absence of rules and assigned duties, unreal production targets, scarce communication within the working environment, as well as less than ideal labour relations and practices seen as discriminatory.⁹⁸

Within the working field, of pivotal importance is the possibility conferred to workers of exercising the rights to freedom of association and collective bargaining, important means to counteract the inadequate use of contractual arrangements leading to lack of decent working standards. The impossibility or inability to be able to express their rights put workers in a condition of disadvantage, which favours violence.⁹⁹

⁹⁵ ILO, *Ending violence and harassment against women and men in the world of work*, Report V (1), International Labour Conference, 107th Session, 2018.

⁹⁶ Einarsen, S., *The nature, causes and consequences of bullying at work: the Norwegian experience*, in *Perspectives interdisciplinaires sur le travail et la santé*, Vol. 7-3, 2005.

⁹⁷ Shallcross, L., *The pecking order: workplace mobbing in the public sector*, Griffith University, Brisbane, 2003.

Branch, S., Ramsay S., Barker, M., *Causes of upwards bullying: managers' perspectives*, Griffith Business School and Centre for Work, Leisure and Community Research, Griffith University, Australia.

⁹⁸ ILO, *328th Session Report of the Director-General: Fifth Supplementary Report - outcome of the meeting of experts on violence against Women and Men in the World of Work*, GB.328/INS/17/5, Paragraph 10, Geneva, 2016.

⁹⁹ *Ibid.* Paragraph 13.

Taking into consideration specific jobs in a distinctive social and cultural setting, it is possible to realize that violence and harassment may be, to a certain extent, considered an ordinary and standard part of the daily work. This is, for instance, claimed by Matulewicz in her article “Law and the Construction of Institutionalized Sexual Harassment in Restaurants”, which explains how sexualized interactions between customers and working women in a restaurant are fully embedded in the job, which is, in addition, subjected to precarious working conditions concerning shift durations, wages, overall income.¹⁰⁰ Even though to a completely different extent, revealing is also the article “Threats and Physical Violence in the Workplace: a Comparative Study of Four Areas of Human Service Work”, which investigates violence in the workplace by comparing psychiatry, eldercare, the prison and probation service and special schools, where workers are frequently subjected to threats and violence, which has been recognized as a prevalent problem in such sector.¹⁰¹ With specific reference to this type of cases, it is claimed that violence ought not to be considered “as part of the job” as frequently happens.¹⁰² Furthermore, the emphasis is appropriately placed on the risk to which women are subjected, as “they are expected to provide sexual services or endure harassment in exchange for getting a job or promotion, in order to keep a job or in order to access their wages.”¹⁰³ As a matter of fact, women found themselves in a situation of imposed inferiority as they are employed in low-wage jobs much more than men, and are frequently subjected to various forms of workplace violence and harassment. All the above-mentioned problematic situations that favour and could potentially lead to forms of violence which include physical, psychological and sexual violence, may be

¹⁰⁰ Matulewicz, K., *Law and the Construction of Institutionalized Sexual Harassment in Restaurants*, *Canadian Journal of Law and Society*, Cambridge University Press, Volume 30, Number 3, 2015, pp. 401-419.

¹⁰¹ Rasmussen, C. A., Hogh, A., Andersen L. P., *Threats and Physical Violence in the Workplace: a Comparative Study of Four Areas of Human Service Work*, in *Journal of Interpersonal Violence*, Vol. 28, 2013, pp. 2749-2769.

¹⁰² ILO, *328th Session Report of the Director-General: Fifth Supplementary Report - outcome of the meeting of experts on violence against Women and Men in the World of Work*, GB.328/INS/17/5, Paragraph 11, Geneva, 2016.

¹⁰³ *Ibid.*

considered gender-based if the grounds are to be identified in unequal power relationships between women and men¹⁰⁴ and directed at men or women because of their gender.

2.3 Women as “primary-targets”

Gender-based violence is not limited to women; however, women and girls are considered the “primary targets”, while the perpetrators are mostly men.

As far as the working field is concerned, the integration of women in an industry that is usually male-dominated may result in the overthrow of actual power relations, which in several cases consequently lead to sexual harassment as a mean to reaffirm the power.¹⁰⁵

Gender-based violence in relation to the work field is regulated by labour or discrimination law and the most common forms are sexual violence, in particular harassment, sex-based violence and domestic violence linked or within the working environment.¹⁰⁶

Sexual violence perpetrated in the world of work is a kind of sex discrimination which ranges from the most striking conducts sanctioned by the criminal law, to much more “soft” actions part of the daily interaction, namely jokes, comments, physical contacts.¹⁰⁷

According to the Committee of Experts on the Application of Conventions and Recommendations (CEACR), gender-based discriminations may refer to “biological characteristics, as well as unequal treatment arising from socially constructed socially constructed roles and responsibilities assigned to a particular sex (gender)”.¹⁰⁸

¹⁰⁴ World Health Organization (WHO), *Promoting gender equality to prevent violence against women*, in *Violence Prevention: The Evidence*, Geneva, 2009.

¹⁰⁵ Ness, K., *Constructing masculinity in the building trades: most jobs in the construction industry can be done by women*, in *Gender, Work & Organization*, vol. 19, pp. 654-676, 2012. The analysis carried out by Ness is remarkable to the effect that the assertion saying that women can do most jobs in the construction environment seems to contrast the dominant ideology, but it actually ends up reintroducing it.

¹⁰⁶ ILO, *Ending violence and harassment against women and men in the world of work*, Report V (1), International Labour Conference, 107th Session, 2018.

¹⁰⁷ McCann, D., *Sexual Harassment at work: National and International responses*, Conditions of Work and Employment Series No. 2, Geneva ILO, 2005.

¹⁰⁸ ILO, *Giving globalization a human face, General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, Report III (Part 1B), 2008.

Furthermore, one of the major targets of gender-based violence and harassment are gender-non-conforming men and women because they are gay, lesbian, bisexual or trans.¹⁰⁹ However, anyone can experience acts of violence and harassment. “Violence and harassment can be horizontal and vertical, from internal and external sources (including clients and other third parties and public authorities) – in the public or private sector or in the formal or informal economy.”¹¹⁰

Other grounds on which discrimination is largely based other than gender are race and ethnicity, social origin, education, disability, migrant status and age. Working environments where the workforce is dominated by a specific ethnicity or gender are more likely to be adverse in relation to people not conforming those specific standards. The issue becomes greater when more discriminations grounds coexist, leading to a higher level of risk of violence.¹¹¹

An evident example of discrimination in a male-gender dominated workplace, is provided by a survey conducted by the Pew Research Center¹¹² in the United States in 2017, women employed in majority-male workplaces are more likely to say their gender has made it difficult to pursue a career. On the other hand, they are less inclined to say women are treated fairly in personnel matters, along with reporting personal experiences concerning gender discrimination at remarkably higher rates.¹¹³ As a matter of fact, 37% of women saying their workplace is mostly composed by male figures, report they have been treated

¹⁰⁹ A comprehensive analysis of gender-based violence carried out against gender-non-conforming men is to be found in Kimmel, M., *Masculinity as homophobia: fear, shame and silence in the construction of gender identity*, in P. Murphy (ed.), *Feminism and masculinities*, Oxford University Press, 2004, pp. 182-199. Available at <https://mensstudies.eu/wp-content/uploads/2018/08/Peter-Murphy-Feminism-masculinities.pdf#page=199>

¹¹⁰ ILO, *Report of the Director-General: Fifth Supplementary Report – Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work*, GB.328/INS/17/5, Geneva, 2016.

¹¹¹ ILO, *328th Session Report of the Director-General: Fifth Supplementary Report - outcome of the meeting of experts on violence against Women and Men in the World of Work*, GB.328/INS/17/5, Paragraph 12, Geneva, 2016.

¹¹² Pew Research Center is a fact tank based in Washington D. C., USA and provides information on social issues and public matters concerning the United States and the world. It conducts also demographic and social science research.

¹¹³ Parker K., *Women in majority-male workplaces report higher rates of gender discrimination*, *Pew Research Center*, March 7th, 2018, available at <https://www.pewresearch.org/fact-tank/2018/03/07/women-in-majority-male-workplaces-report-higher-rates-of-gender-discrimination/>

as if they were not competent due to their gender against the 1/5 of women who work with other women. Moreover, about half of the interviewed women working in male-dominated workplaces affirm sexual harassment is to consider a problem where they work, not to mention that the 28% of women have personally experienced sexual harassment, against the 20% in a workplace with more women than men.¹¹⁴

Under the term gender-based violence, as it was defined in section 2.1 of chapter I, several kinds of violence are included and concern both violence intended as physical discrimination and sexual harassment and a much more silent violence, which aims at psychologically harming women and placing them in a condition of inferiority in respect to men, culture and society. In the next section, I will analyse both types of violence with specific regard to the labour field, focusing on the difficulties women have to face in a context like the working environment, which should place them in a position of complete equality, but is instead one of the major sources of inequality and discrimination proliferation.

3. Physical discrimination and sexual harassment in the working environment

The US Equal Employment Opportunity Commission (USEEOC) defines sexual harassment as “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.”¹¹⁵

Over the last years, the awareness of the presence and the extent to which sexual harassment expands, as far as the working environment is concerned, has sharply grown. This may be attributable to a series of factors, which may be identified for instance in the remarkable quantity of stories concerning career-ending misbehavior carried out by

¹¹⁴ Ibid.

¹¹⁵ U.S. Equal Employment Opportunity Commission, *Facts about sexual harassment*, <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm>

politicians and business leaders¹¹⁶, as well as the emergence of advanced technologies and mass media, which allow the fast spread of information worldwide, consequently giving life also to social movements, namely the very recent “Me Too” movement, aimed at raising awareness on the issue of sexual harassment in the working environment.¹¹⁷

Governments, International Organizations, employers’ and workers’ organizations belonging to both developed and developing countries have introduced a series of countermeasures whose objective is to prevent and combat such issue.¹¹⁸

The emergence of VAW in the workplace dates back to many years ago when women started to be subject to conducts of sexual nature, later grouped under the name of “sexual harassment” which includes both behaviour prohibited by the criminal law such as rape or sexual assault, but also lighter interactions such as jokes and comments.¹¹⁹ Other conducts categorized as sexual harassment behaviours may be leering, ogling, wolf-whistling, sexism, sexualised comments, sexual bribery.¹²⁰

The practice of sexual harassment at work, if it is defined as unwanted sexual relations imposed by superiors on employees at work¹²¹, finds its first vestiges at the beginning of the period defined as modern history. A striking example of the practice may be found within the African-American slave trade, where black women were subjected to sexual coercion by masters with no protection of law.¹²² Women employed in domestic services, even if to a completely different extent, had also to face advances perpetrated by men

¹¹⁶ Settingington, S., Skaggs Wells E., *Sexual Harassment in the Workplace: New Awareness and Strategies to Address an Old Problem*, Labor and Employment Blog Post, May 11, 2018, Available at <https://www.varnumlaw.com/pp/publication-sexual-harassment-in-the-workplace-new-awareness-and-strategies-to-address-an-old-problem.pdf?10774>

¹¹⁷ MacKinnon, C. A., *Where #MeToo came from, and where it’s going*, The Atlantic, March 24, 2019, Available at <https://www.theatlantic.com/ideas/archive/2019/03/catharine-mackinnon-what-metoo-has-changed/585313/>

¹¹⁸ McCann, D., *Sexual Harassment at work: national and international responses*, Conditions of Work and Employment Programme, International Labour Office, Geneva, 2005.

¹¹⁹ Ibid.

¹²⁰ Fitzgerald, L. F., Shullman, S. L., Bally, N., Richards. M., Swecker, J., Gold, Y., Ormerod, M., Weitzman, L., *The incidence and dimensions of sexual harassment in academia and the work place*, Journal of Vocational Behavior, 32, 1988, pp. 152-175.

¹²¹ Siegel, R. B., *A Short History of Sexual Harassment, Directions in Sexual Harassment Law*, Catharine A. MacKinnon and Reva B. Siegel eds. Forthcoming Yale Press 2003.

¹²² Fox-Genovese, E., *Within the plantation household: black and white women of the Old South*, pp. 49, 1988, pp. 297-299.

where they were working.¹²³ Even though the issue finds its origins centuries ago, data concerning the phenomenon have been exiguous until the last years, or at least collected in a superficial way.¹²⁴

The first cases of sexual harassment recognized as such in the United States concerned cases where women lost their job because they rejected sexual approaches. This type of conduct was defined as “quid pro quo”, from the Latin, as meaning “this for that”, alluding to the possibility of receiving a favour, namely a job, a promotion, an increase in salary in return for some kind of sexual performance.¹²⁵ It was also recognized that widespread sexual behaviour at the hands of colleagues may originate conditions of employment identified as obnoxious, which later became known as “hostile work environment” and constituted illegal discrimination.¹²⁶ The conditions which give origin to an hostile working environment concern conducts such as referring to women with rude and objectifying appellations, posting pornographic pictures in the working environment, making pejorative statements about women, namely anti-female jokes.¹²⁷ Sexual overtures such as showing intimate parts, stroking and kissing someone and putting pressure on a person with the objective of having a date even if no “quid pro quo” is involved.¹²⁸ The major difference between these two types of harassment involves the quantity of people involved. As a matter of fact, in the former situation usually a relationship one-on-one is registered, in which the perpetrator has the control of

¹²³ Hunter, T. W., *To 'Joy My Freedom: Southern Black Women's Lives and Labours after the Civil War*, Cambridge: Harvard University Press, 1997.

¹²⁴ Fitzgerald, L. F., Shullman, S. L., Bally, N., Richards, M., Swecker, J., Gold, Y., Ormerod, M., Weitzman, L., *The incidence and dimensions of sexual harassment in academia and the work place*, *Journal of Vocational Behavior*, 32, 1988, pp. 152-175.

¹²⁵ National Academics of Sciences, Engineering and Medicine, *Sexual harassment of Women: Climate, Culture and Consequences in Academic Sciences, Engineering and Medicine*, Washington, DC: The National Academies Press, 2018.

¹²⁶ MacKinnon, C.A., *Sexual harassment of working women: A case of sex discrimination*, New Haven, CT: Yale University Press; 1979.

¹²⁷ National Academics of Sciences, Engineering and Medicine, *Sexual harassment of Women: Climate, Culture and Consequences in Academic Sciences, Engineering and Medicine*, op. cit.

¹²⁸ Ibid.

employment-related rewards or punishment over the target, on the other hand the hostile environment harassment may involve several perpetrators and several targets.¹²⁹

In the United States the first comprehensive national survey of sexual harassment was carried out by Merit Systems Protection Board in 1980. Data were collected from a random sample of federal employees and listed in the Central Personnel Data File of the Office of Personnel Management and contained, at the end, more than 10,000 women.¹³⁰ The 42% of the women reported experiencing sexual harassment. The survey was repeated again in 1987 and 1994 by the same agency¹³¹, registering in the first year the same percentage, while in 1994 reaching the 44% of employees reporting experiencing some forms of sexual harassment.¹³²

Between 1992 and 2001, the number of women who formally reported incidents of sexual harassment increased by 50%, also considering the fact that a far greater proportion of women subjected to sexual harassment prevent themselves from filing formal complaints.¹³³

Nowadays, sexual harassment is a major aspect of people's working life especially women workers and, as a matter of fact, it is the most reported form of violence concerning the working environment.

¹²⁹ Holland, K.J., Cortina, L. M., *Sexual Harassment: Undermining the Wellbeing of Working Women*, in Connerley, M. L., Wu J, editors, *Handbook on well-being of working women*, 2016, pp. 83–101.

¹³⁰ Erdreich, B. L., Slavet, B. S., Amador A.C., *Sexual Harassment in the Federal Workplace, Trends, Progress and Continuing Challenges*, A Report by the U.S. Merit System Protection Board, <https://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=253661&version=253948>

¹³¹ The survey was subjected to slight adjustments do the abolition of some Departments and the creation of others. All details are available in the Report cited *ibid.*, Table 3 notes, p. 15.

¹³² *Ibid.*

¹³³ Gregory, R. F., *Unwelcome and unlawful: sexual harassment in the American Workplace*, Cornell University ILR School, January 2005.

3.1 Sexual harassment: physical, verbal and non-verbal conduct

Sexual harassment has been divided by several academics in three major groups concerning physical conduct, verbal conduct and non-verbal conduct.¹³⁴

When talking about physical conduct, reference is made to physical violence, forced contact and the use of job-related threats or promises in return for sexual favours. Verbal conduct includes instead all the comments concerning a worker's appearance, age, private life, but also jokes with sexual innuendoes, advances and insults based on the worker's sex. As far as non-verbal conduct is concerned, reference is made to the display of sexually explicit or suggestive material, as well as sexually-suggestive gestures and practices, namely whistling.¹³⁵

Furthermore, psychologists were able to categorize sexual harassment in various categories according to the precise conduct adopted and the targets to which harassment is addressed to. The classification concerns three types of categories which are distinct, but related: *sexual coercion*, *unwanted sexual attention* and *gender harassment*.¹³⁶

By sexual coercion it is intended a rare situation in which unwanted sexual attention is combined with job-related pressures, making the conditions of employment contingent upon sexual cooperation.¹³⁷ On the other hand, unwanted sexual attention encompasses uninvited, unwanted and unreciprocated by the recipient sexual advances, both verbal and physical conducts, which are nevertheless not explicitly linked to any job condition or consideration.¹³⁸ As far as gender harassment is concerned, it refers to "a broad range of verbal and nonverbal behaviours not aimed at sexual cooperation but that convey

¹³⁴ Rubenstein, M., *Dealing with sexual harassment at work: the experience of industrialised countries*, in *Conditions of Work Digest: Combating sexual harassment at work*, vol. 11, No. 1, 1992, p. 11.

¹³⁵ Ibid.

¹³⁶ Fitzgerald F. L., Shullman S., Bailey N., Richards M., Swecker J., Gold Y., Ormerod M., Weitzman L., *The incidence and dimensions of sexual harassment in Academia and the workplace*, *Journal of Vocational Behaviour* 32, 1988, pp. 152-175.

¹³⁷ Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), *Handbook on the Psychology of Women*. Washington, DC: American Psychological Association, 2017.

¹³⁸ Ibid.

insulting, hostile, and degrading attitudes”.¹³⁹ The concept is then split in two subcategories: *sexist hostility* and *crude harassment*. Examples of sexist hostility regard demeaning jokes or comments in reference to women, comments implying that women are not smart enough to be able to succeed in a career and sabotaging women, while the crude harassment is intended as the utilization of sexually crude terms, whose aim is to denigrate people based on their gender.¹⁴⁰

Sexual coercion and unwanted sex attention share the same final objective, which lies in the sexual exploitation of women, while the major aim of gender harassment is expressing hostility towards women, through insults and humiliation.¹⁴¹ Those conducts have been defined by Fitzgerald, Gelfand and Drasgow as “come-ons”, as far as sexual coercion and unwanted sexual attention are concerned, while gender harassment is in every sense considered a “put-down”.¹⁴² Berdahl, in her article “The sexual harassment of uppity women” highlights the fact that conducts, previously defined as “come-ons”, do not necessarily concern attraction to women, but are instead motivated by the longing to devalue women and punish the ones who violate gender norms.¹⁴³

In 2014, the EU Agency for Fundamental Human Rights has carried out a wide scale European study, which resulted that an estimated 45% to 55%, about 83 million to 102 million women in the EU have experienced sexual harassment at least once since the age of 15 and one third of such percentage reported that the perpetrator of such violence was known in a work context, namely a colleague, a manager, a customer.¹⁴⁴

Research and available data up to the present day reveal that the majority of workers subjected to sexual harassment are women, even though distinctions as far as the

¹³⁹ Fitzgerald, L.F., Gelfand, M.J., Drasgow F., *Measuring sexual harassment: theoretical and psychometric advances*, Basic and Applied Social Psychology, 1995, pp. 425–445.

¹⁴⁰ Ibid.

¹⁴¹ Holland, K.J., Cortina, L. M., *Sexual Harassment: Undermining the Wellbeing of Working Women*, in Connerley, M. L., Wu J editors, Handbook on well-being of working women, 2016, pp. 83–101.

¹⁴² Fitzgerald, L.F., Gelfand, M.J., Drasgow F., *Measuring sexual harassment: theoretical and psychometric advances*, Basic and Applied Social Psychology, pp. 425–445, 1995.

¹⁴³ Berdahl J. L., *The sexual harassment of uppity women*, Journal of Applied Psychology, Vol. 92, No. 2, 2007, pp. 425-437.

¹⁴⁴ European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey*, 2014. Available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

incidence of the harassment is concerned have to be made, as some subgroups face higher rates than others. Women, such as young workers, who have not reached complete independence are considered to be most at risk as shown in the International Crime Victim Survey (ICVS)¹⁴⁵, but also women who are lesbian or bisexual¹⁴⁶, who are masculine in behaviour or personality and not prescriptive to sex stereotypes¹⁴⁷, single, separated, widowed and divorced women.¹⁴⁸ The difference is made also by the type of workplace a woman is employed in, which is relevant to determine the level of possibility of being harassed. Women who are employed in jobs which are considered to be non-traditional and mainly populated by men, as well as women working for male managers are more likely to be subjected to harassment.¹⁴⁹ People who are subjected to higher risk in both developed and developing countries are migrant workers as a result of the difficulties they are requested to overcome, namely isolation from society, lack of proper language knowledge and economic resources.¹⁵⁰ The whole problem is made worse in specific countries by restrictions imposed by the governing bodies in respect to the mobility of migrant workers.¹⁵¹

Even though, according to surveys carried out at global level, women are victims of sexual harassment to a greater extent compared to men, also men may be victimized. Recently, men reporting harassment and sexual assaults have sharply increased and also in this case, vulnerable groups such as men who are gay, transgender or in some way

¹⁴⁵ The International Crime Victim Survey carried out in 1996 and reported in Chappell, D., Di Martino V.: *Violence at work* (2nd edition), Geneva, ILO, 2000, showed that victims of sexual incidents at the workplace belonged to the youngest age categories.

¹⁴⁶ Cortina L. M., Swan S., Fitzgerald L. F., Waldo C., *Sexual harassment and assault. Psychology of Women Quarterly*, 1998, p.421.

¹⁴⁷ Berdahl J. L., *The sexual harassment of uppity women*, *Journal of Applied Psychology*, Vol. 92, No. 2, 2007, pp. 425-437.

¹⁴⁸ European Commission, *Sexual Harassment at the workplace in the European Union*, Employment and social affairs, Equality between women and men, 1998.

¹⁴⁹ Ibid.

¹⁵⁰ United Nations Commission on Human Rights: *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy*, 53rd session, 12 February 1997, Section V, doc. No. E/CN.4/1997/47.

