

Title:	Domestic and Sexual Violence and Abuse in the Workplace Policy		
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1.0 INTRODUCTION / PURPOSE OF POLICY

1.1 Background

This is a locally revised version of the Regional Domestic Violence and Abuse Policy. It has been revised based on the guidance on Developing a Workplace Policy on Domestic and Sexual Violence and Abuse, which has been produced by the Department of Health and Department of Justice in partnership with key stakeholders including the Trust, Trade Unions, Women's Aid Federation NI, Victim Support, Nexus and Northern Ireland Congress for Racial Equality. The scope of the policy has been broadened to include sexual abuse and violence. The policy outlines the Trust's commitment to providing a harmonious and supportive working environment for staff affected by or who are at risk of, domestic and sexual violence and/or abuse. The policy also seeks to raise awareness of the serious impact that domestic and sexual abuse/violence has on victims and their families. It outlines how domestic and sexual violence and abuse can impact significantly on the ability of individuals to function effectively both within and outside the workplace. Domestic violence / abuse holds no bounds and can affect anyone regardless of seniority, gender, sexual orientation, age, race, ethnicity or disability.

The purpose of this policy is to support members of staff who experience domestic violence and abuse. This policy is based on the guidelines prepared by the DOH and DOJ guidance for employers on developing a Workplace Policy Domestic and Sexual Violence and Abuse and has also drawn on policies developed by employers and trade unions. It should also be read in the context of the Zero Tolerance Policy. This policy applies to all staff.

1.2 Purpose

To provide support and information to staff affected by domestic and sexual violence and abuse. To encourage a climate of honesty and openness in which it is safe and acceptable for any members of staff to raise concerns internally, and whose genuine concerns have been raised in good faith. To raise awareness of the serious impact that domestic and sexual violence and abuse can have on the individual and their family. Staff in accordance with this policy will be protected against victimisation or any other detrimental treatment related to their act of disclosure.

This policy is based on the guidelines prepared by the DOH and DOJ Guidance for Employers on Developing a Workplace Policy Domestic and Sexual Violence and Abuse and has also drawn on policies developed by Employers and Trade Unions. It should also be read in the context of the Zero Tolerance Policy.

2.0 SCOPE OF THE POLICY

This policy applies to all Belfast Trust employees

ROLES/RESPONSIBILITIES

The roles and responsibilities of Employees, Managers, Human Resources and Support officers are clearly outlined. (Contact details for support officers can be found on the hub)

Objectives

- To provide support and information about Domestic and Sexual Violence or Abuse for Trust staff and managers
- To offer practical and other support to employees in addressing problems arising from domestic and sexual violence/abuse sympathetically and in confidence; to maximise the safety of employees, and to deal effectively with perpetrators of domestic and/or sexual violence/abuse among the workforce, as appropriate and to raise awareness of the serious impact that domestic and sexual violence and abuse can have on an individual.
- The aim of the policy is to exercise social responsibility by re-affirming an individual's human right to live free from violence, abuse and threats and to provide a safe and supportive environment for all employees who experience domestic and/or sexual violence/abuse.

3.0 KEY POLICY PRINCIPLES

Definitions

The NI Government's Stopping Domestic and Sexual Violence and Abuse Strategy defines domestic violence and abuse as:

"threatening controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member"

Key Policy Statement

Domestic and sexual violence and abuse is regarded by the Trust and Trade Unions as a serious and widespread problem and has a significant impact upon victims. It is socially harmful and disruptive; it can impinge on an individual's work performance; it can impact on the safety and welfare of staff, and can ultimately affect service provision. The Trust and Trade Unions are committed not only to responding sensitively and effectively to those needing help and support, but also to co-operating with criminal justice bodies in taking action against the perpetrators of domestic violence/abuse.

The Trust and Trade Unions will take all reasonable steps to deal with domestic and sexual violence/abuse through the creation of a safe and supportive environment within the workplace. The Trust and Trade Unions will provide information to all staff employees about domestic and sexual violence/abuse and about the support available to address it. The Trust will treat the matter sympathetically, sensitively and confidentially, and undertake not to discriminate against those who have been

subjected to domestic and sexual violence/abuse in terms of their existing employment or career development.

Domestic and sexual violence/abuse occurs regardless of social class, gender, sexual orientation, ethnicity, disability, religion or age. Although anyone can be affected by domestic violence/abuse, in the majority of cases of domestic violence/abuse a woman is the victim and the man is the perpetrator. It is estimated that one in four women and one in 9 men will experience domestic violence/abuse in the course of their lifetime. One in 4 people can experience sexual violence in their lifetime. It is recognised that men can also be victims of domestic and sexual violence/abuse, and that both men and women can suffer abuse within same-sex relationships and from other family members as well as from an intimate partner. The procedures that are set out here are thus broadly applicable to both men and women, regardless of the source of domestic abuse. It should also be noted that it is not necessary to be living in the same house as a perpetrator to be a victim of domestic violence/abuse: non-co-habiting partners and, in particular, ex-partners can be victims or perpetrators.

It is known that women are at greatest risk of homicide at the point of separation from a violent partner and when she is pregnant. Therefore a woman experiencing domestic violence/abuse may be particularly vulnerable while at work for example, if she leaves a violent partner, the workplace is one place where she can be located and harmed. Clearly, there may be an increased risk if the perpetrator of violence/abuse works within the same workplace as the victim. Although no comparable UK or Irish research yet exists, research from the USA found that 75% of victims of domestic violence/abuse were targeted at work, for example from harassing telephone calls to physical assaults.

The Department of Health Strategy document *Developing a Workplace Policy on Domestic and Sexual Violence and Abuse: Guidance for Employers* provides advice on how employers across the public, private, voluntary and community sectors, can develop increased awareness and more effective responses to domestic and sexual violence and abuse for the benefit of all staff. The Trust and Trade Unions endorse the strategy and its action plan. It recognises that domestic violence/abuse is not purely a private matter between two individuals but that it impinges on the wider society including the workplace. The Trust and Trade Unions are aware that domestic and sexual violence/abuse can result in deterioration in performance, increased absenteeism or poor timekeeping, and can threaten career development and job security.

4.0 Domestic Violence and Abuse

Domestic violence and abuse is generally recognised as a pattern of behaviour, that is characterised by the exercise of coercive control and the misuse of power by one person over another within an intimate or family relationship. It is a fundamental breach of an individual's human rights. It is usually frequent and persistent and is used to harm, 'punish' or frighten the individual.

• Statistical incidence of domestic abuse/violence

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- PSNI recorded 29,166 domestic abuse incidents in 2016/17
- 14% of all police recorded crime in NI in 2016/17 had a domestic abuse motivation
- 1 in 4 women and 1 in 9 men will experience domestic violence
- On average, there are 5 domestic homicides in NI each year
- Domestic violence often starts or escalates during pregnancy

While often associated with being in a marriage or in an intimate partnership, domestic violence and abuse can also happen between sons & mothers, fathers and sons, brothers and sisters, family members and grandparents and same sex or teenage relationships. It can also include violence inflicted on, or witnessed by children and young people, which can have a long-term life changing impact.

It is not limited to physical and sexual violence. There is also, in many cases, emotional abuse which can include the undermining of self-confidence; controlling behaviour such as isolation from friends, family and support networks; financial abuse by controlling access to money, personal items, transportation and the telephone; threats; and stalking. (physical and digital); Virtual and online abuse; and abuse of pets.

A Definition of Domestic Violence/Abuse

The NI Government's Stopping Domestic and Sexual Violence and Abuse Strategy defines domestic violence and abuse as:

- ***“threatening controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member”***

5.0 Sexual Violence and Abuse

- Sexual violence and abuse is an aggressive act that frequently aims to express power and dominance over the victim.
- It can take many forms, involving both contact and non-contact activity and it can include taking advantage of an individual's incapacity to give informed consent.
- The NI Government's Stopping Domestic and Sexual Violence and Abuse Strategy defines sexual violence and abuse as:
 - ***“any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion,***

gender, gender identity, sexual orientation or any form of disability)”

- Sexual violence and abuse is very often perpetrated by someone, whom the victim knows or trusts but it can also be perpetrated by a stranger.