¹⁵¹ McCann, D., *Sexual Harassment at work: national and international responses*, Conditions of Work and Employment Programme, International Labour Office, Geneva, 2005.

perceived as “not men enough”, part of racial and ethnic minorities, as well as men working in female-dominated groups, are more likely to be subjected to violence.¹⁵²

It comes quite spontaneous to question the reasons which are at the root of sexual harassment, in this specific case, taking place in the working environment. Originally, when the issue of sexual harassment was for the first time perceived as a social problem by the public, the leading idea regarded the belief that it was a deviation perpetrated by problematic individuals who suffered from mental issues.¹⁵³ The other idea which spread argued that only certain “classes” of men harass, and reference is generally made to uneducated people, belonging to the working class and possibly performing manual labour who could be expected to be of low profile.¹⁵⁴ However, it has been largely demonstrated that both the assumptions are incorrect. Several studies have been carried out to try to identify a configuration aimed at easily detecting the typical features concerning the personality of men most likely to harass, but the outcome has been of limited success.¹⁵⁵ As a matter of fact, perpetrators belong to any social group and are involved in any occupation, in addition to being part of any age range and marital status.¹⁵⁶ On the other hand, undisputed that is hard to draft a demographic profile of the typical harasser, it is discernible that there are men more likely to harass than others. The study finalised by Pryor and his colleagues claims that it is possible to determine such inclination by looking at one’s behaviours, beliefs and cognitive processes, namely misogynistic attitudes, hostility towards women, commitment to the traditional role arrangement between sexes, rather than focusing on social markers.¹⁵⁷

¹⁵² Berdahl J. L., *The sexual harassment of uppity women*, Journal of Applied Psychology, Vol. 92, No. 2, 2007, pp. 425-437; Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), Handbook on the Psychology of Women. Washington, DC: American Psychological Association, 2017.

¹⁵³ Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), Handbook on the Psychology of Women. Washington, DC: American Psychological Association, 2017.

¹⁵⁴ Ibid.

¹⁵⁵ Worell, J., *Encyclopedia of Women and Gender: sex similarities and differences and the impact of society on gender*, Academic Press, 2002.

¹⁵⁶ Ibid.

¹⁵⁷ Pryor, J. B., LaVite, C., M., Stoller, L. M., *A social psychological analysis of sexual harassment: the person/situation interaction*, Journal of Vocational Behaviour. 41, 1993, pp. 63-83.

It has been widely demonstrated that organizations and companies that are characterized by an unbalanced gender ratio, namely the presence of men is far greater than the number of women and job duties that are historically recognized as masculine, have many more problems dealing with sexual harassment than environments where, for instance, the gender ratio is balanced.¹⁵⁸

When dealing with sexual harassment within the workplace, decisive is the role played by the management of problematic situations. As a matter of fact, it has been demonstrated by studies carried out in the field, that strict management norms and a framework rigorously combating the issue, may lead to the inhibition of the conducts even in cases of individuals particularly inclined to do so.¹⁵⁹

3.2 Consequences impacting the victims

The problem of sexual harassment developed over the course of the years, shaping new forms of violence and evolving within culture and society, resulting in severe consequences on various fronts, both affecting and harming men, women, their workgroups and their organizations or company. Investigations confirmed that sexually harassing experiences may cause substantial emotional damage, even in cases when the experiences are less serious and intense than those typically required to enable relief.¹⁶⁰

Studies carried out in order to find evidences of the impact sexual harassment is bound to have on women demonstrated that such experience exerted remarkable effect.¹⁶¹

As a matter of fact, women who experience sexual harassment in their life have substantially lower levels of general wellbeing at psychological level, as well as elevated

¹⁵⁸ Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), *Handbook on the Psychology of Women*. Washington, DC: American Psychological Association, 2017.

¹⁵⁹ Willness, C. R., Steel, P., Lee, K., *A meta-analysis of the antecedents and consequences of workplace sexual harassment*, *Personnel Psychology*, 60(1), 2007, pp. 127-162.

¹⁶⁰ Dansky, B. S., & Kilpatrick, D. G., *Effects of sexual harassment*. In W. O'Donohue (Ed.), *Sexual harassment: Theory, research, and treatment*. Needham Heights, MA, US: Allyn & Bacon, 1997, pp. 152-174.

¹⁶¹ Among several studies carried out in the field, Schneider, K. T., Swan, S., Fitzgerald, L. F., *Job-related and psychological effects of sexual harassment in the workplace: empirical evidence from two organizations*, *Journal of applied psychology*, 82, 1997, pp. 401-415.

symptoms of post-traumatic stress.¹⁶² The great amount of studies conducted have reported that the harm produced resulted in decrements in general mental health¹⁶³, depression and anxiety disorders¹⁶⁴, excessive alcohol consumption¹⁶⁵, and high risk of eating disorders¹⁶⁶. Sexual harassment has been linked to major health issues not only concerning the psychological distress, but also actual psychological disorders, i.e. major depressive disorder. Data demonstrate that being subjected to experiences of the magnitude of sexual assaults, even if sporadic and mild, is likely to cause symptoms of emotional distress.¹⁶⁷

The effects are then visible and tangible in the professional career of the person involved, which encounters a reduction in job satisfaction as shown in the studies carried out by academics which examine the relationships and outcomes of behaviours at the interface of general and sexual forms of interpersonal mistreatment in the workplace.¹⁶⁸ A consistent number of women who are victims engage in some form of work withdrawal, which means they do not quit their occupation, but completely disengage from it through absenteeism, iterated delays, negligence. Moreover, job-related consequences may encompass altered team relationships, raise team conflicts, increase distraction.¹⁶⁹

¹⁶² Ibid.

¹⁶³ Fitzgerald, L. F., Drasgow, F., Hulin, C., Gelfand, M. J., Magley, V. J., *The antecedents and consequences of sexual harassment in organizations: a test of an integrated model*, Journal of applied psychology, 82, 1997, pp. 578-589.

¹⁶⁴ Ho, I., Dinh, K. T., Bellefontaine, S. A., Irving, A. L., *Sexual harassment and posttraumatic stress symptoms among Asian and White women*, Journal and aggression, maltreatment and trauma, 21(1), 2012, pp. 95-113.

¹⁶⁵ Rospenda, K. M., Fujishiro, K., Shannon, C. A., Richman, J. A., *Workplace harassment, stress, and drinking behavior over time: gender differences in a national sample*, in Addictive Behaviors 33(7):964-7, August 2008.

¹⁶⁶ Harned, M. S., Fitzgerald, L. F., *Understanding a link between sexual harassment and eating disorder symptoms: a mediational analysis*, in Journal of consulting and clinical psychology, 70(5):1170-81, November 2002.

¹⁶⁷ Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), Handbook on the Psychology of Women. Washington, DC: American Psychological Association, 2017.

¹⁶⁸ Lim, S., Cortina, L. S., *Interpersonal mistreatment in the workplace: the interface and impact of general incivility and sexual harassment*, in Journal of applied psychology, vol. 90, No. 3, 2005, pp. 483-496.

¹⁶⁹ Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), Handbook on the Psychology of Women. Washington, DC: American Psychological Association, 2017.

As far as physical health of women is concerned, less researches have been carried out to analyse the connection between the harassment in the working environment and the potential health issues, considered the fact that such outcomes often appear to be linked to the mental health of the woman, which reflects issues and matters also on the physical situation through somatic complaints including headaches, exhaustion, sleep problems, nausea, weight loss and gain.¹⁷⁰

Data at hand, the issue of sexual harassment and physical violence in the working environment is extensive and includes a wide-ranging array of behaviours and conducts that constitute what it may be defined as “violence at the workplace”. Considered all the evidences, it is manifest that being subjected to physical violence and sexual harassment in the working environment has, in the life path of a woman, an impact which affects several aspects with severe consequences not only concerning their working situation, but also, and most importantly, concerning their health situation, which is, in countless cases, permanently undermined by events of both intense and less intense harassment.

However, in addition to this kind of conducts which are, to a certain extent, concrete and tangible, there is a number of more silent practices that are, in a parallel way as discriminatory, with regard to the working situation of women. In the next section, I will analyse such more latent behaviours, which are similarly an obstacle to gender equality and the complete succeeding of women in the working field.

¹⁷⁰ Piotrkowski, C. S., *Gender harassment, job satisfaction, and distress among employed white and minority women*, *Journal of Occupational Health Psychology*, January 1998, pp. 33-43.

4. Invisible barriers: horizontal and vertical gender segregation

As I analysed in the previous sections, women have been subjected to gender inequality and discrimination in many fields belonging to social and cultural life from years now. The working field is one of the major examples of how the gender equality is still far from the current situation, and how differences made on the base of gender still constitute a substantial ingredient as far as the labour market is concerned.

In the last half of a century, it is undeniable that women, society and culture have made impressive gains, shattering a significant number of discriminations and gender barriers in all fields of life. Nowadays, the role of women is not any longer confined to the household at the service of the family, more young girls are choosing careers in fields which are traditionally male-dominated, being able to work in sectors that have always been reserved for men. However, despite the great progress and changes that have been registered, the situation of inequality between men and women is still vivid and the gender gap is a global constant, especially as far as the labour market is concerned. Occupational gender segregation in the workplace remains a problem as social norms continue to restrict occupational choices by women and men, consequently distorting labour markets, depressing wages and undermining business innovation and productivity.¹⁷¹ It is a characteristic which is profoundly rooted in the instruction system and professional field throughout all European Union.

Gender segregation is defined as the tendency of women and men to work in different sectors and occupations. As a matter of fact, in both paid and unpaid work, actual society show an evident level of differentiation between the tasks done by women and the ones performed by men.¹⁷² Several theories of discrimination based upon gender differences were developed through the years. The grounds for the modern analysis of labor market discrimination were laid in the model developed by Becker in 1957, according to which employers hold a “taste for discrimination”, meaning that there is a disadvantage to employing minority workers. Consequently, minority workers may have to balance such

¹⁷¹ McGrew, W., *Gender segregation at work: “separate but equal” or “inefficient and unfair”*, Washington Center for Equitable Growth, August 18, 2016.

¹⁷² Cohen, P. N., *The Persistence of Gender segregation at Work*, University of Maryland, College Park.

issue by being more productive at a given wage or by accepting compromises identified in the acceptance of a lower wage for the same amount of productivity.¹⁷³

Another theory was the “crowding hypothesis” which originated in the United States at the end of the 19th century. In 1992 the British economist Edgeworth argued that women’s lower pay was explained by the fact that women crowded into a small number of occupations Unions had excluded women from “men’s work”, consequently causing an oversupply of female workers and reducing the wage for their labor.¹⁷⁴ Therefore, crowding is the result of institutional barriers that artificially distorted the operation of the labor market, causing lower wages for some groups and higher wages for others.¹⁷⁵ The attention on such hypothesis was drawn after the publishing of a paper titled “The effect on white incomes of discrimination in employment” written by Barbara Bergmann in 1971 and later in 1974 when she analyzed the “crowding hypothesis” among female workers arguing that employers are the ones who target women in specific occupations and introducing a current of thought which considered segregation by gender a major determinant of the gender disparity in wages.¹⁷⁶ According to the approach developed by Polachek, women’s choices are more oriented towards occupations where low human capital investments are involved, and this is due to their intermittence within the labor market.¹⁷⁷ Segregation in the working field may be divided in two types: horizontal and vertical segregation.

¹⁷³ Autor, D. H., *Lecture Note: The economics of Discrimination – Theory*, MIT 14.661, November 24, 2003.

¹⁷⁴ Gibson, K., Crowding Hypothesis, International Encyclopedia of the Social Sciences, <https://www.encyclopedia.com>.

¹⁷⁵ Ibid.

¹⁷⁶ Bergmann, B. R., *Occupational Segregation, Wages and Profits When Employers Discriminate by Race or Sex*, *Eastern Economic Journal* 1 (2): 103-110, 1974.

¹⁷⁷ Polachek, S. W., *How the Human Capital Model Explains Why the Gender Wage Gap Narrowed*, in Discussion Paper, n. 1102, April 2004.

4.1 Horizontal segregation

Gender-based horizontal sectoral and occupational segregation is understood as under-(over-) representation of a given group in occupations or sectors, not ordered by any criterion.¹⁷⁸ It refers to the concentration of women and men in professions or sectors of economic activity.¹⁷⁹ The word ‘sectoral’ refers to a type of segregation in which the workforce of certain sectors is made up of one gender, while ‘occupational’ refers to the type of segregation in which the workforce of specific occupations is mostly made up of one gender.¹⁸⁰ Horizontal segregation is omnipresent feature in the labour market in all the countries belonging to the Organization for Economic Cooperation and Development (OECD) and in a nearly immutable and universal condition of contemporary socio-economic systems.¹⁸¹ According to scholars Blau and Ferber, horizontal segregation explains a part of the gender pay gap.¹⁸² The European Agency for Safety and Health at work (EU-OSHA) states that “horizontal segregation is where the workforce of a specific industry or sector is mostly made up of one particular gender. An example of horizontal segregation can be found in construction, where men make up the majority of the industry’s workforce, whereas childcare is almost exclusively a female occupation.” The horizontal segregation constrains women to jobs considered conceived for “pink collar workers”¹⁸³, associated to a “low profile”, less well paid and scarcely productive,

¹⁷⁸ Burchell, B., Hardy, V., Rubery, J., Smith M., *A new method to understand occupational gender segregation in European Labour Markets*, European Commission, 2014.

Bettio, F., Versshchagina, A., *Gender segregation in the labour market: root causes, implications and policy responses in the EU*, Luxembourg: Publications Office of the European Union, 2009.

¹⁷⁹ Cohen, P. N., *The Persistence of Gender segregation at Work*, University of Maryland, College Park, 2013.

¹⁸⁰ Scambor, E., Wojnicka, K., Bergmann, N., *The role of men in Gender Equality – European strategies and insights*, Study on the role of men in gender equality, December 2012.

¹⁸¹ Anker, R. *Gender and jobs: sex segregation of occupations in the world*, International Labour Office, Geneva, 1998.

¹⁸² Blau F. D., Ferber, M., *Discrimination: empirical evidence from the US*, American economic review, Vol. 77, No. 2, 1987, pp. 316-320.

¹⁸³ The term “pink collar” was introduced in the early 1970s in the Equal Rights Amendment (ERA) to denote duties, which were largely held by women. However, it became popular in 1977 by writer Louise Kapp Howe in her book “Pink Collar Workers”. “Blue collar workers” are men workers, while “white collar workers” perform professional, managerial or administrative work.

in particular as far as services and caregiving are concerned.¹⁸⁴ Society and culture inevitably influence the career choices and also the employers at the time of recruitment. As far as the academic formation is concerned, female subjects are mostly concentrated in some specific fields of study, especially those relating to instruction, caregiving, psychology, Languages and Literature, grouped under the acronym EHW (Education, health and welfare), while are far less present in areas dominated by the male component such as STEM subjects, namely Science, Technology, Engineering, Mathematics, also due to the stereotype that identifies women as less inclined to dedicate to such kinds of work. The idea that still no equal working opportunities within the STEM field are present, is one of the first factors influencing on the decision of young girls to veer onto other interests and careers. In the last decade, the sector of technological occupation has grown in such an exponential way (three times greater than general occupation) that if we had an even number of men and women working in the digital labour, the annual EU GDP could register a growth amounting to 9 billion euros.¹⁸⁵ However, despite the fact that Data Protection Officer, Digital Information Officer, Cyber Security Expert, Big Data Engineer, Mobile Application Developer, Data Scientist are the occupations considered essential for tomorrow, very few women are orientated towards those type of jobs, according to a survey conducted by NetConsulting Cube on behalf of CA Technologies.¹⁸⁶

The selection of women for the above-mentioned roles is an evidence of the discrimination feared by young girls. As a matter of fact, human resources recruiters have admitted that whilst acknowledging the added values of women able to orient the business towards the consumers' needs, they encounter cultural oppositions within the organization, related to the classical familiar responsibilities which have been traditionally associated to the female figure.¹⁸⁷

¹⁸⁴ Serafin, S., Brollo, M. (a cura di), *Donne, politica e istituzioni: varcare la soglia?*, Forum, Udine, 2012.

¹⁸⁵ Microsoft News Center, *Perchè le ragazze non studiano le materie STEM? E cosa si può fare? I dati della ricerca Microsoft effettuata in 12 Paesi europei su 11.500 ragazze*, 14 March 2017, available at <https://news.microsoft.com/it-it>.

¹⁸⁶ Fiordalisi, M., *Digital women, strada (ancora) in salita nelle aziende italiane*, Corcom, 8 March 2017.

¹⁸⁷ Redazione BitMAT, *Donne e digital transformation: binomio vincente*, in BitMAT, 9.03.2017, in www.bitmat.it.

Many other examples could be made to prove that the discrimination towards women in the working environment is tangible. A striking case is the experiment conducted in the United States, which demonstrated that the number of female applicants, winners of the contest for recruitment for orchestras, sharply increased when the selection was carried out only through the listening of musical executions, with no possibility of seeing the performers.¹⁸⁸

4.2 Vertical segregation

On the other hand, vertical segregation is defined as the under- (over-) representation of a clearly identifiable groups of workers in occupations or sectors at the top of an ordering based on 'desirable' attributes, namely income, prestige, job stability, independently of the sector of activity.¹⁸⁹ Vertical segregation is well represented through the metaphor nowadays widely use of the "glass ceiling" (which will better developed in the next section of this dissertation), according to which the women ascent to the apical and managerial positions is hindered by a series of cultural factors, both in the public and private sector. Moreover, vertical contribution the may contribute to a range of gender-related inequalities such as the gender pay gap.

The presence of professions not open to a full and egalitarian career are multiple. As far as the academic world in Italy is concerned, women are the 46% of the research staff, the 36% of associate professors, the 21% of ordinary teachers and only 6 university presidents, compared to 76 men covering the same role.¹⁹⁰ Such data does not match the expectations also considered that in the academic field many more women than men are employed.¹⁹¹ The same issue takes place within the companies: the corporate governance is another source of disparity, as witnessed by the exiguous presence of women so-called

¹⁸⁸ Goldin, C., Rouse, C., *Orchestrating impartiality: the impact of 'blind' auditions on Female Musicians*, American Economic Review 90, September 2000, pp. 715-741.

¹⁸⁹ Bettio, F., Versshchagina, A., *Gender segregation in the labour market: root causes, implications and policy responses in the EU*, Luxembourg: Publications Office of the European Union, 2009.

¹⁹⁰ MIUR, *Le carriere femminili nel percorso universitario*, 2016, available at http://ustat.miur.it/media/1091/notiziario_1_2016.pdf

¹⁹¹ OECD, *Gender imbalances in the teaching profession*, Education Indicators, in Focus, n. 49, OECD Publishing, Paris, 2017. www.oecd-library.org

“leaders” both within public and private enterprises. Taking into consideration the internal hierarchy regarding the power positions within firms, it is impossible to fail noticing that only few women hold an executive and leading position.

The occupational segregation phenomenon erects another barrier which is, at the moment, still unbreakable for women and regards the wage equality, the principle of equal pay for equal work.¹⁹²

On average, women earn 5,5% less than men per hour worked and such overall picture of the difference between average gross hourly earnings of male paid employees and of female paid employees represents the unadjusted Gender Pay Gap (GPG).¹⁹³

When taking into consideration data from Italy is lower with respect to the European average but this is because it does not take account of two central aspects: the greater diffusion of part-time contracts among women and the scarce female occupation. Once these two aspects are included in the evaluation, the gender pay gap results to be higher compared to the European average. The problem exists in all collective labour agreement, and even deteriorates the more women advance in the workplace.¹⁹⁴

Due to gender segregation, training and promotion opportunities are often unequally offered to women and men, reducing the opportunities for women to have access to lifelong learning. The continuous training of employees and upgrading constitute a not insignificant cost and women are still seen as “bad investments”, because of the potential break in labour market participation in women’s life cycle due to parental responsibilities.¹⁹⁵

¹⁹² Foubert, P., Timmer, A., *The enforcement of the principle of equal pay for equal work or work of equal value: a legal analysis of the situation in the EU Member States, Iceland, Liechtenstein and Norway*, European network of legal experts in gender equality and non-discrimination, July 2017. The principal of equal pay for men and women for equal work was laid down in Article 119 of the original EEC Treaty of 1957. Since the entry into force of the Treaty of Lisbon of 2009, the principle is embodied in Article 157 of the Treaty on the Functioning of the European Union (TFEU).

¹⁹³ EUROSTAT, *Gender pay gap statistics*, Statistics Explained, 2017.

¹⁹⁴ Istat, *I differenziali retributivi nel settore privato, anno 2014*, 2016; Bodrero, L., *Se la differenza fra uomo e donna è una vacanza a quattro stelle*, *Un mondo (del lavoro) per uomini*, Corriere della Sera, 23rd January 2017, Available at <https://www.corriere.it/>.

¹⁹⁵ Anker, R., Melkas, H., Korten, A., *Gender-based occupational segregation in the 1990’s*, International Labour Office, September 2003.

Both horizontal and vertical segregation, according to the report on New and Emerging Risks and Health and safety drafted by EU-OSHA, may have serious implications for occupational segregation in terms of the risks to which different genders are exposed to. At macro-level, occupational gender-segregation has a negative impact in the labour market as a whole as it restrains mobility between “male” and “female” occupations contributing to unemployment and short- and long-term skill gaps.¹⁹⁶ As a matter of fact, the exclusion of a portion of workers from a selection of occupations is a notable waste of human resources contributing to the rigidity of the labour market and reducing the ability of a given economy to adjust to the change.¹⁹⁷ The segregation is, indeed, one of the reasons on the grounds of deficiencies and surplus of qualified personnel and has, consequently, numerous effects on several policy initiatives, included the ones aimed at lowering long-term unemployment and boosting the economic growth.¹⁹⁸

Gender equality in the working environment would cause also an increase in labour productivity, how it has been demonstrated in a series of studies, according to which the motivation at workplace is better in workplaces with a balanced combination of both sexes, as well as gender equality, that was found to improve the external image, innovativeness, creativeness, functionality of the enterprise and consequently productivity and efficiency with the work community.¹⁹⁹

In order to measure the occupational sex segregation, the Bureau of Statistics of ILO established in 1993 a new database called SEGREGAT to measure and analyse occupational segregation between men and women in the world.

Gender segregation within the European Labour Market continues to be high, according to findings from the Sixth European Working Conditions Survey published in 2016.

The European Pact for Gender Equality for 2011-2020 reaffirmed the commitments of the European Union whose aim is to close gender gaps in employment, education and social protection, promoting better work-life balance for women and men and fighting all

¹⁹⁶ Anker, R., *Gender and Jobs: Sex segregation of occupations in the world*, Geneva, ILO, 1998.

¹⁹⁷ Ibid.

¹⁹⁸ Consiglio dell'Unione Europea, *Segregazione di genere nei settori dell'istruzione e della formazione e nel mercato del lavoro*, 7 December 2017.