• **Statistical evidence of sexual violence**

- **Sexual violence and abuse is a crime. It can happen to anyone and it is never the fault of the victim**
- **1 in 4 people have experienced some form of sexual abuse**
- **3,127 sexual offences were reported to PSNI during 2016/17**
- **It can have a profound effect on physical and mental health**
- **16,825 counselling sessions were delivered by Nexus NI in 2016/17**

6.0 Why is this a Workplace Issue?

- Home and work issues cannot always be separated and domestic and sexual violence can impact greatly on the working life of someone who is being abused. A person can continue to experience the violence and abuse in the workplace through, for example, abusive or threatening phone calls or emails and can individuals be particularly vulnerable going to or from their place of work. All of this can affect their performance, attendance, timekeeping, career prospects and job security.
- Other workers and colleagues can also be affected as they too could experience threatening or intimidating behaviour from the perpetrator and more particular issues can arise where both the perpetrator and the victim work in the same workplace or location.
- A survey conducted by the Irish Congress of Trade Unions in 2014 into the impact of domestic violence on the workplace found that a third of the 1,734 people in Northern Ireland who responded had experienced domestic violence. Nearly all respondents said they thought that it had an impact on the working lives of employees.¹ By having a Domestic and Sexual Violence and Abuse Workplace Policy in place it is possible to create a safe and supportive working environment.

6.1 How to recognise Domestic and Sexual Violence and Abuse

Possible signs include:

- Late for work or high levels of absence from work without explanation;
- Uncharacteristic depression, fatigue, anxiety, distraction or problems with concentration;
- Changes in the quality of work performance for no apparent reason;
- Receipt of repeated upsetting calls or emails;

¹ <https://www.ictuni.org/publications/ictu-domestic-violence-survey-results/>

- Obsession with time or needing regular time off for appointments;
- Inappropriate or excessive layers of clothing;
- Repeated injuries, or unexplained bruising or explanations that do not match the injuries displayed; and
- Increased hours being worked for no apparent reason.

This is not an exhaustive checklist. Some victims may display no signs of violence or abuse. Everyone's reaction is different and changes in behaviour may be evident or difficult to identify.

7.0 THE LEGAL IMPLICATIONS

- Having in place an effective workplace policy can enable the Trust to comply with health and safety legislation:
- The **Health and Safety at Work (NI) Order 1978** under which the Trust as an employer has a duty of care to ensure, as far as is reasonably practicable the health and safety at work of their staff.
- The **Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2006** which requires employers to assess the risks of violence to staff and make arrangements for their health and safety by effective planning, organisation and control.
- The **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (NI) 1997** and the **Health and Safety (Consultation with Employees) Regulations (NI) 1996**, also relevant to violence at work.
- This workplace policy supports the Trust to comply with our duty under the **Human Rights Act 1998**, to protect the human rights of individuals and ensure they are not being violated. Domestic and sexual violence and abuse constitutes a clear violation of a person's human rights and failure to address this issue in the workplace could be regarded as an infringement of the Human Rights Act.
- Section 75 of the **Northern Ireland Act 1998** also requires designated public authorities, in carrying out their functions, to have due regard to the need to promote equality of opportunity and good relations.

In addition to the above legal obligations employer the Trust has an ethical and moral duty to protect and support employees experiencing domestic and sexual violence and abuse. For the victims, the workplace must be a place of safety, a place for help and support.

8.0 **IMPLEMENTATION OF POLICY**

8.1 **Dissemination**

This is applicable to all staff and managers. The awareness programme will be an ongoing one.

8.2 **Resources**

The Trust and Trade Unions have undertaken to do the following:

Raise awareness in the workplace about domestic and sexual violence/abuse and publicise this new policy.

Designate and train appropriate members of staff to act as “Support Officers”.

- Provide or facilitate training for key staff members, particularly managers and staff from Human Resources for domestic and sexual violence/abuse about this new policy and its procedures. The training covers indicators of domestic and sexual violence/abuse and appropriate responses to disclosure, including information about the duty of care to pass on information to relevant agencies where a child or vulnerable adult is considered to be at risk.
- Ensure that any staff member who reports an incident of domestic and or sexual violence/abuse is given a thoughtful, non-judgemental and knowledgeable response. Any discussion must take place in private and remain confidential, as far as possible.
- Discuss all available support options and provide information about, and contact details of, organisations and agencies that are experienced in dealing with domestic and sexual violence/abuse.
- The Trust will consider the need to make any reasonable adjustments in terms of application of the policy and any support given if the person needing support has any form of disability.

In addition, the Trust will consider the following actions where applicable:

- The negotiation of flexible working hours for the employee to visit organisations and agencies that are experienced in dealing with domestic and sexual violence/abuse, or to seek legal aid, medical assistance, or find alternative accommodation, if and when necessary.
- The arrangement of a short period of paid special leave, if and when necessary, to deal with an emergency situation (such as leaving the family home to enter crisis accommodation). This would be in line with the Trust Emergency Leave provisions (See Special Leave Policies) and as such would range from one half-day to twelve days in any twelve-month period, with normally no period of leave exceeding three days.
- The negotiation of working arrangements on a short-term or long-term basis, as necessary (for example, moving an individual away from reception or from working in a ground-floor office visible from the street).
- The negotiation of changes to payment of salary, if requested (including a salary advance, if needed, for example, to acquire alternative accommodation).

- Mutually agree additional practical safety measures, as needed, with the employee e.g. Checking the staff member has arrangements for safely getting to and from home and if possible provide a personal alarm
- Ensuring the individual does not work alone or in an isolated area
- Keeping a record of any incidents of abuse in the workplace, including persistent telephone calls, emails etc.
- If the staff member is absent, a method of communication should be pre-arranged with line managers so that they are aware that the individual is safe
- The facility to move across the Health and Social Care family of organisations within Northern Ireland without loss of working rights or conditions.

Perpetrators who are Trust staff members

- It is often possible for perpetrators of domestic and sexual violence and abuse to use workplace resources such as phones, email and other means, to threaten, harass or abuse an individual. They may also involve other colleagues, who may or may not be aware of their motives in assisting them.
- Such abuse requires an effective response from the Trust as an employer because it could be damaging and potentially dangerous for those being abused, as well as possibly bringing the Trust into disrepute. Please note the circumstances of the case including the involvement of workplace resources and staff may be investigated by the police when a crime is reported.
- With regard to perpetrators of domestic and/or sexual violence/abuse, the Trust will undertake to do the following in line with the Trust's disciplinary procedure:
 - Take disciplinary action against any staff member who incurs, during their period of employment, a criminal conviction relating to domestic or sexual violence/abuse.
 - Take disciplinary action against any staff member who uses the time, property or the resources of the Trust to abuse a partner or family member.
 - Require a staff member who has a Non-Molestation Order or Occupation Order in place against them, to declare this to the Trust. If their job involves working or coming into contact with children or vulnerable adults a change of role may be considered.
 - Take action, as appropriate, to minimise the potential for a perpetrator to use their position or resources to find out the whereabouts, or other details, of their

partner or ex-partner.

- Provide information about perpetrator re-education programmes

The Role of Line Managers

While this policy applies to all employees, it is line managers, in consultation with staff in Human Resources and the Trade Unions, who will play a key role in implementing it in practice. Managers need to make a *managerial commitment*, rather than a personal commitment, to assist a member of staff who is experiencing domestic and/or violence/abuse. The following guidelines are intended to clarify the role of the line manager:

Where domestic or sexual violence/abuse is suspected or known, managers will contact a Support Officer [02895048667 or domesticabuseandsexualviolencesupport@belfasttrust.hscni.net] for advice before any discussion with the staff member takes place, if it is possible to do so.

Where it is alleged that a member of staff is perpetrating abuse during work time or using work resources, the manager will discuss this as a matter of urgency with Human Resources.

Managers will review the security of personal information held on members of staff. With the knowledge of the person experiencing the abuse, managers will consider diverting telephone calls and emails if such harassment is a cause for concern.