¹⁹⁹ Anker, R., Melkas, H., Korten, A., *Gender-based occupational segregation in the 1990's*, International Labour Office, September 2003.

forms of violence against women.²⁰⁰ The objective of gender equality is expressed also in the United Nations Agenda 2030.²⁰¹ As a matter of fact, Goal 5 claims to “achieve gender equality and empower all women and girls”, aiming at ending all forms of discriminations against women and girls (Target 5.1), ensuring “women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life” (Target 5.5).²⁰²

Despite the evident improvements concerning gender segregation within the Italian and European scenery and the short- and long-term objectives listed in order to combat and eventually eliminate such issue, the problem is still vivid and the reasons of the persist of both horizontal and vertical segregation are diverse and may concern several aspects, starting from the scarce inclination of the organizations to enhance diversity and to evaluate the so-called transversal competences while considering one’s career path.²⁰³

Another reason is to be found in the unbalance of responsibilities and duties due to the persist of traditional model concerning the role division within families and the existence of uneven expectations from women and men and the poor presence of reconciliation policies and in the different opportunities of access to informal relations networks.

Decisive is also the formation segregation, as despite the growing schooling women still remain underrepresented in the technical-scientific training programmes, as well as the persistence of a gender connotation which exclude women from prestigious positions, confining them to more professional roles.²⁰⁴

²⁰⁰ Council of the European Union, *New European Pact for equality between women and men for the period 2011-2010*, Brussels, 7 March 2011.

²⁰¹ The Agenda 2030 contains the Sustainable Development Goals (SDGs) which were signed in 2015 by the United Nations (UN) General Assembly. The agenda has 17 SDGs and 169 targets, universally applying in relation to Poverty, Hunger, Health and Wellbeing, Quality instruction, Gender equality, Water, Accessible energy, Decent Work, Infrastructures, Inequalities, Sustainable communities, Responsible consume and production, Climate change, Sea life, Earth life, Peace and justice.

²⁰² United Nations, *Transforming our world: the 2030 Agenda for sustainable development*, A/RES/70/1, available at <https://sustainabledevelopment.un.org>

²⁰³ Rosti, L., *La segregazione occupazionale in Italia*, in Simonazzi, A., (a cura di), *Questioni di genere, questioni di politica. Trasformazioni economiche e sociali in una prospettiva di genere*, Carocci, Milano, 2006.

²⁰⁴ Ibid.

In order to analyse the extent to which segregation expands, in the next section I will focus on an aspect concerning vertical segregation that has been object of multiple investigations: the so-called “glass ceiling”, which regards the role of women within the labour field, but also within society more in general.

5. The glass ceiling effect

In the last decades, significant progress in advancing gender equality has been made. Women’s participation to labour has increased, but most of all, they have moved towards education and academic careers providing them with qualifications potentially addressing them to jobs in senior management as well as occupations, professions and managerial jobs which were previously reserved for men. However, as it has been previously evidenced, the global situation of women in comparison to men is still not a rosy prospect, both as regards the labour situation and also the social and cultural position held. Deep attitudinal and institutional discriminations continue to obstruct women’s access to specific job positions, hindering their career advancement. As a matter of fact, the rate of progress is slow, uneven and sometimes discouraging for women which are faced with barriers created by attitudinal prejudices in the workplace.²⁰⁵

The low global rate of women’s presence within the management sector shows that there is still a significant number of employers struggling with policies promoting the presence of women in the workplace and this may still be identified in the idea that women’s family responsibilities cannot exist side by side with paid jobs. Recently, to cope with such issues, codes of conduct based on rights and labour standards emended in ILO and UN conventions and declarations with built-in monitoring and verification systems were created with the objective of promoting and reaching gender equality.²⁰⁶

The number of barriers, discrimination and challenges encountered by women climbing their career ladder are examined by several theories which have been developed by several scholars of different part of the world throughout the past decades. Among all, the one that captured my attention while making inquiries in order to develop a comprehensive vision of the distinctive features of the issues within the labour market is

²⁰⁵ ILO, *Breaking through the glass ceiling: Women in management*, Update 2004.

²⁰⁶ Ibid.

the so-called “glass-ceiling” effect. The metaphor explains the artificial barriers created by attitudinal and organizational prejudices which block women from senior executive positions²⁰⁷ and is referred to as a “ceiling” as there is a limitation blocking the upward advancement and “glass” because thanks to its transparency, limitations are apparently invisible and intangible as well as an unwritten policy.²⁰⁸

5.1 Origins and development

The term “glass ceiling” became popular in the United States in the 1980s. The origin of the term still appears to be questionable and unclear. Apparently, the term was first used in the book written by Gay Bryant “The working woman” in 1984, which analysed the position of working women in America, providing a wide variety of evidences and cases as well as laws on discrimination. According to the Oxford English Dictionary, the first use of the term is to be found in a remark of the American Magazine *World/Adweek* of 15 March 1984 which stated that “Women have reached a certain point – I call it glass ceiling. They’re in the top of middle management and they’re stopping and getting stuck.”²⁰⁹ A more widely noticed use of the term was made in a report on “The Corporate Woman” published on March 24, 1986, in the *Wall Street Journal* and written by Carol Hymowitz and Timothy Schellhardt. The report relies on interviews carried out with managers of both sexes and on a selection of research projects conducted by non-profit organization, universities and non-profit organizations. The authors defined the glass ceiling as “an invisible barrier that blocks them [women] from the top jobs”.²¹⁰ They were able to analyse the exiguous number of women present in top management and blamed the issue of glass ceiling on the beliefs of male managers and on male managers’ personal preferences not to work with women.²¹¹ The authors then made reference to what had been mentioned by Catalyst, a non-profit organization which played a pivotal role in

²⁰⁷ Wirth, L., *Breaking through the glass ceiling: Women in management*, International Labour Office, Geneva, 2001.

²⁰⁸ Jarmon, L. J., *Cracking the glass ceiling: a phenomenological a study of women administrators in higher education*, Iowa State University, 2014.

²⁰⁹ Morgan, M. S., *Glass Ceilings and Sticky Floors: drawing new ontologies*, London School of economics and political science, Working Paper No. 228, December 2015.

²¹⁰ Hymowitz, C., Schelhardt, T.D., *The Glass-ceiling: why women can’t be seem to break the invisible barrier that blocks them from top jobs*, *The Wall Street Journal*, 57, 1986.

²¹¹ *Ibid.*

research of issues concerning the glass ceiling, that claimed that “Up to a certain point, brains and competence work. But then fitting in becomes very important. It’s at that point that barriers against women set in.”²¹² The writers of the report, later added that “Not only do senior women managers frequently find themselves pressing up against a glass ceiling, they also find themselves on display under glass”.²¹³ Moreover, they foresaw that barriers would be overcome sooner in some occupational areas, namely financial services, insurance, banking, communications due to the fact that women made up a larger portion of middle-management positions, while some areas of occupations for instance technology and manufacturing were far from reaching the executive board room.²¹⁴

One year later, in 1987, the term was used again in an academic article titled “Breaking the Glass Ceiling: Can Women Reach the Top of America’s Largest Corporations?” which defined the glass ceiling as “a transparent barrier that kept women from rising above a certain level in corporations [...] the glass ceiling applies to women as a group who are kept from advancing higher because they are women.”²¹⁵ The research was based on an interview-based survey of women who assumed a role of prestige within a company but were not at the top of the managing direction in a selection of major American corporations during 1984-5. They summarized the collected data to describe attitudes concerning the invisible barriers faced by women, taking into consideration the persistent failure of women to climb the corporate career ladders, in comparison with the general expectations. The questions inquired what was required in women to break the glass ceiling into general management and what has instead misled them. The resulting theory claimed that there were some automatic paths of promotion within corporations and showed through the well explained experiences of women how they were stopped during

²¹² Catalyst Inc. is a non-profit globally spread organization which was found in 1962 to build workplaces that operate “to accelerate progress for women through workplace inclusion” by combating for instance discrimination, sexual harassment, the gender pay gap.

²¹³ Hymowitz, C., Schelhardt, T.D., *The Glass-ceiling: why women can’t be seem to break the invisible barrier that blocks them from top jobs*, op. cit.

²¹⁴ Roman, M., *Relationships Between Women’s Glass Ceiling Beliefs, Career Advancement Satisfaction and Quit Intention*, Walden University, 2017.

²¹⁵ Morrison A. M., White, R. P., Van Velsor, E., The Center for Creative Leadership, *Breaking the Glass Ceiling: Can Women Reach the Top of America’s Largest Corporations?*, Addison-Wesley Publishing Company, 1994.

such paths.²¹⁶ The study revealed also that the glass ceiling is invisible from the bottom, hence at the beginning of women's career and becomes more evident later in the job, and such evidence explains the fact that in Europe and North America few women rise to account for more than 10% of senior executives and 4% of Chief Executive Officers (CEOs) and chairmen.²¹⁷ The study carried out by Morrison and colleagues revealed that contradictions in what was theoretically expected from women were a major factor in the glass ceiling. As a matter of fact, women were expected to be tough without showing "macho" features, as well as to take responsibility while also being obedient in following orders and being ambitious without demanding the same treatment reserved for men. During the analysis, academics realized that the "glass ceiling" applied to women as a group, not individuals.²¹⁸ In the timeframe between the first and second edition of the book by Morrison and colleagues, the glass ceiling "has become a household term", as authors wrote in "Foreword", claiming that the expression had been recognized by the public sphere and achieved the common use.

An important step in the acknowledgment of the effect was carried out within the US concept as a result of constant public debate and is identified in the creation of the "Glass ceiling Initiative" in 1989 at the hands of Elizabeth Dole first and Lynn Martin then and the US Department of Labor. The aim was to investigate the low numbers of women and minorities in executive positions. The term was here defined as "those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management-level positions."²¹⁹

In 1995 the Glass Ceiling Commission published its report which included a speech by Commission Chair, Robert R. Reich who claimed that "The glass ceiling is a concept that betrays America's most cherished principles. It is the unseen, yet unbreachable barrier that keeps minorities and women from rising to the upper rungs of the corporate ladder,

²¹⁶ Morgan, M. S., *Glass Ceilings and Sticky Floors: drawing new ontologies*, London School of economics and political science, op. cit.

²¹⁷ Jarmon, L. J., *Cracking the glass ceiling: a phenomenological a study of women administrators in higher education*, op. cit.

²¹⁸ Ibid., Morrison A. M., White, R. P., Van Velsor, E., The Center for Creative Leadership, *Breaking the Glass Ceiling: Can Women Reach the Top of America's Largest Corporations?*, op. cit.

²¹⁹ Bollinger, L., O'Neill, C., *Women in Media Careers: Success Despite the Odds*, University Press of America, 2008, pp. 9-10.

regardless of their qualifications or achievements” and “The glass ceiling is not only an egregious denial of social justice that affects two-thirds of the population, but a serious economic problem that takes a huge financial toll on American business. Equity demands that we destroy the glass ceiling.”²²⁰

Among several documents, in that year the report *Workforce 2000* was drafted as the result of an inquiry carried out by the Hudson Institute in which it was argued that the growth of white males’ workforce was decelerating and, therefore, the economic growth was strictly connected to the way ethnic minorities and women increased their share of US workforce.²²¹

A key role was played by the US Department of Labour, which through its Office of Federal Contract Compliance Programs aimed at ensuring the avoidance of discrimination from contractors and also actions to actively recruit from all sectors of the labour and “to provide training and advancement opportunities for all employees”.²²² The objective of the Department of Labour was to “identify systematic barriers to the career advancement of minorities and women” and then to collaborate with enterprises in order to suppress them.²²³

5.1.1 The Glass Ceiling Commission

The very first traces of success of the Glass Ceiling Initiative are visible in 1991, when it was introduced the Glass Ceiling drafted by Robert Dole, as a part of Title II of the Civil Right Act of 1991, which established The Glass Ceiling Commission as a high-profile platform within the American political Sphere and whose aim was to study “barriers to the advancement of minorities and women within corporate hierarchies to issue a report on its findings and conclusions, and to make recommendations on ways to dismantle the

²²⁰ U.S. Department of Labor, *A Solid Investment: Making Full Use of the Nation’s Human Capital* (Final Report of the Commission), Washington, DC: U.S. Government Printing Office, 1995.

²²¹ Johnston, William, B., Packer, Arnold, H, *Workforce 2000: Work and Workers for the twenty-first Century*, Hudson Institute, 1987.

²²² U.S. Department of Labor, *A Report on the Glass Ceiling Initiative*, Washington DC: US Government Printing Office, 1991.

²²³ Ibid.

glass ceiling.”²²⁴ The Commission drafted a list of so-called “Glass Ceiling barriers” and grouped them into barriers based in society, barriers under the control of business which focused on the so-called “internal structural barriers” who stopped the people within organizations progressing up and the ones considered responsibility of government.²²⁵

In the first years of 1990s the term was widely used and other new terms associated with the glass ceiling were coined, such as the “glass walls” mentioned in a Wall St Journal article by Lopez about the Catalyst report which made reference to the horizontal barriers that prevent women from moving in corporations.²²⁶

In reference to such term, the problem of the barriers such as the glass ceiling not only concerned the role of women in general, but also ethnic minorities and especially women belonging to such minorities. This was demonstrated in 1995 as a new report, which was drafted by the Federal Glass Ceiling Commission, further documented the presence of a glass ceiling, which was experienced even earlier than previously assumed, by inquiring a sample of huge American companies and demonstrating that 97% of the senior managers were white and an estimated 95% to 97% were male.²²⁷ The topic of the report concerned the issues affecting minorities and women, as for instance, African American women felt they received less organizational support and had less control and authority as well as less collegial support and a higher level of sex discrimination.²²⁸ In an unpublished manuscript made available to the Federal Glass Ceiling Commission by authors Bell and Nkomo, analysed the data and changed the metaphor from *glass ceiling* to *concrete wall*, as the glass may be broken and seen through, while the wall is unbreakable and isolates people from the mainstream of organizational life, preventing them from being aware of what is taking place on the “other side”. A woman who witnessed at the Federal Glass Ceiling Commission Public hearing in New York City

²²⁴ US Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation's Human Capital*, Washington DC: US Government Printing Office, 1995.

²²⁵ Morgan, M. S., *Glass Ceilings and Sticky Floors: drawing new ontologies*, London School of economics and political science, op. cit.

²²⁶ Lopez, J. A., *Workplace: Study Says Women Face Glass Walls as Well as Ceilings*, Wall St. Journal, March 3, 1992.

²²⁷ Glass Ceiling Commission, *Good for business: Making full use of the nation's human capital: The environmental scan*, U. S. Department of Labor, Washington D.C., 1995.

²²⁸ Clay, V. L., *African-American Females and the Glass ceiling in the Defense Logistics agency*, 1998. Available at <https://scholarworks.wmich.edu/dissertations/1570>

argued “Yes, there is a ceiling. That’s’ not news in our community. Indeed, for African Americans, everyone who comments on it seems to call it the concrete ceiling or the concrete wall. [...] For black women, it is even worse. They are three percent of all women managers, and women managers are estimated to be less than two to three percent. So, we have a non-existence. We don’t even have a wall – no ceiling, no glass to look through. There is nothing.”²²⁹

Even though the term “glass ceiling” was originally used to refer to situation concerning management within companies, it has been later applied also to higher education, which is a field that deeply suffer from the issue, which has been analysed according to different methodologies. Some studies concerning the problem focus on the proportional representation of women and people of colour and use demographic information with the aim of collecting data which may reveal representation of such groups within senior-level positions, while others deal with the employment trends for women and administrators of color within colleges and universities.²³⁰

5.1.2. Sticky Floors, Glass Escalators and Double Trap Doors

In response to the glass ceiling issue, a new concept and term defined as “Sticky floor effect” was introduced by Catherine Berheide’s 1992 study of women in low-paying government positions, in which it was argued that women in entry level management positions were disproportionate to their male counterparts.²³¹ Berheide took into consideration a study of women and ethnic minorities in state and local government and demonstrated how most individuals in these employment fields were stuck in jobs with

²²⁹ US Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation’s Human Capital*, pag. 69, op. cit.

²³⁰ Jarmon, L. J., *Cracking the glass ceiling: a phenomenological a study of women administrators in higher education*, op. cit.

²³¹ Johnson, C., Long, J., Faught, S., *The Need to Practice What We Teach: The Sticky Floor Effect in Colleges of Business in Southern U.S. Universities*, *Journal of Academic Administration in Higher Education*, Vol. 10, issue 1, Spring 2014.

low wage with restricted possibilities for up or sideways movements and claimed there were no career ladders within organizations for those stuck to the floor.²³²

According to Shadovitz, the sticky floor concept is supported by the issue of gender diversity within enterprises more than the glass ceiling, as managers in higher level positions are more likely to be diversified than entry level positions, which suggests the possibility of intentional promotions of women from entry level to higher management positions in contrast with women trying to start their management career from non-management positions.²³³

Over the years the terminology has evolved in order to highlight the differences concerning how effects have manifested according to several factors such as the impact, population and scarcity of resources while still preserving the main features of the glass ceiling metaphor.²³⁴

Another term coined in the 1990s was “glass escalator”, introduced by Williams in 1992 which is in a parallel to the glass ceiling idea and refers to the way men, more precisely white and heterosexual ones are put on a fast track to higher positions when entering women dominated sex-segregated positions²³⁵, or “double trap doors”, which was found in an article of Wall St Journal expressed as men are “quick to feel the woman who is though isn’t being womanly, while the woman who isn’t though isn’t worth having around”.²³⁶

Several causes have been identified by scholars to try to understand the origin and causes of the glass ceilings and the other forms of discrimination within the project management. One of the oldest reasons scholars have found to ‘justify’ the gap is based on the assumption that men and women are biologically different and for such reason, have

²³² Morgan, M. S., *Glass Ceilings and Sticky Floors: drawing new ontologies*, London School of economics and political science, op. cit.

²³³ Shadovitz, D., *Barriers to Advancement*, Human Resource Executive Online, 9th February 2011.

²³⁴ Jackson, J. F. L., O’ Callaghan, E. M., Leon, R. A., *Measuring Glass Ceiling Effects in Higher Education: Opportunities and Challenges*, New Directions for Institutional Research, no. 159, August 2014.

²³⁵ Williams, C. L., *The Glass Escalator: Hidden Advantages for Men in the “Female” Professions*, Social Problems, Vol. 39, No. 3, August 1992, pp. 253-267.

²³⁶ Hymowitz, C., Schellhardt, T., *The Glass Ceiling: Why Women Can’t Seem to Break the Invisible Barrier that Blocks them from the Top Jobs*, Wall Street Journal, Special Report: The Corporate Women, March 24th, 1986.

different values and predispositions, either due to early socialization or due to the women's experience with motherhood.²³⁷ As a matter of fact, the family responsibility intended as the activities relating to child upbringing, providing goods and support services for the family played a huge role in the decisions of women of accepting a potential job.²³⁸ The International Labour Office recognizes the importance of family responsibility as feature of professions, especially the ones which require long and frequent business trips who put women who want a family in a condition of trying to balance both aspects, who are inevitably interconnected, at least as far as contemporary women's careers are concerned.²³⁹ It has also been demonstrated that the problem of the conflict between work and family obligations is more acute for women than for men, given the fact that in the society, women have been traditionally seen as the ones taking care of the household and of the family.²⁴⁰ Therefore, societal prejudices make women feel that starting up a family causes glass ceiling and halts their career success.²⁴¹ Furthermore, the gendering of positions and occupations leads to the idea that work tasks and gender are identified in way that a job appears to be best suited for either men or women and management is a job with a masculine implication, as it has been built as a work task demanding features and characteristics conventionally attributed to men.²⁴² This is strictly linked to gender stereotyping which refers to the practice of ascribing to an individual woman or man specific attributes, characteristics or roles by reason only of her or his membership in the social group, namely the practice of applying a stereotypical

²³⁷ Hakim, C., *Lifestyle Preferences as Determinants of Women's Differentiated labor Market Careers*, Work and occupations, Vol. 29 No. 4, November 2002, pp. 428-459.

²³⁸ Obamiro, J. K., Obasan, K., *Glass Ceiling and Women Career Advancement: Evidence from Nigerian Construction Industry*, Iranian Journal of Management Studies (IJMS), vol. 6, No. 1, January 2013, pp. 79-99.

²³⁹ Ibid.

²⁴⁰ Amaratunga, D., Haigh, R., Lee, A., Shanmugam, M., Elvitigala, G., *Construction industry and women: a review of the barriers*, Built Environment Education Conference, University of Salford, 2007.

²⁴¹ Fosuah, J., Agyedu, G. O., Gyamfi, E. O., *Causes and Effects of 'Glass ceiling' for Women in Public Institutions of the Ashanti Region*, Ghana, The International Journal of Business and Management, October 2017.

²⁴² Storvik, A. E., Schøne, *In search of the glass ceiling: gender and recruitment to management in Norway's state bureaucracy*, The British Journal of Sociology, Volume 59, Issue 4, 2009.

belief to a person.²⁴³ This idea often leads to the attribution of qualities to a person on the ground of prejudices rather than on the basis of their actions, and considered the fact that management is considered masculine, it often represent a problem for women aspiring to such positions.²⁴⁴

Another cause, which has been identified as a barrier, is the recruitment process. It is widely acknowledged that women face discrimination and stereotyping in hiring and gender segregation often implies that women are recruited to cover the least prestigious jobs within organizations, without mentioning the tendency whereby leaders select new leaders who are similar to themselves, based on gender, attitudes, values, work experience and personality.²⁴⁵ An important aspect is constituted by the marginalization in the workplace, which is the result of a series of systemic actions taken consciously or unconsciously by the “in-group” which alienates another person by excluding it from the main activities and contributions.²⁴⁶

The last possible cause, which I have widely investigated in section 2.1 concerns the role played by sexual harassment within the working environment, which targets women considerably more than men and forms part of grounds of glass ceiling.

Such processes which include exclusion, stereotyping, marginalization and violence may start from the beginning of the working experience within enterprises and organizations all over the world and consequently affect the working future of the person involved. The glass ceiling effect is nowadays widely recognized to such an extent that an index has been conceived, in order to measure the level of incidence of all the discriminations and barriers which are grouped under such name within the countries. In the next section, I will analyse such “unit of measurement” and the role it played in the last years within the international scenario.

²⁴³ United Nations OHCHR, *Gender stereotypes and Stereotyping and women's rights*, September 2014, available at

https://www.ohchr.org/documents/issues/women/wrgs/onepaggers/gender_stereotyping.pdf

²⁴⁴ Storvik, A. E., Schøne, *In search of the glass ceiling: gender and recruitment to management in Norway's state bureaucracy*, op. cit.

²⁴⁵ Kanter, R. B., *Men and Women of the corporation*, New York: Basic Books, 1977.

²⁴⁶ Cornileus, T. H., *Are you working in the margins?*, The Social Scholar, September 11th 2016. Available at <https://socialscholar.net/workplace-marginalization/>.