Managers will ensure that a safe and secure form of communication is maintained with an employee during any periods of absence.

Managers will keep a confidential record of any discussions and of any action taken. This will be kept with the knowledge and consent of the staff member concerned, who will be able to access it.

Furthermore, the Trust will facilitate access to appropriate support and information and has designated certain staff members to be Support Officers who will be the first point of contact for employees experiencing domestic and or sexual violence/abuse. They will continue to receive training in responding to disclosures of domestic and or sexual abuse or violence; information about relevant agencies that offer support, and information on current legislation, reports, publications and events related to domestic and or sexual violence/abuse. The Trust will be represented on the Belfast Domestic and Sexual Violence Partnership.

Support Officers will be drawn from a range of areas, but will include staff from Human Resources, and Trade Union representatives.

9.0 Monitoring and Review of the Policy

Employers and Trade Unions will undertake to monitor the implementation of this policy and review it on an annual basis and review formally through the Policy Committee on a 5 yearly basis.

10.0 CONSULTATION PROCESS

This policy has been issued for consultation with TU colleagues and Human Resources Senior Management Team. The policy is based on the recently published guidance on Developing a Workplace Policy on Domestic and/or Sexual Abuse and/or Violence. This was co-produced by representatives from Department of Health, Department of Justice, Women's Aid Federation NI, Nexus, NICRE, Victim Support and the Belfast Trust.

10.0 APPENDICES / ATTACHMENTS

Addendum is attached below providing further details on the support service for Trust staff.

11.0 EQUALITY STATEMENT

The Trust has legal responsibilities in terms of equality (Section 75 of the Northern Ireland Act 1998), disability discrimination and human rights to undertake a screening exercise to ascertain if this policy/proposal has potential impact and if it should be subject to a full impact assessment. This process is the responsibility of the policy or service lead - the template and guidance are available on the Belfast Trust Intranet. Colleagues in Equality and Planning can provide assistance or support.

The outcome of the Equality screening for this policy is:

Major impact

Minor impact

No impact No impact – application of this policy and support is closely monitored by the Trust support officers

12.0 DATA PROTECTION IMPACT ASSESSMENT

New activities that involve collecting and using personal data can result in privacy risks. In line with requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 the Trust has to consider the impacts on the privacy of individuals and ways to mitigate against the risks. Where relevant an initial screening exercise should be carried out to ascertain if this policy should be subject to a full impact assessment (see Appendix 7). The guidance for conducting a Data Protection Impact Assessments (DPIA) can be found via this [link](#).

The outcome of the DPIA screening for this policy is:

Not necessary – no personal data involved

NO personal data

A full data protection impact assessment is required

A full data protection impact assessment is not required

If a full impact assessment is required the author (Project Manager or lead person) should go ahead and begin the process. Colleagues in the Information Governance Team will provide assistance where necessary.

12.0 RURAL IMPACT ASSESSMENTS

From June 2018 the Trust has a legal responsibility to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.

It is your responsibility as policy or service lead to consider the impact of your proposal on people in rural areas – you will need to refer to the shortened rural needs assessment template and summary guidance on the Belfast Trust Intranet. Each Directorate/Division has a Rural Needs Champion who can provide support/assistance in this regard if necessary.

13.0 REASONABLE ADJUSTMENTS ASSESSMENT

Under the Disability Discrimination Act 1995 (as amended), the Trust has a duty to make reasonable adjustments to ensure any barriers disabled people face in gaining and remaining in employment and in accessing and using goods and services are removed or reduced. It is therefore recommended the policy explicitly references “reasonable adjustments will be considered for people who are disabled - whether as service users, visitors or employees.

SIGNATORIES

Orla Barron Samantha Whann

Date: **6th December 2018**

Authors

Jacqui Kennedy

6th December 2018

Date: _____

Director

- **Belfast Trust Domestic and/Or Sexual Abuse Support Service**
02895048677 or email: Domesticandsexualabusesupport@belfasttrust.hscni.net

Anyone in immediate danger should contact 999.