2.3.2 The Glass Ceiling Index

In 2013, on the occasion of the International Women's Day, which takes place on March 8th and originated in 1908 when 15.000 women workers had a strike in New York City to pursuit higher salaries, shorter working hours and better job conditions, the English weekly newspaper *The Economist* created and published what will defined as "The Glass-ceiling Index (GCI)", an instrument that measures the level of discrimination and the social and cultural barriers of a country which impede the access to responsibility positions to women, according to several factors concerning the working environment.²⁴⁷ The objective of the analysis and of the index is revealing in which countries women have better chances to receive equal treatment in comparison with men as far as the workplace is concerned. The index took into consideration the national data of 10 indicators, namely women's access to higher education, labor force participation, wage gap, business-school applications, representation in senior management and the cost of child care. The first four indicators receive the same amount of weight, while the cost of child care is given a lower weighting, due to the fact that not all women have children.²⁴⁸ The available data is taken from the OECD, the European Commission (EC) and the ILO, among other organizations, and it covers 29 OECD countries that receive an overall score which rates a country on a scale from 0 to 100, where 0 indicates the worst, while 100 the best environment for working women.

Every year the chart is updated and in 2016 a new indicator concerning the paternity leave has been added to the index, as several studies have shown that, as new fathers use such benefit, women who are mothers tend to return to labour after the birth of the child with the consequent reduction of the earning gap between men and women. The countries taken into consideration have an average paternity paid leave of eight weeks on average, with scope for improvement.²⁴⁹

According to the charts and data, the first GCI which was drawn up in 2013, New Zealand situation was the most flourishing by any standard; Finland had the primate as far as education is concerned, while Sweden had the highest female labour-force participation

²⁴⁷ *The Economist*, The glass-ceiling Index, Daily Chart, March 7th 2013, Available at <https://www.economist.com/graphic-detail/2013/03/07/the-glass-ceiling-index>

²⁴⁸ Oliva, D., *The glass-ceiling Index*, Data in the news, March 28, 2016.

²⁴⁹ *Ibid.*

rate at 78% and Spain the smallest wage gap, at 6%. It is no surprise that Nordic countries were able to reach high scores on educational attainment and labour-force participation, as well as parliament representation. As a matter of fact, Sweden and Finland belong to the first countries which stood up to allow women to vote and take part in the elections. However, they are not free from gender gap, as women are paid less than men for similar work by a gap of 15% in these two countries and by 8% in Norway.²⁵⁰ Italy overall scored about 51 points, with 100 being the best, while the last ranked countries are Japan and South Korea that showed the highest gender inequalities in the proportion of managerial positions among OECD countries.

In 2015, Nordic countries were still on the top positions, and Turkey was introduced in the index, occupying one of the worst places to be a working woman, with the lowest share of senior management which amounted at 10% and the greatest gap between female and male labour-force participation.²⁵¹ On the one hand, the OECD average showed improvements in the women role within higher education and labour-force participation, on the other hand the pay gap had widened. In the following years, the overview of the situation has not changed consistently: Nordic countries positioned themselves in the top positions as far as workplace parity is concerned, while the worst spots were occupied by Japan, South Korea and Turkey. The presence of women in the labour force has increased, however the registered advances are slower than expected and wished, if possible.²⁵²

Analysing the charts of the glass ceiling index, the fact capturing attention is, among all the aspects, that for instance Japan and Korea have not been able to climb up the index, remaining the worst countries as far as gender equality in the working environment is concerned. Such assumption found support also in the study carried out by Wright, Baxter and Birkelund in 1995²⁵³, which confirmed the inequality present in the country. The absence of women in middle management positions made it impossible to test the level of glass ceiling, which has to be measured according to other different methods. After controlling the age aspect, the education and the employment duration, between 70% and

²⁵⁰ The Economist, The glass-ceiling Index, Daily Chart, March 7th 2013, op. cit.

²⁵¹ The Economist, The glass-ceiling Index, Daily Chart, March 5th 2015, available at <https://www.economist.com/graphic-detail/2015/03/05/the-glass-ceiling-index>

²⁵² The Economist, The glass-ceiling Index, Daily Chart, February 15th 2018, op. cit.

²⁵³ Wright, E. O., Baxter J., Birkelund G. E., *The gender gap in workplace authority: a cross-national national study*, American Sociological Review, 1995, pp. 407-435.

80% of the gender disparity is unexplained in both countries, with women appearing to face greater inequality as they move up to more senior managerial positions.²⁵⁴ The first signs of change in cultural attitudes were registered in 2017, when Japan hosted the Global Summit of Women which is a business and economic meeting of more than a thousand leaders from 60 countries. On the other hand, South Korea welcomed the so-called #MeToo movement, aimed at raising awareness against sexual assault and harassment which produced the emergence of allegations of inappropriate behaviours perpetrated by seniors, owners and board members.²⁵⁵

Eventually, the last annual index concerning the current year presents a quite serious situation. As a matter of fact, the progress for women in the workplace appears to have stalled. The gender pay gap remains largely unchanged at around 14% and the share of women in the labour force reached the 64%, but it is still 16% below the male average.²⁵⁶ The share of women in management has encountered a stalemate which stopped after 2017 at 32%, while it increased the share of women on company boards to 23%. Around half women in Nordic countries complete university and secure a job, have a large share of women in senior positions²⁵⁷, result of mandatory quotas for women. Furthermore, they offer better parental-leave systems with the possibility of having flexible schedules and partial management of the working hours, which facilitate the family run. Asia is, generally speaking, the worst area for working women as witness the last position occupied by South Korea, whose pay gap amounts to 35% and the female labour-force participation rate is 59%, against the 79% for men.²⁵⁸ The percentage of directors at publicly traded firms is 98%, with just one female boss in a sample of 109 companies. As far as Japan is concerned, effective measures have been adopted in the last years by the prime minister, who promoted the women presence in the workforce and succeeded by lifting such number by 2 million, even though most of the provided work is part-time and poorly paid. Despite the policies adopted, which were defined as “womenomics”, the

²⁵⁴ Youm, Y., Yamaguchi, K., *Gender Gaps in Japan and Korea: A comparative study on the rates of promotions to managing positions*, RIETI Discussion Paper Series, 2016.

²⁵⁵ The Economist, *The glass-ceiling Index*, Daily Chart, February 15th 2018, op. cit.

²⁵⁶ The Economist, *The glass-ceiling Index*, Daily Chart, March 8th 2019, available at <https://www.economist.com/graphic-detail/2019/03/08/the-glass-ceiling-index>

²⁵⁷ The share of women in senior positions in Sweden and Norway is around 40%.

²⁵⁸ The Economist, *The glass-ceiling Index*, Daily Chart, March 8th 2019, op. cit.

gender gap is still 25%. The cause of such disparity between men and women in Asian countries may be identified in the cultural aspect, where women are expected to choose between career and family, apart from the fact that the labour partition within the household is often unbalanced.²⁵⁹ Despite the poor conditions reserved to working women, the aforementioned countries stand out among OECD countries, as far as paternity leave is concerned. As a matter of fact, the paternity leave is of eight weeks in average, while for Japan and South Korea it amounts to more than 50 weeks of paid leave for both fathers and mothers.²⁶⁰ The paternity leave is not present in countries far more developed such as Canada, Italy and Britain, while United States does not provide new moms with maternity leave.

For what concerns the EU States, the European Institute for Gender Equality drew a Gender Equality Index, a composite indicator that measures the complex concept of gender equality based on EU policy framework and provides assistance in monitoring progresses of gender equality across EU over time.²⁶¹

The main aim of the GCI is to reveal the countries where women have the best chances of equal treatment within the working environment and monitor the women working situation within OECD countries, in order to possibly reach equality in the working field. The report is particularly useful to have a general framework of how the situation have evolved over the last six years in the OECD countries taking into consideration crucial aspects data such as higher education, labour-force participation, wage, child-care costs, maternity and paternity rights, business-school applications and representation in senior jobs. The charts are, indeed, very explicative and allow to become aware of the advancements and regressions made by each country, giving space to improvements and dedicated policies adopted by single States aimed at overcoming gender-based issues.

²⁵⁹ Ibid.

²⁶⁰ Oliva, D., *The glass-ceiling index*, Data in the news, 28th March 2016. Available at <https://teachingwithdata.blogspot.com/2016/03/the-glass-ceiling-index.html>

²⁶¹ European Institute for gender equality, *Gender equality Index 2017*, <https://eige.europa.eu>

2.3.3 Incidence and effects

In the past sections, it was possible to investigate how both horizontal and vertical segregation constitute a discriminatory aspect with regard to women and to realize how they affect their role within the labour field. Through the carried-out analysis of the origin and development of the Glass Ceiling effect, as well as the role played by the GCI, it was possible to witness that gender inequality in the working environment is still a massive issue, which affects different countries in different ways. It is widely documented that it is more difficult for women to reach a prestigious position as far as the working field is concerned and that women are under-represented on corporate boards practically everywhere in the world, caused by all the discriminations regarding private life and cultural prejudices analysed in the past sections. Occupational segregation is, first of all, one of the consequences of the so-called “incomplete revolution”, which indicates the change in the women role within the working environment. As a matter of fact, despite the emancipation of women and the increasing of education rates, they still find obstacles when entering the world of work and when trying to stay in the labour market. Women are concentrated in some elected sectors and occupations, which are generally speaking, lower paid and less valued.²⁶² The issue worsens when high managing positions, which include higher salaries, are at stake. Women tend to be less disadvantaged when career systems are strictly regulated and when recruitment and career advancements are automatic and protected by collective agreements as happens in the public sector.²⁶³ On the other hand, when such processes are subjected to managerial discretion, women’s career patterns are hindered by stereotypes and obstacles. Women are regarded as being less reliable and efficient compared to men, also due to the tendency to take career breaks because of family responsibilities and maternity leave.²⁶⁴ Moreover, due to the unbalanced distribution of family duties between men and women, latter ones are reluctant about applying for positions which require major time investment, flexibility, unplanned overtime and eventual long transfers. As a matter of fact, they choose to apply

²⁶² Council of the European Union, *The Gender Pay Gap in the member States of the European Union: Quantitative and Qualitative Indicators*, Belgian Presidency Report, 2010.

²⁶³ Eurofound, *Addressing the Gender Pay Gap: Government and Social Partner Actions*, European Foundation for the Improvement of Living and Working Conditions, 2010.

²⁶⁴ Ibid.

for part-time jobs to better reconcile work and private life. The aspects result in lower wages for women. If the causes have been deeply investigated, what about the consequences of such problem?

One of the major consequences concerns the waste of human capital constituted by women, who actually invest in academic formation more than men and, at the same time, manage to be more effective. According to a survey recently conducted by AlmaLaurea²⁶⁵ as far as Italy is concerned, girls result to be more prepared than boys starting from middle school; the trend stretches and strengthens in high school where girls' academic career is characterized by higher grades, greater number of international experiences, and a more constant performance throughout the years and even rises at university where more girls are enrolled and finish before boys with higher grades.²⁶⁶ The situation is overturned as soon as women step into the labour market. After 5 years from the degree award, women occupational rate is 81% against the 89% of men, who are also more likely to have an open-ended contract in contrast with fixed-term contracts reserved for women, as well as a higher wage, which amounts in average to 159 euros net more than women.²⁶⁷ According to a report of the European Commission, the gender equality would be the solution to boost the economic growth. EU members should further promote the presence of women within the labour market in order to reach an occupational rate of 75% within 2020.²⁶⁸ Viviane Reding, vice-president of the European Commission responsible for Justice, Fundamental Rights and Citizenship argued that the economic and employment goals of the EU could only be reached through making the full use of all the human resources both in the labour market as a whole and at the top and considered such plan as essential for the economic recovery of the Union.²⁶⁹ The Commission enhanced the necessity to develop a better work-life balance, reached through adequate childcare, flexibility of working hours within companies, and through parental and filial leave to

²⁶⁵ AlmaLaurea is a legal arrangement founded in 1994, to which 75 Italian universities adhered and whose aim is carrying out statistical studies concerning the Italian university field.

²⁶⁶ Bruno, E., *Donne ancora avanti negli studi ma indietro sul lavoro*, Il Sole 24 ore, 8th March 2018.

²⁶⁷ Consorzio Interuniversitario AlmaLaurea, *Più brave a scuola e all'università, ma penalizzate sul mercato del lavoro*, 7th March 2018.

²⁶⁸ European Commission, *Progress in gender equality leads to economic growth*, 16th April 2012.

²⁶⁹ Ibid.

care for dependent family members and/or paternity leave, followed by measures encouraging their uptake by men.²⁷⁰

Furthermore, it has been proved that a greater presence of women within the companies and enterprises constitutes an accelerator of competitiveness and profitability. As a matter of fact, there is statistical and economic evidence that the firms whose profit is particularly positive, are managed by women, at least according to Christine Lagarde of the International Monetary Fund (IMF). The report drafted by the IMF “Unlocking the female employment potential in Europe” analyses the situation of the countries affected by low growing rate and argues that they largely benefit from the increase in female labour.²⁷¹ Moreover, it argues that governments should facilitate and incentivize it by activating ad-hoc policies and removing obstacles that hinder the attenuation of the gap between men and women in the working field, despite the evolution of social rules and the increase of opportunities with no gender discriminations.²⁷² In the Report, the IMF takes into consideration the financial results of two millions companies all over Europe demonstrating that there is an actual correlation between the company performance and the presence of women within the boards of directors. The analysis reveals that the enterprises with a larger number of women in the so-called “senior” duties have a higher profitability, to be more precise, for every woman having access to the administrative council, the society profit rises by 8-13 base points, which amounts to 0,08/0,13%.²⁷³ Such effect is particularly visible in companies dealing with services or where creative capacity and innovation are required, for instance the high-tech sector, where a high specialization is needed and the entrance of a woman in the managing mansions results in an increase of 20 base point in the profitability, exactly the 0,20%.²⁷⁴

The presence of women in the board of administration provides the governance quality with a substantial contribution as highlighted by the European Community in the progress

²⁷⁰ Council of the European Union, *The Gender Pay Gap in the member States of the European Union: Quantitative and Qualitative Indicators*, op. cit.

²⁷¹ International Monetary Fund, *Unlocking Female Employment Potential in Europe – Drivers and Benefits*, 2016.

²⁷² Ibid.

²⁷³ Pilati, P., *Le aziende che vanno meglio? Hanno le donne al vertice. Lo dice il rapporto del FMI*, L'Espresso, 7th March 2016.

²⁷⁴ Ibid.

report of 2012, which enhance the advantages concerning in particular the microeconomic aspects.²⁷⁵ As a matter of fact, women increase the society performances by ameliorating the decisional process, as well as the ethic and the corporate governance. From the macroeconomic point of view, women create virtuous circles in terms of sustainable growth and confers added value to the society.

As far as Europe is concerned, according to the Eurostat, only the 27% of administration council chairs of joint stock companies are taken up by women and less than a fifth (the 17%) of managers are females.²⁷⁶ The percentage increased by 5% in comparison with the situation of five years ago, but still is not sufficient and satisfying.

In Italy, the female representative shifted from 2% in 2003 to 30% in 2017, to reach the 35% in 2018 after a period of slow evolution, drastically boosted by the introduction of the 120/2011 Law, the so-called Golfo-Mosca Law²⁷⁷, which imposed mandatory gender quotas for the administrative boards and statutory auditors of the quoted companies and of public control which was respected by all societies.²⁷⁸ The legislation has a deadline set for the year 2022, where it will not be more effective and makes reference to the legislation drafted in Norway, the first European country where gender quotas were introduced by the conservative government led by Ansgar Gabrielsen in 2002.²⁷⁹

As a matter of fact, according to a study carried out by researchers from Bocconi University and CONSOB²⁸⁰, which takes into consideration a time frame including the turning point identified in the Golfo-Mosca Law, when the percentage of women exceeds a specific threshold ranging from the 17% to the 20% of the board, a positive and

²⁷⁵ Regione Veneto, “Heart” of the board – Le donne nel cuore del CDA. Available at https://www.regione.veneto.it/c/document_library/get_file?uuid=a21a8f98-72a8-480e-b6bc-dec9714488a7&groupId=2521678

²⁷⁶ Panigada, V., *Donne: soltanto 1 su 4 siede nei cda delle società quotate in Europa, ma l'Italia fa meglio*, Finanza.com, 7th March 2019.

²⁷⁷ The legislation 120/2011 is well known as Golfo-Mosca because of the commitment of the congresswomen Lella Golfo and Alessia Mosca. The draft legislation was presented it as first signatory in 2008 and was endorsed in 2011 with an overwhelming majority.

²⁷⁸ Profeta, P., *La rivoluzione incompiuta delle donne ai vertici aziendali*, Il sole 24 ore, 20th September 2018.

²⁷⁹ The Economist, *Ten years on from Norway's quota for women on corporate boards*, The old-girls' network, 17th February 2018.

²⁸⁰ Commissione nazionale per le società e la Borsa (National commission for corporates and stock market) is an institution aimed at safeguarding investors and the development of the Securities Market. It is a legal entity, established by the Legislation 216/1974.

substantial effect is registered within the company performances, as far as return on sales (ROS), on assets (ROA), on equity (ROE) and on invested capital (ROIC) is concerned.²⁸¹

The legislation concerning the gender quotas had a huge impact on the situation of women within the labour market in Italy and managed to take the percentage of the women in the listed companies up to more than 33%, one of the highest in Europe.

Other States member of the European Union decided to adopt both coercive and non-binding measures, in order to counteract a problem which became embedded in the society. The Countries that did not introduce any kind of legislation achieved poor or no results at all, as far as the gender equality in the joint stock companies.

Generally speaking, States became aware of the role played by gender segregation and the glass-ceiling phenomenon within the working environment. Despite the fact that the era of the conspicuous discrimination has been already overcome and women have more and more opportunities within enterprises, inequality over the working life of women persists both at the beginning and during the career. The corrective measures which have been adopted at international and European level will be analysed in the following section, aimed at reducing to an absolute minimum the gender inequality.

²⁸¹ D'Ascenzo, M., *Consob: le donne nei board rendono le aziende più redditizie*, Il sole 24 ore, 21st September 2018.

III. COUNTERACTING THE SEXUAL HARASSMENT AND THE GLASS CEILING PHENOMENON IN THE WORKPLACE

Premise

Over the past sections it was possible to investigate the role played by sexual harassment, discrimination and inequalities within the working environment and the extent of such issues, which affect all countries in different ways. Sexual harassment was recognized as a violation of human rights undermining the chances of developing equality between women and men and affects employees, employers and the society as a whole and the consequences may be devastating both at the time of the harassment and afterwards. The awareness about the impacts of sexual harassment and discrimination is growing as it is the commitment of States worldwide, not only to break the silence on sexual harassment within the working environment but also to take pro-active steps to raise awareness, prevent and combat such issue.²⁸²

As far as discrimination is concerned, more than thirty years have already gone by since the term *glass ceiling* was introduced to describe the number of barriers which prevent women from having access to decision-making roles. Surely improvements have been registered, but the issue is still massive in some areas, for instance both the economic and corporate European governance.

Several efforts have been carried out internationally and nationally, with the aid of international instruments, legislation, policies, measures to reach workers protection and prevent and combat sexual harassment and discrimination. At national level, many countries have adopted some form of legislation through legal provisions on sexual harassment or by addressing it under other broader statutes, for instance the ones concerning human rights or equal opportunities and treatment in labour law, contract law, tort or personal injury law, criminal law, or by way of judicial interpretation or referring to constitutional provisions.²⁸³

In order to address the issue explicitly, both developed and developing countries have adopted specific legislations and provisions by providing direct support for those who

²⁸² Haspels, N., Kasim, Z. M., Thomas, C., McCann, D., *Action against Sexual Harassment at work in Asia and the Pacific*, ILO, 2001.

²⁸³ Ibid.

report episodes of harassment, but also placing legal responsibility aimed at taking active measures within the working environment. Furthermore, important actions are conducted by trade unions and organizations of employers, aimed at fighting sexual harassment, as well as policies which run parallel to the activity of governments and legitimate bodies. As far as corrective measures are concerned, an ongoing action aims at shifting from merely penal provisions taking into consideration only the most severe forms of sexual harassment, identifiable in rape and sexual assault, to protective laws that have the objective of providing equal possibilities and treatment for both men and women and of preventing workplace abuse. The following section will first analyse in depth the corrective measures adopted at International and European level for what concerns the sexual harassment and secondly as far as the glass ceiling is concerned. The analysis will include both the fight and the prevention against harassment and discrimination in the world of work. While dealing with the issue at international level, I will take into consideration mainly the United States, due to the leading role played by the Country compared to rest of the world, but mainly because of the commitment carried out to fight sexual harassment in the working environment and the amended regulations and measures aimed at combating such issue, besides the fact that I had the chance to live in the US for a year, which made me particularly involved in the dynamics happening within the Country, particularly as far as these aspects are concerned. Secondly, I will investigate the regulations available at European level with some examples of practical measures taken by States with special attention for the Italian country, which is where I was born and raised and where I am living at the moment.

1. International legal framework against sexual harassment

The problem of VAW has always been a delicate issue which International law struggled to deal with, at least until the second half of the twentieth century. Initially, the institution that was in lead of the international law process aimed at addressing discrimination against women was the United Nations. The first document which claims the respect for human rights and freedoms of men and women with no discrimination based on gender

is the Charter of the United Nations which was signed in 1945 in San Francisco.²⁸⁴ One year later, the *UN Commission on the Status of Women* (CSW) was established by Council Resolution 11(II), with the objective of taking care of the women's rights, gender equality and women empowerment. In 1948, another important step was accomplished with *the Universal Declaration of Human Rights* (UDHR) proclaimed by the General Assembly, which is considered crucial for the history of human rights as it proclaims the existence of "fundamental human rights" to be protected and guaranteed for everyone. Given the fact the Declaration is a non-binding instrument, the UN enacted a series of act aimed at controlling the implementations of the listed provisions within the involved States. From 1975 to 1985, the UN General Assembly launched the *United Nation Decade of Women*, a period dedicated to the policies that impact women namely gender-based violence, pay equity and human rights and it included three major international meetings in Mexico City, Copenhagen and Nairobi.²⁸⁵

The first international treaty exhaustively dealing with issues concerning women is the *Convention on the Elimination of all forms of Discrimination against Women* (CEDAW) adopted by the UN General Assembly in 1979 and entered into force in 1981. The Convention aims at adopting appropriate legislative and other measure prohibiting all discrimination against women, as well as establish legal protection of the rights of women on an equal basis with men and to ensure the effective protection of women.²⁸⁶ Focusing on the working environment, at the time, awareness of sexual harassment at workplace was beginning to emerge and, as a matter of fact, no specific prohibition is included in such Convention.²⁸⁷ However, the General Recommendation No. 19 published in 1992 on violence against women notes that "equality in employment can be seriously impaired

²⁸⁴ United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, 26th June 1945.

²⁸⁵ Zinsser, J. P., *The United Nations Decade for Women: a Quiet revolution*, The history teacher, Vol. 24, No. 1 (Nov., 1990), pp. 19-29.

The meeting that took place in Mexico City aimed at raising consciousness, while the Copenhagen meeting was carried out for creating networks and Nairobi for "the solidarity of women worldwide".

²⁸⁶ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), Art.2, 18 December 1979, A/RES/34/180.

²⁸⁷ Asmat, R., Mehboob, S., *International Laws and Policies for Addressing Sexual Harassment in the Workplace*, International Research Journal of Interdisciplinary and Multidisciplinary Studies (IRJIMS), Volume-II, Issue-II, 2016, pp. 32-43.

when women are subjected to gender-specific violence, such as sexual harassment in the workplace²⁸⁸ and states that all parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, sexual assault and sexual harassment in the workplace.²⁸⁹ The CEDAW Committee stressed the need to take action to fight sexual harassment and may ask the Government representatives to present their national reports on the action undertaken to effectively combat sexual harassment in the country and the results achieved.²⁹⁰ Recently, in July 2017, the CEDAW Committee updated General Recommendation No. 19 through the adoption of GR No. 35 which defines different levels of states and non-states actors liability and calls for the repeal for the law and policies that excuse, condone or, in a certain sense, facilitate VAW.²⁹¹

In 1993, the General Assembly emended the Declaration on the Elimination of Violence against Women (DEVAW), which states that violence against women constitutes a violation of women's rights and fundamental freedoms²⁹², it "shall be understood to encompass, but not limited to [...] physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work" and prompts States to condemn it and actively pursue a policy to eliminate it.²⁹³ In 1995, during the UN Fourth World Conference on Women which was held in Beijing, a Platform for Action was instituted and outlined a series of objectives and actions for governments, NGOs, trade unions and employers to adopt aimed at combating sexual harassment in the workplace, interpreted as both a form of violence and a barrier to their equality.²⁹⁴ During the Fourth World Conference on Women that took

²⁸⁸ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, Paragraph 17, 1992.

²⁸⁹ *Ibid*, Paragraph 24.

²⁹⁰ Haspels, N., Kasim, Z. M., Thomas C., McCann D., *Action against Sexual Harassment at Work in Asia and the Pacific*, op. cit. p

²⁹¹ Chinkin, C., *CEDAW General Recommendation 35 on violence against women is a significant step forward*, September 2017. Available at <https://blogs.lse.ac.uk/wps/2017/09/06/cedaw-general-recommendation-35-on-violence-against-women-is-a-significant-step-forward/>

²⁹² UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

²⁹³ *Ibid*, art. 4.

²⁹⁴ United Nations, *Report of the Fourth World Conference on Women: Beijing, 4-15 September 1995*, New York.

place in September 2015, States were invited to make concrete commitments in order to implement the Beijing Platform for Action with the goal of achieving gender equality and women empowerment no later than 2030.²⁹⁵ In this regard, the United Nations *2030 Agenda for Sustainable Development*, among the 17 Sustainable Development Goals (SDGs) to be reached by 2030, includes the achievement of gender equality and empowerment of women and girls.²⁹⁶

A major role in combating violence against women at work is played by the ILO. The Committee of Experts in the Application of International Labour Conventions and Recommendations has been dealing with such issue in Convention No. 111 on discrimination in respect of employment.²⁹⁷ It provides several grounds to explain discrimination in employment and requires that ILO member States declare and pursue a national policy aimed at promoting equality of opportunity and treatment with a view to eliminating discrimination.²⁹⁸ The Committee of Application of Recommendations has expressed the view that sexual harassment, intended as a serious manifestation of sex discrimination and a violation of human rights, is to be addressed within the context of the Convention.²⁹⁹ However, taken into consideration the gravity and serious repercussions of sexual harassment, the Committee recalls its general observation highlighting the importance of taking effective measures to prevent and prohibit sexual harassment at work, which should address both quid pro quo hostile environment.³⁰⁰

In both the ILO Tripartite Meeting of Experts on Special Protective Measures for Women and Equality of Opportunity and Treatment which took place in 1989 and the ILO Tripartite Symposium on Equality of Opportunity and Treatment for Men and Women in Employment in Industrialized Countries of 1990, reference is made to the need of fighting sexual harassment and of adopting preventive actions. In 1989, the Indigenous and Tribal

²⁹⁵ UN, *Global Leaders' Meeting on a Gender Equality and Women's Empowerment: A Commitment to Action*, 27th September 2015, New York, 2015.

²⁹⁶ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 25th September 2015.

²⁹⁷ ILO, *Discrimination (Employment and Occupation) Convention, C111*, 25 June 1958.

²⁹⁸ Asmat, R., Mehboob, S., *International Laws and Policies for Addressing Sexual Harassment in the Workplace*, op. cit.

²⁹⁹ ILO, *General survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalisation*, paragraph 789, 2008 (Geneva, ILO, 2012), p. 330.

³⁰⁰ Ibid, pp. 463-464.

Peoples Convention makes reference to the sexual harassment in the workplace, prohibiting it. The Convention claims that governments shall do everything to prevent any discrimination between workers, including measures to ensure that they enjoy protection from sexual harassment.³⁰¹ Furthermore, the International Labour Organization enacted several non-binding instruments where provisions on sexual harassment at work are contained, such as the 1985 International Labour Conference Resolution on equal opportunity and equal treatment in employment claiming that sexual harassment at the workplace is detrimental to employees' working conditions and promotion prospects³⁰², as well as the 1991 International Labour Conference resolution dealing with ILO action for women workers, namely sexual harassment in the workplace.³⁰³

Starting from the moment harassment in the workplace was recognized as a form of sex discrimination, the Countries around the world have enacted legislations on sexual harassment, which has been categorized according to several approaches. In some countries, harassment has been identified as a form of prohibited conduct such as sexual assault, in other countries as a distinct form of some broader type of prohibited behaviour, or, in most cases, as a form of sexual discrimination prohibited under equality and anti-discrimination laws.³⁰⁴ Sexual harassment may be addressed under more than one legal branch. Labour law is needed to fight sexual harassment in the workplace and includes several kinds of laws covering different aspects, among all in provisions of unfair dismissal, law on contract of employment and health and safety laws.³⁰⁵

Workplace harassment in some countries namely Canada and New Zealand, is prohibited by the national human rights legislation³⁰⁶, as well as by the tort law or by the criminal law, as in the case of Costa Rica (Penal Code), United Republic of Tanzania (Penal Code)

³⁰¹ ILO, *Indigenous and Tribal Peoples Convention*, C169, 27th June 1989.

³⁰² ILO, *Official Bulletin* (Geneva), Vol. LXVIII, Series A, No. 2, 1985, pp. 85-95.

³⁰³ ILO, *Official Bulletin* (Geneva), Vol. LXXIV, Series A, No. 2, 1991, pp. 81-83.

³⁰⁴ McCann, D., *Sexual harassment at work: National and international responses*, Conditions of Work and Employment Programme, ILO, 2005.

³⁰⁵ Asmat, R., Mehboob, S., *International Laws and Policies for Addressing Sexual Harassment in the Workplace*, op. cit.

³⁰⁶ Both the Canadian Human Rights Act and the Human Rights Act of New Zealand prohibit harassment in a range of contexts, including education and housing but in specific the working environment.

and Venezuela (Law on Violence Against Women and the Family).³⁰⁷ A Model Law on Equality of Opportunity and Treatment in Employment and Occupation was adopted also by the Caribbean Economic Community (CARICOM), which defined sexual harassment to address hostile environment as well as quid pro quo.³⁰⁸

As far as the United States are concerned, sexual harassment has been conceptualized primarily as a manifestation of violence against women.³⁰⁹ It is a form of discrimination that violates the Title VII of the Civil Rights of 1964, which prohibits discrimination in employment on the basis of sex, race, colour, origin and religion.³¹⁰

The Inter-American Convention on Violence Against Women, also known as Convention of Belem do Para which dates back to 1994, includes sexual harassment in the workplace as integral part of violence against women and forces States to take measures and condemn all forms of violence and agree to pursue policies to prevent, punish and eradicate it.³¹¹

In 2011, a crucial step ahead was made with the adoption of the Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention. The draft Convention had been developed since 2009, when the Committee of Ministers of the Council of Europe appointed the commitment of outlining an international convention on VAW to a dedicated group of experts, namely the Committee for Preventing and Combating Violence against Women and Domestic Violence (CAHVIO).³¹² It establishes the first legally-binding definition of VAW as “a violation of human rights and a form of discrimination against women”. It was open for signature in Istanbul on 11th May 2011 and came into force the 1st August 2014, once ten ratifying Countries have been reached. The Convention obliges ratifying States to prohibit, prevent, prosecute and eliminate violence against women, including sexual harassment

³⁰⁷ McCann, D., *Sexual harassment at work: National and international responses*, op. cit.

³⁰⁸ CARICOM is an organisation of fifteen Caribbean Countries that came together with the aim of promoting economic integration and cooperation among members.

³⁰⁹ McCann, D., *Sexual harassment at work: National and international responses*, op. cit.

³¹⁰ Tyson, C., *Title VII of the Civil Rights Act of 1964*, Journal Articles 188, 2005.

³¹¹ Ibid.

³¹² De Vido S., *Donne, Violenza e Diritto Internazionale. La Convenzione di Istanbul del Consiglio d'Europa del 2011*, op. cit.

and all forms of domestic violence, including economic violence.³¹³ The Convention was signed by 46 Countries and the EU and ratified by 34 and provides the design of a comprehensive framework, policies and measures for the protection and assistance of all the victims of violence against women and domestic violence³¹⁴, as well as providing obligations to create civil and criminal offences for violence against women which concern remedies and sanctions for victims and perpetrators.³¹⁵ The Convention is considered to be the most far-reaching treaty to tackle VAW as it requests states to criminalise the various forms of VAW.³¹⁶ The Convention establishes a mechanism to monitor the implementation of the proposed provisions by the parties, including a Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). Such mechanism monitors the progress carried out both at national and international level and provides data, advice and support.

The most recent Convention by the ILO was adopted in June of the current year and it recognizes that violence and harassment in the world of work “can constitute a human rights violation or abuse [...] is a threat to equal opportunities, is unacceptable and incompatible with decent work.”³¹⁷ The major goal of the new standard is to protect workers and employees, irrespective of their contractual status and covers violence and harassment occurring in the workplace.³¹⁸

The perception in different contexts and cultures of what constitutes sexual harassment at work is very different, but broadly speaking gender inequality is deeply embedded in a large amount of cultures and such type of discrimination, added to all the others perpetrated within the working environment tend to perpetuate sexual harassment of women.³¹⁹ The consequences of physical, social and economic matter affect women deeply, but also the society and it for this reason that sexual harassment at the workplace

³¹³ ILO, *Ending violence and harassment against women and men in the world of work*, International Labour Conference, 107th Session, 2018.

³¹⁴ Council of Europe, *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, November 2014, Chapter IV.

³¹⁵ *Ibid.*, Chapter V.

³¹⁶ *Ibid.*

³¹⁷ ILO, *Convention concerning the elimination of violence and harassment in the world of work*, Geneva, 21st June 2019.

³¹⁸ *Ibid.*

³¹⁹ Asmat, R., Mehboob, S., *International Laws and Policies for Addressing Sexual Harassment in the Workplace*, op. cit.

needs to be addressed through preventive measures, and legal framework to combat it as well as activities of dissemination and awareness.

Narrowing now the field of inquiry to the European Union, I will investigate on the legal framework to combat sexual harassment within the working environment as far as the EU is concerned.

2. European legal framework against sexual harassment

As it has been possible to witness, States as well as institutions and organizations have been taking actions in order to process strategies aimed at combating the problem of VAW, which is still widespread around the world. Major roles have been played by United Nations and ILO, but starting from the 1990s both the European Union and the Council of Europe have undertaken initiatives aimed at combating VAW through legislative, political and financial tools. Initially, the EU focused mainly on economic matters before including in the legislations also human rights and actions aimed at preventing VAW. The issue of sexual harassment in the working environment was first treated in the EU in 1986³²⁰, when it was addressed in the European Parliament's Resolution on VAW, which called upon national governments, equal opportunity committees and trade unions to carry out campaigns to create awareness.³²¹ The European Commission drafted a report in which it emerged that none of the Member States has appropriate mechanisms to fight harassment and required an EU Directive.³²² An important initiative is the 1991 Commission Recommendation on the protection of the dignity of women and men at work, which recommended that Member States promote awareness, take action and encourage employers and employee representatives to develop measures to implement the Commission code of practice on the protection of the dignity

³²⁰ Resolution of 11 June 1986 on violence against women, in Official Journal of the European Communities, No. C176, 14 July 1986.

³²¹ Landau, E. C., Beigbeder, Y., *From Ilo Standards to EU Law: the case of equality between men and women at work*, Martinus Nijhoff Publishers, 2008.

³²² Rubenstein, M., *The dignity of women at work: a report on the problem of sexual harassment in the Member States of the European Communities*, op. cit.

of women and men at work.³²³ Sexual harassment was here defined as “unwanted conduct of sexual nature, or other conduct based on sex affecting the dignity of women and men at work”. Five years later, the Commission issued another report on national legislation on sexual harassment which concluded that the Recommendation had not led to major improvements and proposed to give legal effect to a collective agreement.³²⁴ Following a further report on sexual harassment in 1999, the Commission issued a draft Directive to revise the Equal Treatment Directive, which was adopted in 2002. Directive 2002/73/EC includes the definitions of harassment³²⁵ and sexual harassment³²⁶, and it affirms that “harassment related to the sex of a person and sexual harassment are contrary to the principle of equal treatment between women and men: it is therefore appropriate to define such concepts and to prohibit such forms of discrimination. To this end it must be emphasized that these forms of discrimination occur not only in the workplace but also in the context of access to employment a vocational training, during employment and occupation.” It identifies both as forms of discrimination on grounds of sex and prohibits them³²⁷, as well as both “quid pro quo” and “hostile work environment”³²⁸ harassment. Moreover, it provides definition of direct and indirect discrimination: the former one takes place “where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation”, while the latter one occurs “where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary”.³²⁹

³²³ Commission recommendation of 27 November 1991 on the protection of the dignity of women and men at work, 92/131/CEE.

³²⁴ McCann, D., *Sexual harassment at work: National and international responses*, op. cit.

³²⁵ Harassment is defined as “where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment”. Directive 2002/73/EC, Article 2(2).

³²⁶ Sexual harassment is defined as “where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”. Directive 2002/73/EC, Article 2(2).

³²⁷ Report from the commission to the council and the European Parliament 2002/73/EC

³²⁸ Hostile working environment is defined as “an intimidating, hostile, degrading, humiliating or offensive environment”.

³²⁹ Report from the commission to the council and the European Parliament 2002/73/EC, art. 2(2).

Such Directive is mentioned in the Framework Agreement on Harassment and Violence at Work of 26th April 2007, aimed at dealing with sexual harassment issues, in specific at condemning all forms of harassment and violence. It confirms the responsibility of the employers to protect employees against such risks and claims that firms in Europe are required to adopt a zero-tolerance policy towards actions of harassment as well as providing procedures to manage such cases in case they take place within the company.³³⁰ Another guideline that deserves to be mentioned is the Directive 2006/54/EC of the European Parliament and of the Council whose aim is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.³³¹ The directive includes provisions to implement the principle of equal treatment in relation to access to employment, working conditions and social security schemes and to ensure that such implementation is made more effective through the establishment of specific procedures.³³² Specifically concerning the violence at work, prominent is also the role of the European Agency for Safety and Health at Work (EU-OSHA) and the emended Directives containing provisions on the prevention and prohibition of several forms of violence.

2.1 Legal framework against sexual harassment in Italy

Taking into consideration Italy, the Italian criminal law has drawn the definitions of gender violence and VAW mainly from international conventions and specifically European law, and even though such definitions are not included in domestic regulations, “are fully part of the national system through international law and are therefore

³³⁰ Commission of the European Community, *Communication from the commission to the Council and the European Parliament transmitting the European framework agreement on harassment and violence at work*, Brussels, 8th November 2007.

http://www.europarl.europa.eu/hearings/20071121/femm/framework_agreement_en.pdf

³³¹ Hoel, H., Vartia, M., *Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU*, Policy Department for Citizens' Rights and Constitutional Affairs, 2018.

³³² Ibid.

enforceable”.³³³ To give a definition of the term violence at the workplace, the term “mobbing” was coined to be intended as “a form of psychological pressure towards employees, occurring at the workplace by colleagues or superiors, considered a sort of epidemic worldwide of distress connected psychological violence at the workplace”.³³⁴ When such situations take place through harassment that may extend to personal and sexual injuries, mobbing falls under certain types of offences recognized by the Italian criminal code. The crime of sexual violence was introduced by the Law of 15 February 1996 No. 66 “Rules against sexual violence” and is regulated by Article 609 bis of the Italian Criminal Code. When taking into consideration the sexual harassment in the workplace within the Italian country, the first important measure was introduced with the Legislative Decree No. 198 of 11 April 2006, also and best known as “Code for equal opportunities” and it provides the definition of discriminations resulting in harassment, namely gender-related behaviours, aimed at violating the workers’ dignity and at creating a threatening, hostile, humiliating environment.³³⁵ The Decree defines sexual harassment as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating a person’s dignity, or by creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment is a form of discrimination.” The definition is the same found in the European Union’s Directive 2006/54/EC on the equal treatment of men and women in matters of employment and occupation.³³⁶

The protection on harassment has been intensified by the Budget Law 2018 (Law No. 2015 of 2017) which enhanced the protection against sexual harassment at work by prohibiting the dismissal of who reported the harassment and by establishing a subsidy in support of employees, namely reduction in contributions for a period of 36 months at

³³³ European Lawyers Foundation, *Manual on the law relating to violence against women*, The Hague, May 2018.

³³⁴ Ibid.

³³⁵ Valore D., *Molestie sessuali nei luoghi di lavoro: consapevolezza e prevenzione*, 2019. Available at https://valored.it/wp-content/uploads/2019/03/Valore-D_molestie-sessuali_web.pdf

³³⁶ European Parliament, *Equality between men and women in employment and occupation: legal aspects and direct and indirect discrimination*, March 2015. Available at <http://www.europarl.europa.eu>

most.³³⁷ However, despite the several measures taken at EU and Italian level, a recent survey conducted by NAVEX Global reveals that in both areas about one woman out of two is victim of sexual harassment at the workplace. The lack of complaint and report from women constitutes an issue that hinders the resolution or, at least, the improvement of the problematic situation at international, European and Italian level.

As this dissertation specifically took into consideration the glass ceiling, I will analyse in the following section, the measures taken by governments to combat such issue, which does not allow the advancement of women's career due to the presence of several discriminations constituting a "ceiling".

3. Measures recommended at international level to counter glass ceiling

In the past sections, it was possible to investigate the different levels of discrimination and, in particular, to analyse a form of more invisible barrier which hinders the growth of women within the workplace: the so-called glass ceiling.

The extent of such phenomenon has been, in a certain sense, initially underestimated, but is nowadays a matter of interest of States, trying to dismantle the existing barriers.

The first important measure was taken by the US in 1991, with the Glass Ceiling Act contained in Title II of the 1991 Civil Rights Act which was established for two major reasons: the creation of the Glass Ceiling Commission and the establishment of an annual award for excellence in promoting a more diverse skilled workforce at higher levels.³³⁸

The Federal Glass Ceiling Commission was a 21-member bipartisan body appointed by President Bush and Congressional leaders and chaired by the Secretary of Labour and its major goal was to identify the glass ceiling barriers that have blocked the advancement of women into decision making positions, as well as the successful practices.³³⁹ The Act does not generate change in legislation, which is, however generated by the 1991 Civil

³³⁷ Il Sole 24 Ore, *Le modifiche al "Codice delle Pari Opportunità" (D.lgs. 198/2006) contenute nella Legge di Bilancio*, Diritto 24, 11th January 2018.

³³⁸ Dugan, B. A., Turner J. L., Tagliarini F. A., Bayless, J. A., Felber H. R., Rigby C. K., Kronheim S., *The Glass Ceiling: Potential Causes and Possible Solutions*, Technical Report 993, December 1993.

³³⁹ U.S. Glass Ceiling Commission, *Good for business: Making Full Use of the Nation's Human Capital*, op. cit.

Rights Act which states that it is unlawful to discriminate on the basis of, among other reasons, sex. The Act established also the Equal Employment Opportunity Commission (EEOC) that had the power to investigate and file charges against violators.³⁴⁰

Very recently, precisely on September 30, 2018, the California governor Jerry Brown signed a bill into law requiring publicly held companies based within the State to have at least one female on their boards of directors by the end of the current year, and additional females by the end of 2021, making California the first state in the United States to mandate gender diversity in the corporate boardroom, which consequently results in a commitment aimed at shattering of the glass ceiling.³⁴¹ However, the law faced several challenges as some argued that it violates the equal protection clauses of USA and California Constitution by expressively establishing a gender classification.³⁴² Other States, including Illinois, Massachusetts, Pennsylvania, Ohio and Colorado, have issued resolutions encouraging gender diversity on corporate boards.³⁴³

Single companies and enterprises have adopted formal policies to increase the proportion of women on their boards.³⁴⁴ Companies in the US that already worked in removing the glass ceiling have a mutual structure, namely higher upper management turnover, lower-level management positions covered by women, and more investments carried out by the company.³⁴⁵ The removal of the glass ceiling is also linked to economic and social purposes, and this is the reason why the government created a recommendation, which has been previously mentioned, for businesses to demonstrate full commitment to remove the glass ceiling.³⁴⁶

Over the years other Countries' governments developed actions to tackle the problem of the glass ceiling. Mexico, for example, drafted a "National Plan for Women, 1995-2000"

³⁴⁰ Dugan, B. A., Turner J. L., Tagliarini F. A., Bayless, J. A., Felber H. R., Rigby C. K., Kronheim S., *The Glass Ceiling: Potential Causes and Possible Solutions*, op. cit.

³⁴¹ Lee, J., Ledbetter, A. D., Paris, R., *California mandates female board directors for publicly held companies*, 1 October 2018.

³⁴² Ibid.

³⁴³ Alter, S., *Break the Glass Ceiling (or break the law)*, C-suite, 31st January 2019.

³⁴⁴ Vigeo Eiris, *Gender diversity in corporate senior management: glass ceiling yet to be cracked*, March 2018.

³⁴⁵ Goodman, J. S., Fields, D. L., Blum, T. C., *Cracks in the Glass Ceiling: in what kinds of organizations do women make it to the top*, Group and Organization Management, 2003.