There is also a range of specialist organisations that can support victims and those who are working with them or their family and friends. For more information and advice about where to get help contact:

24 Hour Domestic & Sexual Violence Helpline

24/7 support and advice for women and men

Call 0808 802 1414

Text 'support' to 07797 805 839

Email: 24hrsupport@dvhelpline.org



The Rowan Sexual Assault Referral Centre

24/7 support and services for anyone who has been sexually abused, assaulted or raped

0800 389 4424

www.therowan.net



NIDirect is the official government information website for NI citizens
www.nidirect.gov.uk/campaigns/domestic-and-sexual-violence
www.facebook.com/nidirect
twitter.com/nidirect



Addendum

Support Service for Staff

- Belfast Trust and Trade Unions have worked in partnership since 2008 to develop this service for staff who are experiencing or witnessing domestic abuse. Belfast Trust recognises the importance of valuing staff. The Trust is also mindful of the impact that domestic abuse has on individuals in terms of their health and well being and in turn the negative effect on their performance or concentration at work. The Trust has reviewed provision of this service in light of the Department of Health and Department of Justice strategy on Stopping Domestic and Sexual Violence and Abuse strategy and has included now support and information for staff who are experiencing sexual violence and or abuse in addition to domestic violence. The Trust strives through the provision of the service to offer support to individuals - both on an emotional and practical level to make their workplace a safe and sustainable place to which they can come.

What does the Service Offer?

- This confidential service offers support and information about domestic and sexual violence and abuse for all Trust Staff, irrespective of gender, sexual orientation, background or position within the Trust.
- The main purpose of the service is to inform staff about the range of available options in the Trust and provide information about agencies who have experience and expertise in the area of domestic and sexual violence and/or abuse.

Who provides the service?

- Designated support officers from across the Directorates and Trade Unions have been trained to offer informed lay support and information.

What support is available?

Support offered includes:

- A nine to five Monday to Friday, easily accessible support and link service.
- Emotional support and practical information.
- Liaison and assistance to staff members to personally assist them in informing line management.
- A confidential, non- judgmental support and link service to other agencies who have professional expertise and experience.
- The same standard of support throughout the staff member's contact with the service.
- Help for family members through Staffcare and other agencies.
- Information and support is offered over the phone, by E-mail or by arranging a meeting with one of the support officers, at an agreed time and place. Further meetings can be arranged if needed.

The support officer will offer emotional support through:

- Listening to the staff member
- Providing space and time to talk.
- Discussing what the staff member wants to do - if anything.
- Giving time to reflect, consider options and choose the way forward.
- Re-affirm the right to live free from abuse in any form.
- Treat staff with respect, sensitivity, courtesy and understanding throughout their contact with the service.

Offer practical information through:

- Exploring concerns and enabling staff to identify the options open to them.
- Providing information on the different types of support available, including useful contact numbers.
- Informing staff about how much support the Trust can provide.

What Support Officers are not?

- Support officers are not in this voluntary role as counsellors, social workers, medics or occupational health practitioners. The Trust is in the fortunate position of having experts in these fields and so support officers do not need to duplicate or replicate the valuable work that they do.
- Support Officers are not there to “rescue” or save a staff member – they will not be available out of hours but can provide the Domestic and Sexual Violence 24 hour helpline number. This is a freephone number and anyone affected by domestic and or sexual violence can call – 0808 802 1414.

Staffcare Telephone number is +44 (0)28 9504 3270

Staffcare employs a dedicated team of qualified and experienced counsellors and psychologists to staff the 24 hours a day, 7 days a week, 365 days per year freephone Careline.

- Staff can call the Careline at any time, day or night to speak directly with a counsellor for support and advice on any matter, whether work-related or personal
- avail of immediate counselling support
- arrange face to face counselling or structured telephone counselling
- cancel or rearrange appointments
- Managers/Supervisors can also contact the Careline for advice / support in handling sensitive staff issues or to make direct referrals

How to access the service

- If you would like to talk to someone, the co-ordinators can put you in touch with a support officer. Please contact Employment Equality on 028906336080 or Equalities Team on 02895048667.
- **You can also access the service and other support through:**
 - Your Line manager
 - Occupational Health Services
 - Trade Union representatives