³⁴⁶ Glass Ceiling Commission, *Good for business: Making full use of the nation's human capital*, op. cit.

which included a section on the rights of women and their participation in decision-making at all-levels and a system to regularly monitor the proportion of men and women in management positions in the public and private sectors.³⁴⁷

Several networks and institutes have been created around the world to provide support, contacts and information on cultural, economic and social issues for women. This is the case of *Mujeres en Carrera*, a network which was born in Uruguay that brings together managerial, professional and entrepreneurial women.³⁴⁸ In Malaysia, a Women's Institute of Management (WIM) was created to promote leadership of women in all sectors by organizing training course and events, while in South Africa, to reach the same goal, a Federation of Business and Professional woman was established.

The presence of several Conventions and Conference adopted by United Nations and ILO have been previously mentioned, as well as the policies and programs promoting the equality in employment and the empowerment of women. Furthermore, some Countries have introduced “soft-law” regulations, guidelines for good corporate governance and “comply-or-explain” rules requiring companies either to comply or provide justification in case it does not.³⁴⁹

Only a minority of companies results in having a good gender balance at top decision-making levels and positions and those are the same firms that formalised strong non-discrimination and diversity commitments and set targets in this respect, as well as adopting managerial processes, namely mentoring, training and promoting action programs aimed at engendering a culture change that empowers women and gives them access to positions traditionally kept by men.³⁵⁰

Despite the presence of conventions, regulations and commitments on the part of States, the lack of effective laws against the glass ceiling issue makes its presence still evident and important at international level. The last section concerning the effectiveness of measures will analyse this controversial aspect. The focus will now be narrowed to the measures adopted at European level, and the initiatives which have stood out for the actual improvements they had introduced at national level.

³⁴⁷ Wirth, L., *Breaking through the glass ceiling: Women in management*, International Labour Office, Geneva, 2001.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

4. Measures recommended at European level to counter glass ceiling

The problem of glass ceiling occurs also in the European Union and in the single States which are subjected to a remarkable presence of discriminatory barriers obstructing the rise of women as far as their working career is concerned. As far as the European institutions are concerned, the European Commission is the instrument which has been dealing with this type of issues. In 2010 the Barroso Commission II³⁵¹ presented the Europe Strategy 2020 which promoted the sustainable and inclusive growth aimed at promoting the social cohesion. Two days later, the President of the Commission and the European Commissioner for Justice, Fundamental Rights and Citizenship, Viviane Reding introduced the Women's Charter. The Charter presented a series of commitments aimed at promoting equality in the labour market and equal pay for equal work, as well as equality in decision-making through EU incentive measures, respect of dignity, integrity and end of gender-based violence.³⁵² For what concerns in specific the glass ceiling, which is the topic of interest, the Charter aims at guaranteeing the complete realization of women potential and capacity in order to contribute to a better distribution in the labour market, where women are often segregated in some specific sectors and in some specific roles.³⁵³ The Commission implicitly makes reference to gender quotas by saying it will consider "quantified targets where appropriate".³⁵⁴ The Commission itself promised to take measures to increase the number of women internally, but did not adopted specific policies to consider it immediately. In 2011, Viviane Reding suggested the autoregulation and invited the joint stock societies to subscribe the formal commitment with the objective of having more women leading the European companies. Among the Commission initiatives, a non-binding recommendation aimed at improving the gender balance in the boards of directors of companies, namely the 40% within 2020, as the results achieved with the self-regulation proposed by Viviane Reding resulted to

³⁵¹ The Barroso Commission II was the European Commission from 2010 to 2014 lead by José Manuel Durao Barroso, president of the previous Commission as well.

³⁵² European Commission, *European Commission strengthens its commitment to equality between women and men*, 5th March 2010.

³⁵³ Ibid.

³⁵⁴ European Commission, *A Strengthened Commitment to Equality between Women and Men, A Women's Charter*, COM (2010)78, Brussels, 5th March 2010, p. 3.

be very scarce. The proposal was however blocked by several Countries, e.g. Germany, the Netherlands, Sweden, Poland and Hungary fearing the European Commission would become too involved in domestic affairs³⁵⁵ and the Directive has not yet successfully gone through the legislative procedure.

The proposed binding minimum quota for female board members of 30% by 2015 and 40% by 2020 was never made effective even if some EU countries have implemented similar quotas singularly, which permitted the notable raising in the rate of women in the boards of directors of most of the countries within the European Union.

European States singularly adopted directives including different solutions to tackle the problem of vertical segregation, which could potentially lead to a notable normative fragmentation within the internal market.

The optional approaches are discernible in three categories and include the States that adopted a restrictive legislation which imposes to the companies a gender balance in the composition of their boards of directors, the States which adopted measures aimed at auto-regulating, based on the model “comply or explain” and, in the end, the States which adopted no measures at all.³⁵⁶

The member States which adopted restrictive measures were able to carry out the major progresses towards an equal representation of both sexes in the boards of directors. The State considered to be the leading case is Norway, that was the first Country to introduce a restricting quota system in the administration boards in 2003, with the proposal promoted by Ansgar Gabrielsen which consisted in a series of amendments to the Public Limited Companies Act, imposing to Norway society the achievement of a variable quote in three-year time.³⁵⁷ The law came into force in 2006, and after two years all the joint stock companies with more than 500 employees resulted to have at least the 40% of women in the administration council, in contrast to the companies which did not applied

³⁵⁵ Vigeo Eiris, *Gender diversity in corporate senior management: glass ceiling yet to be cracked*, op. cit.

³⁵⁶ Bosetti, L., *La corporate governance nell'Unione europea: interventi di armonizzazione e best practices*, Giappichelli Editore, 2017.

³⁵⁷ Matland, R. E., *The Norwegian Experience of Gender Quotas*, Budapest, 22-23 October 2004.

to the normative whose rate amounted to 17%, showing the evidence of the fact that a binding approach was more effective.³⁵⁸

As far as Italy is concerned, as I made reference to in the previous chapter, the State adopted Law n. 120, the so-called “Golfo-Mosca” in 2011, imposing to private society not listed on the stock exchange and to public society the introduction of measures aimed at guaranteeing the gender balance within their administration boards. Initially, the underrepresented sex had to cover 1/5 of the available places, starting from 2015 the amount raised to 3/5. The law dispositions are different according to the type of societies, namely the societies not controlled by the public administration are regulated by the Golfo-Mosca Law and more in specific by a Regulation of the National Commission for Companies and Stock Exchange adopted the 8th February 2012, while the societies subject to public supervision are regulated by the Decree n. 251 of 30th November 2012, emended by the President of the Republic.³⁵⁹ The law is bound to expire in 2022, even if at the moment a new draft legislation has been advanced aimed at extend its validity for other three terms.³⁶⁰ The law was able to cause the shift of women in the administration boards from 6% to 36% in six years. Despite the big success and results achieved, the Golfo-Mosca law has also generated controversial opinions, as according to some, it places women in a preferential position, which consequently unbalances the gender equality on the other side.

On the other hand, several States within the European Union decided to adopt non-binding measures, with the common objective of guaranteeing the gender balance through the definition of general rules with which companies either comply or do not. This is the case, for example, of Finland that emended the first recommendation as far as corporate governance is concerned in 1997 and aimed at exposing the “best practices” adopted by the Finnish enterprises, with continuous updates and the institution of a Code to detect the best practices and to promote new ones. Last, member States that have not introduced

³⁵⁸ D’Ascenzo, M., *Fatti più in là, donne al vertice delle aziende: le quote rosa nei CDA*, Il Sole 24 ore Spa, 2011, pag. 23.

³⁵⁹ Il Sole 24 Ore, *La Legge 120/2011 Golfo-Mosca sulle “quote rosa”: effetti e conseguenze*, Diritto24, 7th March 2012.

³⁶⁰ Mosca, A., *Proroga Golfo-Mosca, la parità di genere è una questione di crescita economica*, Alley Oop, 11th January 2019.

an either binding or non-binding normative achieved very scarce result or no result at all. This is the example of Hungary, Malta and Austria.

Even though steps forward have been clearly achieved, may they be considered enough? The gap between women and men is still too evident and tangible within the society that there is no room for complacency: the task is still far from finished.

5. Effectiveness

As it has been anticipated, but also how it is possible to deduce from what has been analysed in these last sections as far as discrimination towards women is concerned, allowed to improve the situation of the European Union and also of single States, but with some backups. As a matter of fact, the adopted measures and regulations appear to be most of the times non-binding, resulting to be efficient, but only up to a certain point. Objectively speaking, improvements and progress were carried out on many levels, but the problem is still vivid and the lack of binding resolutions makes the situations worse. As far as the sexual harassment in the working environment is concerned, the European Commission has recently decided to consult the social partners on the issue of taking further action against sexual harassment in the workplace, given the fact that the measures adopted so far have not led to sufficient measures being adopted by the Member states to create a working environment where sexual harassment may be effectively prevented and fought against.³⁶¹ The absence of the wished improvement in fight sexual harassment suggests a binding instrument which sets out a mutual plan to be adapted to each country's situation.³⁶² The first legally-binding instrument which “creates a comprehensive legal framework and approach to combat violence against women” is the Istanbul Convention, which came into force in 2014, once the ten signatures needed were reached and may be considered the most advanced and comprehensive international legal instrument worldwide in the area of violence against women.³⁶³

³⁶¹ European Commission, *Sexual harassment in the workplace*, Press Release Database, last updated 27th July 2019.

³⁶² Ibid.

³⁶³ Gurmai, Z., *The Istanbul Convention on violence against women: achievements and challenges*, Parliamentary Assembly, 5th June 2019.

The situation is as bad as far as the glass ceiling phenomenon is concerned, if not worse. Women are undoubtedly making significant inroads into management, promoted also by the change of social attitude towards their role within the labour market.³⁶⁴ However, the labour field remains highly segregated both horizontally and vertically, in terms of hierarchical levels. In order to combat in particular the vertical segregation, which is pictured as a glass ceiling made up of discriminations (including also the afore-mentioned sexual harassment) which hinders the women careers, companies decided of introducing gender quotas. The measure ensured the minimum presence of women within the management positions, both in the case of mandatory quotas and voluntary approach, surely provided tangible improvements and allowed the rebalance of positions within the highest levels of the enterprises, but the data still show an important disproportion between the number of men and women at the top. The fact that measures are non-binding, places the problem of the low women presence in the boards of directors, in a position valued as important, even crucial, but not strictly necessary. As a matter of fact, studies have shown that unconscious bias continues disadvantaging women and preference continues to favour men members.

In addition to the measures that have been taken to promote the access of women to specific roles of a certain level of importance resulted to be successful, what else may be done to enhance the role of women while entering the labour market, but also as far as equality in the employment relationship is concerned?

The reconciliation of work and life responsibilities has become an increasingly relevant topic recently with an implicit value linked to gender equality.³⁶⁵ The introduction of conciliatory measures in connection with the working times and modalities resulted in the so-called *smart working*, which recently largely developed throughout all Europe. The *smart working* is a “managerial philosophy which provides people with flexibility and autonomy in the choice of spaces, times and instruments to use in connection with a major accountability on results”³⁶⁶, which provides a series of benefits for both the employers

³⁶⁴ Wirth, L., *Breaking through the glass ceiling: Women in management*, International Labour Office, op. cit.

³⁶⁵ Eurofund, *Work-life balance and flexible working arrangements in the European Union*, Eurofund, Dublin, 2017.

³⁶⁶ CRESPI, *Smart Working: opportunità e benefici per persone, aziende e società – Welfare e lavoro agile (Laboratorio n. 1)*, in ADAPT, 2015.

and employees. For the purposes of the handling, the smart working may be considered an instrument to improve the women condition, an advantageous solution aimed at balancing the private and working life and allowing the women to remain into the workforce. The problem of the long working hours may be overcome and the maternity would not be a penalty any longer, allowing women to avoid extended break which may hinder the career. In Europe, the smart working is supported by the Resolution of 13 September 2016, even though its diffusion within the European Countries is quite different.³⁶⁷ In North European countries the practice is well developed due to the cultural predisposition which considers the work at home as serious as the work carried out in the office. In Italy, for instance, the *smart working* has been introduced with the Legislation 81/2017, but it is left to the parties to stipulate the execution modalities. In comparison with Europe, Italy is still behind, due to the lack of managerial culture.³⁶⁸

Another aspect which has been developed lately with the aim of rebalancing the parental roles is paternity and parental leave, which consists in the employment-protected leave of absence for working fathers within the first months after the birth of the child. Such leave is not stipulated by any international convention, but is regulated internally by every European country. In the case of Italy, the paternity leave increased from one day in 2012 to five days of mandatory paid absence, with an extra elective day³⁶⁹, while the parental leave results in six months per parent – individual and non-transferable, with a maximum of 10 months. It may be extended to 11 months when shared and when the father takes at least three months and results in 30% of basic remuneration up to the child's sixth birthday, unpaid afterwards.³⁷⁰ The general idea of both the measures adopted is to give women the possibility of sharing the family responsibilities with men.

Generally speaking, the solutions adopted in the last years had the merit of placing the women at the centre of the interest of the European Union, but more in general of International Law. The gender quotas, also according to Viviane Reding, may not be the

³⁶⁷ Panzeri P., Viale V., *Europa e conciliazione. Una proposta di sistema per rilanciare l'occupazione femminile*, in "Osservatorio Isfol", n. 1-2, 2016, pp. 101-117.

³⁶⁸ Rusconi, G., *Lo smart working in Italia non cresce perché manca la cultura manageriale*, Il Sole 24 Ore, 9 November 2018.

³⁶⁹ Lacqua O., Lombardo M., *Per i padri il periodo di "licenza" è più lungo*, Il Sole 24 Ore, 28th February 2019.

³⁷⁰ Eurofund, *Parental and paternity leave – Uptake by fathers*, Publications Office of the EU, Luxembourg, 2019.

best policy instrument to contrast the issue of the low proportion of women in the decision-making positions, but are surely necessary, as well as effective.

They should rather be seen as the starting point to develop a policy, but also a perspective of gender equality that will eventually regulate itself with no need of Regulations. The fact that the norm dealing with gender quotas, for instance in Italy, is going to be extended shows that it has been able to reach some positive results, however the aim to strive for is the gender equality as standard from all points of view, starting from the working environment.

When taking into consideration both the sexual harassment and the glass ceiling effect, some differences in the advancement of the issues have to be analysed. As far as the sexual harassment is concerned, a quite good level of protection has been reached, especially in the context of recent international mobilizations a discreet level of collective consciousness. For what concerns the *glass ceiling*, I argue that the path to the resolution and eventual elimination of such issue has just started. To the present day, the only binding instrument concerns the gender quotas, which have been introduced only in a limited number of Countries that decided to establish them.

I claim that the phenomenon of the glass ceiling is, to some extent, a form of violence against women, surely not comparable to the violence which is perpetrated at physical aspect, but that somehow contributes to its substratum, considered the fact that it fuels the false conception of the women inferiority compared to men.

CONCLUSIONS

Violence against women is a topic I particularly have at heart and the choice of taking into consideration and analysing such issue in my final dissertation dates back to the beginning of my studies at university. VAW is an extremely wide topic which covers an endless amount of facets, and affect to different extents all women from every part of the world in a countless number of situations. When I first started to do some research to decide which aspect of such problem to analyse and deepen, I realized I was aware only of a small part of what VAW has represented in the past and represent today, within the nowadays society. While investigating and deepening the topic through articles, books, stories and essays I became aware of the magnitude of the problem, but also of the effort that has been carried out aimed at combating VAW and affirming the freedom of women, regardless of the region, time and circumstances. Considered the fact that I am about to approach and enter the labour market, I decided to focus on VAW within the working environment and, more in specific, on the sexual harassment as well as a more silent barrier identified as the glass ceiling phenomenon.

The present work starts by analysing the roots and origins of VAW and finds them rooted deep in the past, when the patriarchy began to be a fundamental feature of society, and describes some of the main ideas according to which the patriarchy has emerged, which range from biological, to cultural, as well as societal reasons. It was only from the end of the Second World War that women, also thanks to the role played by feminist movements, started to be recognized by institutions as a class of society which had to be protected. States and governments, as well as supranational institutions introduced measures aimed at reaching the gender equality and fighting violence against women.

The focus narrows on the VAW perpetrated in the working environment, in specific the sexual harassment and the glass ceiling. While investigating the issues, I was able to find a strict connection between the two issues, namely a cause and effect relationship. As a matter of fact, the glass ceiling is made of the discriminatory behaviours hindering the professional growth of women, among which we find sexual harassment which prevents them from climbing the career ladder.³⁷¹ On the other hand, according to my evaluation, the glass ceiling fuels also the sexual harassment, as the absence of women in the

³⁷¹ See in Chapter II, note 61.

decision-making positions is the tool creating a situation of fellowship among the men which allows the sexual harassment to more easily spread in comparison to an environment where the proportion of men and women is balanced.

In this regard, I analysed first of all, all the shades that are grouped under the idea of “violence at work” and the international organizations taking care of such issues, among all the International Labour Organization and secondly, I focused on the causes of VAW taking place specifically in the working environment. I deliberately investigated on sexual harassment as it is considered the most evident form of violence taking place at the workplace, analysing all the distinctions which classify the issue and highlighting the consequences impacting the victims. As a matter of fact, the impact that an experience of sexual harassment produces on a woman is often undervalued or minimized, despite the fact that consequences affect both the physical and mental health of the subject and it extends for a period whose length varies according to the subject.

On the other hand, I placed much attention and effort investigating on the more latent problems which affect the labour field, namely the horizontal and vertical segregation which, in the former case, confines women into a specific sector of the economic activity, while in the latter case hinders the climb to the high managerial positions.

For what concerns the second type of segregation, the metaphor used concerns the so-called *glass ceiling* effect. I decided to inquire this specific aspect, among all the discriminations women have to face in the working environment, because of the very low spread of an issue that, I have had the possibility to realize, it is serious and widespread. The concept of the *glass ceiling* is quite recent, as it originates in the United States once it was quite clear that women had to face a “transparent barrier that kept them from rising above a certain level in corporations”.³⁷²

In many cases, the fact that women do not hold decision-making positions is thought to be due to a personal choice, in order to dedicate more time to the private life. As a matter of fact, the role of the woman is often associated to the role of mother, which, according to the common thinking, is not associated to work, or at least not to a job within the decision-making positions. However, the glass ceiling demonstrates that women are placed in the position of having difficulties to reach specific kind of jobs for a series of discriminations which concerns different aspects.

³⁷² Chapter II, 5.1, note 206.

The problem became so widespread, that an index has been drafted to reveal which are the best areas within the OECD countries for the women's situation, according to ten different indicators among them the wage gap, the child care costs, the access to higher to higher education, as well as the incidence and effects that the glass ceiling phenomenon is able to trigger. Considered the importance of such barrier at international, European and national level, several measures have been introduced by organizations and States in order to marginalize the issue and try to reach gender equality also within the working environment.

As it was demonstrated, the decompensation has been significantly reduced in the last decades thanks to the qualifications achieved by women in the academic field as well as the available working opportunities. Despite the achievements made by women, the gender gap is still notable, also due to the cultural prejudices which are present in our society concerning the role of women, often pictured as responsible for the family life.

The solutions adopted at international level, in particular as far as the United States are concerned, were the foundation of the Glass Ceiling Commission³⁷³ aimed at identifying the barriers that have blocked the advancement of women, as well as the amending of soft regulations, policies and guidelines to be followed by enterprises to combat the issue.

The solution, which was adopted the most at European and national level, was to introduce the gender-quotas in the corporate boards. It has been noted that the Countries where gender-quotas have been introduced, raised by far the presence of women in the decision-making positions, as in the case of Norway, where the introduction of the quotas has been imposed by the law³⁷⁴ or of Italy, where a temporary normative was implemented.³⁷⁵

Despite the conflicting opinions concerning gender quotas, they have been a powerful tool to allow women to reach decision making positions which were inaccessible until

³⁷³ U.S. Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation's Human Capital*, op. cit.

³⁷⁴ Osborn, A., *Norway sets 40% female quota for boardrooms*, The Guardian, 1st August 2002, Available at <https://www.theguardian.com/society/2002/aug/01/publicsectorcareers.genderissues>

³⁷⁵ Pili E., *Quote in azienda, una legge riuscita*, InGenere, 21st September 2017, Available at <https://www.ingenere.it/articoli/quote-azienda-legge-riuscita>

decades ago, providing evidence of the fact that women are on the same level as men, as far as skills, competences and professional qualifications are concerned.

Gender quotas are measures aimed at encouraging a process which would have struggled to naturally take off, even though the final objective aims at favouring a cultural change which would eventually make them unnecessary.

The introduction of accompanying measures, which favour the gender equality such as the smart working and the parental leave work simultaneously to ensure that the professional life does not hinder the private life, and that the familiar life does not burden on women, but rather becomes a perfectly balanced compromise between the parents.

A lot has been done, but there is still a lot to do to reach gender equality.

We can see the light through the glass. We have already broken it, but it has not fallen yet.

Bibliography

Allen, A. T., *Feminism, Social Science and the Meanings of modernity: the debate on the origin of the Family in Europe and the United States, 1860-1914*, *The American Historical Review* ol. 104, No. 4, 1999, p. 1092.

Alter, S., *Break the Glass Ceiling (or break the law)*, C-suite, 31st January 2019.

Amaratunga, D., Haigh, R., Lee, A., Shanmugam, M., Elvitigala, G., *Construction industry and women: a review of the barriers*, Built Environment Education Conference, University of Salford, 2007.

Anker, R. *Gender and jobs: sex segregation of occupations in the world*, International Labour Office, Geneva, 1998.

Anker, R., Melkas, H., Korten, A., *Gender-based occupational segregation in the 1990's*, International Labour Office, September 2003.

Asmat, R., Mehboob, S., *International Laws and Policies for Addressing Sexual Harassment in the Workplace*, *International Research Journal of Interdisciplinary and Multidisciplinary Studies (IRJIMS)*, Volume-II, Issue-II, 2016, pp. 32-43.

Autor, D. H., *Lecture Note: The economics of Discrimination – Theory*, MIT 14.661, November 24, 2003.

Bachman, E., *A vicious cycle: how the glass ceiling fuels workplace sexual harassment*, Glass ceiling discrimination blog, 17 November 2017, <https://www.glassceilingdiscriminationlawyer.com/vicious-cycle-glass-ceiling-fuels-workplace-sexual-harassment/>

Bachman, E., *How glass ceiling discrimination decelerates the careers of female mutual fund managers*, Glass ceiling discrimination blog, 7 December 2017, <https://www.glassceilingdiscriminationlawyer.com/glass-ceiling-discrimination-decelerates-careers-female-mutual-fund-managers/>

Bamberger, J., *The Myth of Matriarchy: Why Men Rule in Primitive Society*, in: Rosaldo, M. Z., Lamphere, L. (eds.), *Women, Culture and Society*, Stanford, CA: Stanford University Press, 1974, pp. 67-87.

Baritono, R., *Il femminismo Americano degli anni '60. Betty Friedan, Shulamith Firestone, Kate Millett, Robin Morgan, Frances Beal e Gloria Anzaldù*, *Storicamente*, 4, 2008.

Baxter J., Wright E. O., *The glass ceiling hypothesis: a comparative study of the United States, Sweden and Australia*, *Gender & Society*, Vol. 14 No. 2, April 2000, pp. 275-294.

BBC, *100 Women: why I invented the glass ceiling phrase*, BBC News, 13 December 2017, <https://www.bbc.com/news/world-42026266>.

Beechey V., *On patriarchy*, *Feminist Review*, No. 3, 1979, pp. 66-82. Available at <https://www.jstor.org/stable/1394710>.

Bell, M. P., McLaughlin, M. E., Sequeira, J. M., *Discrimination, Harassment, and the Glass Ceiling: Women Executives as Change Agents*, *Journal of Business Ethics* 37, 2002, pp. 65-76.

Berdahl J. L., *The sexual harassment of uppity women*, *Journal of Applied Psychology*, Vol. 92, No. 2, 2007, pp. 425-437.

Bergmann, B. R., *Occupational Segregation, Wages and Profits When Employers Discriminate by Race or Sex*, *Eastern Economic Journal* 1 (2): 103-110, 1974.

Bettio, F., Versshchagina, A., *Gender segregation in the labour market: root causes, implications and policy responses in the EU*, Luxembourg: Publications Office of the European Union, 2009.

Blau F. D., Ferber, M., *Discrimination: empirical evidence from the US*, *American economic review*, Vol. 77, No. 2, 1987, pp. 316-320.

Björqvist, K., Österman, K., Lagerspetz K., *Sex Differences in Covert Aggression among Adults*, *Aggressive Behaviour*, 1994, pp. 27-30.

Bobbitt-Zeher D., *Gender discrimination at work: connecting gender stereotypes, institutional policies and gender composition of workplace*, *Gender & Society*, Vol. 25, No. 6, December 2011, pp. 764-786.

Bodrero, L., *Se la differenza fra uomo e donna è una vacanza a quattro stelle, Un mondo (del lavoro) per uomini*, *Corriere della Sera*, 23rd January 2017. Available at <https://www.corriere.it/>.

Bollinger, L., O'Neill, C., *Women in Media Careers: Success Despite the Odds*, University Press of America, 2008, pp. 9-10.

Bombelli M. C., *Oltre il soffitto di vetro, I numeri non sono neutri: il lavoro e la carriera delle donne*, 2006, 151-158,
siba-ese.unisalento.it/index.php/pariopp/article/download/8073/7316

Bosetti, L., *La corporate governance nell'Unione europea: interventi di armonizzazione e best practices*, Giappichelli Editore, 2017.

Branch, S., Ramsay S., Barker, M., *Causes of upwards bullying: managers' perspectives*, Griffith Business School and Centre for Work, Leisure and Community Research, Griffith University, Australia.

Brodsky, C., *The harassed worker*, Toronto, Canada, Lexington Books, 1976.

Bruno, E., *Donne ancora avanti negli studi ma indietro sul lavoro*, Il Sole 24 ore, 8th March 2018.

Burchell, B., Hardy, V., Rubery, J., Smith M., *A new method to understand occupational gender segregation in European Labour Markets*, European Commission, 2014.

Cansu A., *Career barriers for women executives and the Glass Ceiling Syndrome: the case study comparison between French and Turkish women executives*, 2nd International Conference on Leadership, Technology and Innovation Management, Procedia - Social and Behavioural Sciences 75 (2013), pp. 488 – 497.

Chappell, D., Di Martino, V., *Violence at work*, Third Edition, Geneva, International Labour Office, 2006. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_publ_9221108406_en.pdf

Charlesworth H., Chinkin C., Wright S., *Feminist Approaches to International Law*, *The American Journal of International Law*, Vol. 85, No., 4, October 1991.

Charlesworth, H., *Feminist Methods in International Law*, *The American Journal of International Law*, vol. 93, No. 2, April 1999, pp. 379-394.

Charlesworth, H., *The public/private distinction and the right to development in international Law*, 12 Australian Year Book of International Law 190-204, pp. 1988-1989.

Chinkin, C., *Violence against women: The international legal response*, in *Gender and Development*, Vol. 3, No.2, 1995, p. 23.

Chinkin, C., *CEDAW General Recommendation 35 on violence against women is a significant step forward*, September 2017. Available at <https://blogs.lse.ac.uk/wps/2017/09/06/cedaw-general-recommendation-35-on-violence-against-women-is-a-significant-step-forward/>

Clay, V. L., *African-American Females and the Glass ceiling in the Defense Logistics agency*, 1998. Available at <https://scholarworks.wmich.edu/dissertations/1570>

Cohen, P. N., *The Persistence of Gender segregation at Work*, University of Maryland, College Park, 2013.

Collins H. P., Bilge S., *Intersectionality*, Polity Press, 2016.

Commission of the European Community, *Communication from the commission to the Council and the European Parliament transmitting the European framework agreement on harassment and violence at work*, Brussels, 8th November 2007.

Consiglio dell'Unione Europea, *Segregazione di genere nei settori dell'istruzione e della formazione e nel mercato del lavoro*, 7 December 2017.

Consorzio Interuniversitario AlmaLaurea, *Più brave a scuola e all'università, ma penalizzate sul mercato del lavoro*, 7th March 2018.

Cornileus, T. H., *Are you working in the margins?*, The Social Scholar, September 11th 2016. Available at <https://socialscholar.net/workplace-marginalization/>.

Cortina L. M., Swan S., Fitzgerald L. F., Waldo C., *Sexual harassment and assault. Psychology of Women Quarterly*, 1998, p.421.

Cossmann, B., *Gender Performance, Sexual Subjects and International Law*, 15 Canadian Journal of Law and Jurisprudence 281, 2002.

Council of the European Union, *The Gender Pay Gap in the member States of the European Union: Quantitative and Qualitative Indicators*, Belgian Presidency Report, 2010.

Council of the European Union, *New European Pact for equality between women and men for the period 2011-2010*, Brussels, 7 March 2011.

CRESPI, *Smart Working: opportunità e benefici per persone, aziende e società – Welfare e lavoro agile (Laboratorio n. 1)*, in ADAPT, 2015.

Cruz, A., Klinger S., *Gender-based violence in the world of work: Overview and selected annotated bibliography*, International Labour Organization, p. 10, 2011. Available at http://www.ilo.int/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_155763.pdf

Dansky, B. S., & Kilpatrick, D. G., *Effects of sexual harassment*. In W. O'Donohue (Ed.), *Sexual harassment: Theory, research, and treatment*. Needham Heights, MA, US: Allyn & Bacon, 1997, pp. 152-174.

D'Ascenzo, M., *Consob: le donne nei board rendono le aziende più redditizie*, Il sole 24 ore, 21st September 2018.

D'Ascenzo, M., *Fatti più in là, donne al vertice delle aziende: le quote rosa nei CDA*, Il Sole 24 ore Spa, 2011, pag. 23.

De Vido S., *Donne, Violenza e Diritto Internazionale. La Convenzione di Istanbul del Consiglio d'Europa del 2011*, Mimesis, Milano, 2016.

Di Martino, V., Hoel, H., Cooper, C. L., *Preventing violence and harassment in the workplace*, European Foundation for the Improvement of Living and Working Conditions, 2003.

Di Martino, V., *Relationship between work stress and workplace in the health sector*, Workplace violence in the health sector, Geneva, p. 2, 2003. Available at https://www.who.int/violence_injury_prevention/violence/interpersonal/WVstresspaper.pdf

Duflo, E., *Women's Empowerment and Economic Development*, NBER Working Paper No. 17702 December 2011, <https://www.nber.org/papers/w17702.pdf>

Dugan, B. A., Turner J. L., Tagliarini F. A., Bayless, J. A., Felber H. R., Rigby C. K., Kronheim S., *The Glass Ceiling: Potential Causes and Possible Solutions*, Technical Report 993, December 1993.

Ehrenreich B., *Feminism and International Law: An Opportunity for Transformation*, Yale

Journal of Law & Feminism: Vol. 14: Iss. 2, Article 14, 2002. Available online at <http://digitalcommons.law.yale.edu/yjlf/vol14/iss2/14>.

Einarsen, S., *The nature, causes and consequences of bullying at work: the Norwegian experience*, in Perspectives interdisciplinaires sur le travail et la santé, Vol. 7-3, 2005.

Einarsen, S., Hoel H., Zapf D., Cooper C. L., *The Concept of Bullying and Harassment at Work: The European Tradition*, In S. Einarsen, H. Hoel, D. Zapf, & C. L. Cooper, *Bullying and Harassment in the Workplace: Developments in Theory, Research and Practice*, 2nd Ed., 2011, pp. 3-39.

Emerek, R., *Gender segregation in the labour market: roots, implications and policy responses in Denmark: Report to European Commission*, Directorate-General for Employment, Social Affairs and Equal Opportunities, 2008.

Engels, F., *Origin of the Family, Private Property, and the State*, 1884. The English translation is based upon the text how it appeared in *Marx-Egels Werke*, volume 21, Dietz Verlag, 1962.

Erdreich, B. L., Slavet, B. S., Amador A.C., *Sexual Harassment in the Federal Workplace, Trends, Progress and Continuing Challenges*, A Report by the U.S. Merit System Protection Board, available at <https://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=253661&version=253948>

Eurofound, *Addressing the Gender Pay Gap: Government and Social Partner Actions*, European Foundaton for the Improvement of Living and Working Conditions, 2010.

Eurofund, *Work-life balance and flexible working arrangements in the European Union*, Eurofund, Dublin, 2017.

Eurofund, *Parental and paternity leave – Uptake by fathers*, Publications Office of the EU, Luxembourg, 2019.

European Commission's Expert Group on Gender and employment (EGGE), Bettio F., Veraschchagina A., *Gender segregation in the labour market*, European Commission, 2009, pp. 27-60, <https://publications.europa.eu/it/publication-detail/-/publication/39e67b83-852f-4f1e-b6a0-a8fbb599b256/language-it>.

European Commission, *Sexual Harassment at the workplace in the European Union*, Employment and social affairs, Equality between women and men, 1998.

European Commission, *A Strengthened Commitment to Equality between Women and Men, A Women's Charter*, COM (2010)78, Brussels, 5th March 2010, p. 3.

European Commission, *Progress in gender equality leads to economic growth*, Press release, 16th April 2012.

European Commission, *Sexual harassment in the workplace*, Press Release Database, last updated 27th July 2019.

European Institute for gender equality, *Gender equality Index 2017*, <https://eige.europa.eu>

European Lawyers Foundation, *Manual on the law relating to violence against women*, The Hague, May 2018.

European Parliament, *Equality between men and women in employment and occupation: legal aspects and direct and indirect discrimination*, March 2015. Available at <http://www.europarl.europa.eu>

European Union Agency for Fundamental Rights (FRA), *Violence against women: an EU-wide survey*, 2014. Available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

EUROSTAT, *Gender pay gap statistics*, Statistics Explained, 2017.

Fiordalisi, M., *Digital women, strada (ancora) in salita nelle aziende italiane*, Corcom, 8 March 2017.

Fitzgerald, L. F., Cortina, L. M., *Sexual Harassment in Work Organizations: A View from the Twenty-First Century*, in J. W. White & C. Travis (Eds.), *Handbook on the Psychology of Women*. Washington, DC: American Psychological Association, 2017.

Fitzgerald, L. F., Drasgow, F., Hulin, C., Gelfand, M. J., Magley, V. J., *The antecedents and consequences of sexual harassment in organizations: a test of an integrated model*, *Journal of applied psychology*, 82, 1997, pp. 578-589.

Fitzgerald, L.F., Gelfand, M.J., Drasgow F., *Measuring sexual harassment: theoretical and psychometric advances*, *Basic and Applied Social Psychology*, 1995, pp. 425–445.

Fitzgerald F. L., Shullman S., Bailey N., Richards M., Swecker J., Gold Y., Ormerod M., Weitzman L., *The incidence and dimensions of sexual harassment in Academia and the workplace*, *Journal of Vocational Behavior* 32, 1988, pp. 152-175.

Fonny H. & Zahari I., *Sexual harassment: a predictor to job satisfaction and work stress among women employees*, *International Congress on Interdisciplinary Business and Social Science 2012*, *Procedia - Social and Behavioral Sciences* 65 (2012), pp. 723 – 730.

Fornengo G., Guadagnini M., *Un soffitto di cristallo? Le donne nelle posizioni decisionali in Europa*, Fondazione Adriano Olivetti, 1999.

Fortin N., Gender role attitudes and the labour-market outcomes of women across oecd countries, *Oxford review of economic policy*, vol. 21, no. 3, 2005, 416-438.

Fosuah, J., Agyedu, G. O., Gyamfi, E. O., *Causes and Effects of 'Glass ceiling' for Women in Public Institutions of the Ashanti Region*, Ghana, *The International Journal of Business and Management*, October 2017.

Foubert, P., Timmer, A., *The enforcement of the principle of equal pay for equal work or work of equal value: a legal analysis of the situation in the EU Member States, Iceland, Liechtenstein and Norway*, European network of legal experts in gender equality and non-discrimination, July 2017.

Fox-Genovese, E., *Within the plantation household: black and white women of the Old South*, pp. 49, 1988, pp. 297-299.

Fox V. C., *Historical perspectives on violence against women*, *Journal of international Women's Studies*, 4(1), 2002, pp. 15-34.

Freud, S., *Female sexuality*, 1931, available at http://www.aquestionofexistence.com/Aquestionofexistence/Problems_of_Gender/Entries/2011/8/28_Sigmund_Freud_files/Freud%20Female%20Sexuality.pdf

Giddens, A., Griffiths S., *Sociology*, Cambridge, Polity Press, 2006, p. 470.

Gibson, K., Crowding Hypothesis, *International Encyclopedia of the Social Sciences*, <https://www.encyclopedia.com>.

Glass Ceiling Commission, *Good for business: Making full use of the nation's human capital: The environmental scan*, U. S. Department of Labor, Washington D.C., 1995.

Goldin, C., Rouse, C., *Orchestrating impartiality: the impact of 'blind' auditions on Female Musicians*, *American Economic Review* 90, September 2000, pp. 715-741.

Goodman, J. S., Fields, D. L., Blum, T. C., *Cracks in the Glass Ceiling: in what kinds of organizations do women make it to the top*, *Group and Organization Management*, 2003.

Gregory, R. F., *Unwelcome and unlawful: sexual harassment in the American Workplace*, Cornell University ILR School, January 2005.

Gurmai, Z., *The Istanbul Convention on violence against women: achievements and challenges*, Parliamentary Assembly, 5th June 2019.

Hall, R. J., *Feminist Strategies to End Violence Against Women*, The Oxford Handbook of Transnational Feminist Movements, 2014.

Hakim, C., *Lifestyle Preferences as Determinants of Women's Differentiated labor Market Careers*, Work and occupations, Vol. 29 No. 4, November 2002, pp. 428-459.

Harned, M. S., Fitzgerald, L. F., *Understanding a link between sexual harassment and eating disorder symptoms: a mediational analysis*, in Journal of consulting and clinical psychology, 70(5):1170-81, November 2002.

Haspels, N., Kasim, Z. M., Thomas, C., McCann, D., *Action against Sexual Harassment at work in Asia and the Pacific*, ILO, 2001.

Hymowitz, C., Schelhardt, T.D., *The Glass-ceiling: why women can't be seem to break the invisible barrier that blocks them from top jobs*, The Wall Street Journal, 57, 1986.

Ho, I., Dinh, K. T., Bellefontaine, S. A., Irving, A. L., *Sexual harassment and posttraumatic stress symptoms among Asian and White women*, Journal and aggression, maltreatment and trauma, 21(1), 2012, pp. 95-113.

Hoel, H., Vartia, M., *Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU*, Policy Department for Citizens' Rights and Constitutional Affairs, 2018.

Holland, K.J., Cortina, L. M., *Sexual Harassment: Undermining the Wellbeing of Working Women*, in Connerley, M. L., Wu J editors, Handbook on well-being of working women, 2016, pp. 83–101.

Hunter, T. W., *To 'Joy My Freedom: Southern Black Women's Lives and Labours after the Civil War*, Cambridge: Harvard University Press, 1997.

Hymowitz, C., Schelhardt, T.D., *The Glass-ceiling: why women can't be seem to break the invisible barrier that blocks them from top jobs*, The Wall Street Journal, 57, 1986.

ILO, *Official Bulletin* (Geneva), Vol, LXVIII, Series A, No. 2, 1985, pp. 85-95.

ILO, *Breaking through the glass ceiling: Women in management*, Update 2004.

ILO, *Giving globalization a human face, General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, Report III (Part 1B), 2008.

ILO, *Code of Practice on Workplace Violence in Service Sectors and Measures to Combat this Phenomenon*, OIT, Mevws/2003/11, Geneva, 2011.

ILO, *General survey on the fundamental Conventions concerning rights at work in light of the ILO, Declaration on Social Justice for a Fair Globalisation*, paragraph 789, p. 330, 2008 (Geneva, ILO, 2012).

ILO, *Meetings of Expert on Violence against Women and Men in the World of Work*, Conditions of Work and Equality Department, Geneva, 2016.
Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_522932.pdf

ILO, *Final Report*, Meeting of experts on Violence against Women and Men in the World of Work, Conditions of Work and Equality Department, Geneva, 2016.

ILO, *Report of the Director-General: Fifth Supplementary Report – Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work*, GB.328/INS/17/5, Geneva, 2016.

ILO, *Ending violence and harassment against women and men in the world of work*, Report V (1), International Labour Conference, 107th Session, 2018.

Il Sole 24 Ore, *La Legge 120/2011 Golfo-Mosca sulle “quote rosa”: effetti e conseguenze*, Diritto24, 7th March 2012.

Il Sole 24 Ore, *Le modifiche al “Codice delle Pari Opportunità” (D.lgs. 198/2006) contenute nella Legge di Bilancio*, Diritto 24, 11th January 2018.

International Monetary Fund, *Unlocking Female Employment Potential in Europe – Drivers and Benefits*, 2016.

Istat, *I differenziali retributivi nel settore privato, anno 2014*, 2016.

Jackson, J. F. L., O’ Callaghan, E. M., Leon, R. A., *Measuring Glass Ceiling Effects in Higher Education: Opportunities and Challenges*, New Directions for Institutional Research, no. 159, August 2014.

Jackson F. L. J., O’Callaghan E., *What Do We Know About Glass Ceiling Effects? A Taxonomy and Critical Review to Inform Higher Education Research*, Springer Science + Business Media, LLC 2009.

Jarmon, L. J., *Cracking the glass ceiling: a phenomenological a study of women administrators in higher education*, Iowa State University, 2014.

Jolls, C., *Is there a Glass Ceiling?*, Faculty Scholarship Series, Paper 4726, 2002
http://digitalcommons.law.yale.edu/fss_papers/4726

Johnson, C., Long, J., Faught, S., *The Need to Practice What We Teach: The Sticky Floor Effect in Colleges of Business in Southern U.S. Universities*, Journal of Academic Administration in Higher Education, Vol. 10, issue 1, Spring 2014.

Johnston, William, B., Packer, Arnold, H, *Workforce 2000: Work and Workers for the twenty-first Century*, Hudson Institute, 1987.

Jourová V., Istanbul convention: combatting violence against women, European Commission, March 2016,
https://ec.europa.eu/info/sites/info/files/factsheet_istanbul_convention_web_en.pdf

Kanter, R. B., *Men and Women of the corporation*, New York: Basic Books, 1977.

Khaled, S., *Breaking the glass ceiling*, Dhaka Tribune, 13 March 2019,
<https://www.dhakatribune.com/opinion/2019/03/13/breaking-the-glass-ceiling-2>

Kilpatrick, D. G., *What is violence against women? Defining and measuring the problem*, Journal of interpersonal violence, Sage Publications, Vol. 19 No. 11, November 2004, pp. 1209-1234.

Kimmel, M., *Masculinity as homophobia: fear, shame and silence in the construction of gender identity*, in P. Murphy (ed.), *Feminism and masculinities*, Oxford University Press, 2004, pp. 182-199.

Kreimer, M., *Labour market segregation and the Gender-based division of labour*, European Journal of Women's Studies, 2004, pp. 223-245.

Lacqua O., Lombardo M., *Per i padri il periodo di "licenza" è più lungo*, Il Sole 24 Ore, 28th February 2019.

Landau, E. C., Beigbeder, Y., *From Ilo Standards to EU Law: the case of equality between men and women at work*, Martinus Nijhoff Publishers, 2008.

Lee, J., Ledbetter, A. D., Paris, R., *California mandates female board directors for publicly held companies*, 1 October 2018.

Lerner G., *The creation of Patriarchy*, Oxford University Press: New York, 1989.

Lévi-Strauss, C., *The Elementary Structures of Kinship*, Boston, 1969, p. 481.

Lewis, H. B., *Anatomy is destiny*, in: Freud and Modern Psychology. Emotions, Personality, and Psychotherapy. Springer, 1983, pp. 94-117.

Lim, S., Cortina, L. S., *Interpersonal mistreatment in the workplace: the interface and impact of general incivility and sexual harassment*, in *Journal of applied psychology*, vol. 90, No. 3, 2005, pp. 483-496.

Lopez, J. A., *Workplace: Study Says Women Face Glass Walls as Well as Ceilings*, *Wall St. Journal*, March 3, 1992.

McCann, D., *Sexual Harassment at work: national and international responses*, Conditions of Work and Employment Programme, International Labour Office, Geneva, 2005.

MacKinnon, C.A., *Sexual harassment of working women: A case of sex discrimination*, New Haven, CT: Yale University Press, 1979.

MacKinnon, C. A., *Where #MeToo came from, and where it's going*, *The Atlantic*, March 24, 2019, Available at <https://www.theatlantic.com/ideas/archive/2019/03/catharine-mackinnon-what-metoo-has-changed/585313/>

Matland, R. E., *The Norwegian Experience of Gender Quotas*, Budapest, 22-23 October 2004.

Matulewicz, K., *Law and the Construction of Institutionalized Sexual Harassment in Restaurants*, *Canadian Journal of Law and Society*, Cambridge University Press, Volume 30, Number 3, 2015, pp. 401-419.

McGrew, W., *Gender segregation at work: "separate but equal" or "inefficient and unfair"*, Washington Center for Equitable Growth, August 18, 2016.

McLaughlin, H., Uggen, C., Blackstone, A., *Sexual Harassment, Workplace Authority, and the Paradox of Power*, *American Sociological Review* 77(4), 2012, pp. 625–647.

McPhail, B. A., Busch N. B., Kulkarni S., Rice G., *An Integrative Feminist Model: The Evolving Perspective on Intimate Partner Violence*, *Violence against women*, 2007.

Microsoft News Center, *Perchè le ragazze non studiano le materie STEM? E cosa si può fare? I dati della ricerca Microsoft effettuata in 12 Paesi europei su 11.500 ragazze*, 14 March 2017, available at <https://news.microsoft.com/it-it>.

MIUR, *Le carriere femminili nel percorso universitario*, 2016, available at http://ustat.miur.it/media/1091/notiziario_1_2016.pdf

Morgan, M. S., *Glass Ceilings and Sticky Floors: drawing new ontologies*, *London School of economics and political science*, Working Paper No. 228, December 2015.

Morrison A. M., White, R. P., Van Velsor, E., The Center for Creative Leadership, *Breaking the Glass Ceiling: Can Women Reach the Top of America's Largest Corporations?*, Addison-Wesley Publishing Company, 1994.

Mosca, A., *Proroga Golfo-Mosca, la parità di genere è una questione di crescita economica*, Alley Oop, 11th January 2019.

Murgia, A., Poggio B., *Sotto il tetto di cristallo: scenari, cause e strategie per infrangerlo*, Dialoghi Internazionali, no. 15, 2011, pp. 75-81.

Murrell, A., *The New Wave Of Women Leaders: Breaking The Glass Ceiling Or Facing The Glass Cliff?*, Forbes, 3 December 2018, <https://www.forbes.com/sites/audreymurrell/2018/12/03/the-new-wave-of-women-leaders-breaking-the-glass-ceiling-or-facing-the-glass-cliff/#1008b49131dd>.

National Academics of Sciences, Engineering and Medicine, *Sexual harassment of Women: Climate, Culture and Consequences in Academic Sciences, Engineering and Medicine*, Washington, DC: The National Academies Press, 2018.

Ness, K., Constructing masculinity in the building trades: most jobs in the construction industry can be done by women, in *Gender, Work & Organization*, vol. 19, 2012, pp. 654-676.

Nicholson, L., *The Personal is Political: An Analysis in Retrospect*, *Social Theory and Practice*, 7(1), 1981, pp. 85-98. Available at <http://www.jstor.org/stable/23560229>.

Obamiro, J. K., Obasan, K., *Glass Ceiling and Women Career Advancement: Evidence from Nigerian Construction Industry*, *Iranian Journal of Management Studies (IJMS)*, vol. 6, No. 1, January 2013, pp. 79-99.

O'Donovan K., *Sexual Divisions in Law*, London: Weidenfield and Nicholson, 1985.

OECD, *Gender imbalances in the teaching profession*, *Education Indicators, in Focus*, n. 49, OECD Publishing, Paris, 2017. www.oecd-library.org

Oliva, D., *The glass-ceiling index*, *Data in the news*, 28th March 2016. Available at <https://teachingwithdata.blogspot.com/2016/03/the-glass-ceiling-index.html>

Olsen, F., *Constitutional Law: Feminist Critique of the Public/Private Distinction*, *Constitutional Commentary*. 337, 1993. Available at <https://scholarship.law.umn.edu/concomm/337>

Olsen, F., *What is Feminist Legal Theory and Why Should Gender Studies Care about it?*, 1998, pp. 23-25, available at http://www.igs.ocha.ac.jp/igs/IGS_publication/journal/01/01_03.pdf

O'Moore, A. M., Seigne, E., McGuire, L., Smith, M., *Victims of bullying at work in Ireland*, *Journal of Occupational Health and Safety*, Australia NZ, 1998, pp. 569-574.

Oosterveld, V., *The definition of "Gender" in the Rome Statute of the International Criminal Court: A Step Forward or Back for International Criminal Justice?*, *Gender and the International Criminal Court*, *Harvard Human Rights Journal*, Vol. 18, 2005, pp. 55-84.

Osborn, A., *Norway sets 40% female quota for boardrooms*, *The Guardian*, 1st August 2002, Available at <https://www.theguardian.com/society/2002/aug/01/publicsectorcareers.genderissues>

Otto, D., *International Human Rights Law: Towards Rethinking Sex/Gender Dualism and Asymmetry*, Forthcoming in *A Research Companion to Feminist Legal Theory*, M. Davies and V. Munro (eds.), Ashgate 2013, U of Melbourne Legal Studies Research Paper No. 620, 20 November 2012.

Panigada, V., *Donne: soltanto 1 su 4 siede nei cda delle società quotate in Europa, ma l'Italia fa meglio*, *Finanza.com*, 7th March 2019.

Panzeri P., Viale V., *Europa e conciliazione. Una proposta di sistema per rilanciare l'occupazione femminile*, in "Osservatorio Isfol", n. 1-2, 2016, pp. 101-117.

Parker K., *Women in majority-male workplaces report higher rates of gender discrimination*, *Pew Research Center*, March 7th, 2018, available at <https://www.pewresearch.org/fact-tank/2018/03/07/women-in-majority-male-workplaces-report-higher-rates-of-gender-discrimination/>

Pilati, P., *Le aziende che vanno meglio? Hanno le donne al vertice. Lo dice il rapporto del FMI*, *L'Espresso*, 7th March 2016.

Pili E., *Quote in azienda, una legge riuscita*, *InGenere*, 21st September 2017, Available at <https://www.ingenere.it/articoli/quote-azienda-legge-riuscita>

Piotrkowski, C. S., *Gender harassment, job satisfaction, and distress among employed white and minority women*, *Journal of Occupational Health Psychology*, January 1998, pp. 33-43.

Polachek, S. W., *How the Human Capital Model Explains Why the Gender Wage Gap Narrowed*, in Discussion Paper, n. 1102, April 2004.

Ponmalar N. A., Sabitha M., *The Issue of Sexual Harassment Legislation in a Mainstream Newspaper in Malaysia*, The International Conference on Communication and Media 2014, Procedia - Social and Behavioral Sciences 155 (2014), pp. 368 – 373.

Pryor, J. B., LaVite, C., M., Stoller, L. M., *A social psychological analysis of sexual harassment: the person/situation interaction*, Journal of Vocational Behaviour. 41, 1993, pp. 63-83.

Profeta, P., *La rivoluzione incompiuta delle donne ai vertici aziendali*, Il sole 24 ore, 20th September 2018.

Ray L., *Violence and society*, Sage Publications, 2011, p.14.

Rasmussen, C. A., Hogh, A., Andersen L. P., *Threats and Physical Violence in the Workplace: a Comparative Study of Four Areas of Human Service Work*, in Journal of Interpersonal Violence, Vol. 28, 2013, pp. 2749-2769.

Redazione BitMAT, *Donne e digital transformation: binomio vincente*, in BitMAT, 9.03.2017, in www.bitmat.it.

Regione Veneto, “Heart” of the board – Le donne nel cuore del CDA. Available at https://www.regione.veneto.it/c/document_library/get_file?uuid=a21a8f98-72a8-480e-b6bc-dec9714488a7&groupId=2521678

Rogan, F., Budgeon, S., *The personal is Political: assessing feminist fundamentals in the digital age*, Department of social policy, sociology and criminology, University of Birmingham, 2018.

Roman, M., *Relationships Between Women's Glass Ceiling Beliefs, Career Advancement Satisfaction, and Quit Intention*, Walden University, 2017.

Rome Statute of the International Criminal Court, July 17. 1998, 37 I.L.M. 999 (1998).

Rospenda, K. M., Fujishiro, K., Shannon, C. A., Richman, J. A., *Workplace harassment, stress, and drinking behavior over time: gender differences in a national sample*, in Addictive Behaviors 33(7), August 2008, pp. 964-967.

Rosti, L., *La segregazione occupazionale in Italia*, in Simonazzi, A., (a cura di), Questioni di genere, questioni di politica. Trasformazioni economiche e sociali in una prospettiva di genere, Carocci, Milano, 2006.

Rowlands, J., *Questioning empowerment: working with women in Honduras*, Oxfam, 1997, pp. 110-141.

Rubenstein, M., *Dealing with sexual harassment at work: the experience of industrialised countries*, in *Conditions of Work Digest: Combating sexual harassment at work*, vol. 11, No. 1, 1992, p. 11.

Rubenstein, M., *The dignity of women at work: a report on the problem of sexual harassment in the Member States of the European Communities*, Office for Official Publications of the European Communities, 1988.

Rusconi, G., *Lo smart working in Italia non cresce perché manca la cultura manageriale*, Il Sole 24 Ore, 9 November 2018.

Russo, F. N., Pirlott, A., *Gender-based Violence – Concepts, Methods, and Findings*, New York Academy of Sciences, 1087: 182, 2006.

Scambor, E., Wojnicka, K., Bergmann, N., *The role of men in Gender Equality – European strategies and insights*, Study on the role of men in gender equality, December 2012.

Schneider, K. T., Swan, S., Fitzgerald, L. F., *Job-related and psychological effects of sexual harassment in the workplace: empirical evidence from two organizations*, Journal of applied psychology, 82, 1997, pp. 401-415.

Settingington, S., Skaggs Wells E., *Sexual Harassment in the Workplace: New Awareness and Strategies to Address an Old Problem*, Labor and Employment Blog Post, May 11, 2018, Available at <https://www.varnumlaw.com/pp/publication-sexual-harassment-in-the-workplace-new-awareness-and-strategies-to-address-an-old-problem.pdf?10774>

Serafin, S., Brollo, M. (a cura di), *Donne, politica e istituzioni: varcare la soglia?*, Forum, Udine, 2012.

Shadovitz, D., *Barriers to Advancement*, Human Resource Executive Online, 9th February 2011.

Shallcross, L., *The pecking order: workplace mobbing in the public sector*, Griffith University, Brisbane, 2003.

Shively, T. M., *Sexual harassment in the European Union: King Rex Meets Potiphar's Wife*, 55 La. L. Rev., 1995.

Shreve, A., *Women together, Women Alone: The Legacy of the Consciousness-Raising Movement*, Viking, 1989, pp. 14-15.

Siegel, R. B., *A Short History of Sexual Harassment, Directions in Sexual Harassment Law*, Catharine A. MacKinnon and Reva B. Siegel eds. Forthcoming Yale Press 2003.

Smith, D., *Women, the family and the productive process*. In Grayson, J. P., *Introduction to Sociology*, Gage, Toronto, pp. 312-344.

Storvik, A. E., Schøne, *In search of the glass ceiling: gender and recruitment to management in Norway's state bureaucracy*, *The British Journal of Sociology*, Volume 59, Issue 4, 2009.

Sultana, A., *Patriarchy and Women's subordination: a theoretical analysis*, *The Arts Faculty Journal*, July 2010-June 2011.

Taub N., Schneider E. M., *Perspectives on Women's subordination and the Role of Law*, in David Kairys, ed., *The politics of Law: a progressive critique*, Pantheon 2nd ed., 1990, pp. 151-157.

The Economist, *Daily chart: the glass-ceiling index*, March 7th 2013, Available at <https://www.economist.com/graphic-detail/2013/03/07/the-glass-ceiling-index>.

The Economist, *The glass-ceiling Index, Daily Chart*, March 5th 2015, available at <https://www.economist.com/graphic-detail/2015/03/05/the-glass-ceiling-index>

The Economist, *Daily chart: the glass-ceiling index*, February 15th 2018, <https://www.economist.com/graphic-detail/2018/02/15/the-glass-ceiling-index>.

The Economist, *Ten years on from Norway's quota for women on corporate boards, The old-girls' network*, 17th February 2018.

The Economist, *The glass-ceiling Index, Daily Chart*, March 8th 2019, available at <https://www.economist.com/graphic-detail/2019/03/08/the-glass-ceiling-index>

Tjaden, P., Thoenned, N., *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Against Women Survey*, NIJ Research Report, November 2000.

Tyson, C., *Title VII of the Civil Rights Act of 1964*, *Journal Articles* 188, 2005.

UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 25th September 2015.

UN, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995, available at: <https://www.refworld.org/docid/3dde04324.html>.

United Nations Commission on Human Rights: *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy*, 53rd session, 12 February 1997, Section V, doc. No. E/CN.4/1997/47.

UN, *Global Leaders' Meeting on a Gender Equality and Women's Empowerment: A Commitment to Action*, 27th September 2015, New York, 2015.

UN OHCHR, *Gender stereotypes and Stereotyping and women's rights*, September 2014, available at https://www.ohchr.org/documents/issues/women/wrgs/onepaggers/gender_stereotyping.pdf

United Nations, *Report of the Fourth World Conference on Women: Beijing, 4-15 September 1995*, New York.

Università Cattolica del Sacro Cuore, *La parità e il soffitto di cristallo*, Cattolicanews, 19 October 2016, <https://www.cattolicanews.it/la-parita-e-il-soffitto-di-cristallo>.

U.S. Department of Labor, *A Report on the Glass Ceiling Initiative*, Washington DC: US Government Printing Office, 1991.

U.S. Department of Labor, *A Solid Investment: Making Full Use of the Nation's Human Capital* (Final Report of the Commission), Washington, DC: U.S. Government Printing Office, 1995.

U.S. Equal Employment Opportunity Commission, *Facts about sexual harassment*, <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm>

U.S. Glass Ceiling Commission, *Good for Business: Making Full Use of the Nation's Human Capital*, Washington DC: US Government Printing Office, 1995.

Valore D., *Molestie sessuali nei luoghi di lavoro: consapevolezza e prevenzione*, 2019. Available at https://valored.it/wp-content/uploads/2019/03/Valore-D_molestie-sessuali_web.pdf

Vigeo Eiris, *Gender diversity in corporate senior management: glass ceiling yet to be cracked*, March 2018.

Walby S., *Theorizing patriarchy*, Basil Blackwell, 1990.

Walby S., *Violence and society: Introduction to an emerging field of sociology*, in *Current Sociology*, Vol. 61, Issue 2, pp.95-111, First Published 25 September 2012. Available online at <https://doi.org/10.1177/0011392112456478>.

Williams, C. L., *The Glass Escalator: Hidden Advantages for Men in the "Female" Professions*, *Social Problems*, Vol. 39, No. 3, August 1992, pp. 253-267.

Willness, C. R., Steel, P., Lee, K., *A meta-analysis of the antecedents and consequences of workplace sexual harassment*, *Personnel Psychology*, 60(1), 2007, pp. 127-162.

Wirth, L., *Breaking through the glass ceiling: Women in management*, International Labour Office, Geneva, 2001.

Wynne, R., Clarkin, N., Cox, T., and Griffiths, A., 1997, *Guidance on the prevention of violence at work*, Brussels, European Commission, DG-V, Ref. CE/VI-4/97.

Wood L., *The Glass Ceiling is Not Broken: Gender Equity Issues among Faculty in Higher Education*, College of Educational Studies Dissertations, 2016.

World Health Organization, *Putting Women first: ethical and safety recommendations for research on domestic violence against women*, 2001.

World Health Organization (WHO), *Promoting gender equality to prevent violence against women*, in *Violence Prevention: The Evidence*, Geneva, 2009.

World Health Organization, *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council, 2013, p.2.

World Health Organization, *Violence against women*, Factsheet 27th November 2017.

Worell, J., *Encyclopedia of Women and Gender: sex similarities and differences and the impact of society on gender*, Academic Press, 2002.

Wright, E. O., Baxter J., Birkelund G. E., *The gender gap in workplace authority: a cross-national national study*, *American Sociological Review*, 1995, pp. 407-435.

Wynne R., Clarkin, N., Cox, T., Griffiths, A., *Guidance on the prevention of violence at work*, Brussels, European Commission, DG-V, Ref. CE/VI-4/97.

Youm, Y., Yamaguchi, K., *Gender Gaps in Japan and Korea: A comparative study on the rates of promotions to managing positions*, RIETI Discussion Paper Series, 2016.

Zinsser, J. P., *The United Nations Decade for Women: a Quiet revolution*, *The history teacher*, Vol. 24, No. 1 (Nov., 1990), pp. 19-29.

Zuckerman, J., *Does glass ceiling discrimination fuel sexual harassment?*, *Zuckerman Law*, 6th May 2018. Available at <https://www.zuckermanlaw.com>

INTERNATIONAL LAW TREATIES AND JURISPRUDENCE (chronological order)

Declaration of Philadelphia concerning the aims and purposes of the International Labour Organization, II(a), ILO, 1944.

Charter of United Nations, San Francisco, 1945.

Convention on the Elimination of all Forms of Discrimination Against Women, (CEDAW), 1979.

Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against

Women (Convention of Belém do Pará), 1994.

UNITED NATIONS

A/RES/48/104, *Declaration on the Elimination of Violence against Women*, 20 December 1993.

A/RES/34/180, *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), 18 December 1979.

A/RES/48/104, *Declaration on the Elimination of Violence against Women*, (DEVAW), 1993.

A/RES/70/1, *Transforming our world: the 2030 Agenda for sustainable development*, 21 October 2015.

EDAW Committee, *General Recommendation no.19*, (GR 19), A/47/38, 1992.

A/CONF.177/20/Rev.1, *Fourth World Conference on Women*, (Beijing Conference), 1995.

E/CN.4/1997/47, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy*, 53rd session, 1997.

A/CONF.183/9, *Rome Statute of the International Criminal Court*, 1998.

WHO/FCH/GWH/01.1, World Health Organization, *Putting Women first: ethical and safety recommendations for research on domestic violence against women*, 2001.

CEDAW/C/GC/28, *General Recommendation No. 28*, on the Core Obligations of States Parties, under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010.

CEDAW/C/GC/35, EDAW Committee, *General Recommendation No. 35*, (GR 35), 2017.

UN ACTS AND DOCUMENTS

Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, Beijing, 4-15 September 1995, U.N. Doc. A/CONF.177/20/REV.1, UN Sales No. 96.IV.13 (1996).

COUNCIL OF EUROPE

Council of Europe Convention on preventing and combating violence against women and domestic violence, (Istanbul Convention), 2011.

Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe Treaty Series no. 210, Istanbul, 2011.

Recommendation CM/Rec (2019)1 Preventing and combating sexism – Recommendation CM/Rec (2019)1, 27th March 2019.

INTERNATIONAL LABOUR ORGANIZATION

C111 Discrimination (Employment and Occupation) Convention, 1958.

C169 Indigenous and Tribal People Convention, ILO, 1989.

C190 Violence and harassment Convention, ILO, Geneva, 2019.

Official Bulletin (Geneva), Vol. LXVIII, Series A, No. 2, 1985.

Official Bulletin (Geneva), Vol. LXXIV, Series A, No. 2, 1991.

Code of Practice on Workplace Violence in Service Sectors and Measures to Combat this Phenomenon, OIT, Mevws/2003/11, Geneva, 2011.

Final Report, Meetings of experts on Violence against Women and Men in the World of Work, Conditions of Work and Equality Department, Geneva, 2016.

328th Session Report of the Director-General: Fifth Supplementary Report - outcome of the meeting of experts on violence against Women and Men in the World of Work, GB.328/INS/17/5, Geneva, 2016.

EU DOCUMENTS

C176/73 Resolution of 11 June 1986 on violence against women, Doc. A/2-44/86, 1986.
92/131/EEC: Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work, 1991.

ITALIAN REGULATIONS

Law 12th July 2011, No. 120, Law Golfo-Mosca. Official Journal No. 174 of 28th July 2011.

Presidential Decree n. 251 of 30 November 2012, Equal access to the administrative and supervisory bodies of companies established in Italy, 2012.

RINGRAZIAMENTI

Oggi si chiude per me un percorso durato cinque anni che è stato incredibilmente emozionante, impegnativo e al tempo stesso gratificante.

Ho assaporato ogni istante del mio percorso universitario qui a Venezia, che ho visto in tutte le sue sfaccettature e che avrà sempre un posto speciale nel mio cuore.

Sono estremamente grata per aver avuto la possibilità di intraprendere e concludere un percorso formativo che mi ha dato la possibilità di crescere tanto, soprattutto dal punto di vista personale, e sono grata per aver avuto al mio fianco persone speciali con cui dividerlo.

Ci tengo a ringraziare innanzitutto la Professoressa De Vido, che ammiro particolarmente per l'entusiasmo, la delicatezza e costante disponibilità, per avermi accompagnato in questo percorso aiutandomi a trattare un tema che sta a cuore ad entrambe. Ringrazio la Professoressa Brino per la sua immediata collaborazione e per essere parte di un percorso che ho intrapreso due anni fa.

Ringrazio la mia famiglia, perno della mia vita. I miei genitori, a cui devo tutto, per avermi dato la possibilità di spiccare il volo con la certezza, al contempo, di averli sempre al mio fianco. E grazie a mio fratello e mia sorella, che sono i miei regali più belli, a cui voglio un bene che va oltre l'immaginabile. Niente riuscirà mai a cambiare questo.

Grazie a tutte le persone che stanno gioendo con me per questo traguardo, ma soprattutto grazie a chi sa cosa c'è dietro, che conosce perfettamente i sacrifici, l'impegno e la tenacia che si nascondono dietro il risultato finale.

Grazie a Giuliana, che non ha mai smesso di essere presente e sono sicura mai lo farà.

Grazie a Sofia, che era solo da incontrare. Questo ultimo anno non sarebbe stato lo stesso senza di te e la tua incredibile capacità di capire anche quando faccio fatica a capirmi io.

Stiamo pensando alla stessa cosa io e te nello stesso momento, lo senti?

Grazie a Milena, Krimi, che nonostante la distanza riesce ad essere con me sempre e grazie alla quale ora so riassumere storie infinite in tre minuti di audio.

Grazie a Carlotta, motivatrice ufficiale della mia vita senza la quale questa tesi non si sarebbe mai conclusa in tempo e senza la quale non sarei a dieci giorni dalla realizzazione di un sogno.

Grazie ad Adriana, che è il mio pezzetto di Erasmus, la mia cicci, la mia Adriana Lima del cuore.

Grazie a Foska, compagna di avventure e soprattutto memorabili disavventure e alla sua risata contagiosa. Non vedo l'ora di scoprire where life will take us. Together.

Grazie a Riccardo, Pier, Alice, Lisandra, Elisa, Mame, Ilaria, Alessia, Leonardo e le F. dell'Uni, che da più o meno tempo sono una parte fondamentale della mia vita.

Grazie ad Ilaria per essere stata la mia consulente personale, insieme alla Mary.

Un grazie alla Maestra Laura, che mi appoggia, consiglia e sostiene durante il mio percorso di vita a partire da molto tempo fa e grazie a Franchina, che è come una seconda mamma per me.

Grazie alla famiglia Garbelotto per avermi dato, nell'ultimo anno e mezzo, la possibilità di crescere al loro fianco sia a livello professionale che personale. In particolare grazie alle mie colleghe del cuore, Daniela e Manuela, per essere molto più che colleghe, e ai miei uomini, Marco e Luca. Grazie per le risate e i momenti leggeri che porterò sempre con me. Grazie a Benedetta, per i preziosissimi consigli, e Stefano, Norma, Cristina e Silvia per la pazienza e la collaborazione. Love you all!

Questo è un traguardo che ho desiderato tanto, e che per me ha un enorme valore. Una fine, che è in realtà solamente un altro inizio.

Ed io non vedo l'ora.

This is the beginning of everything you want.