

## ETI briefing

### Violence and Harassment Convention, 2019 (No.190) & Recommendation (No.206)

**The International Labour Conference (ILC) voted in June 2019 to adopt Convention 190 on Ending Violence and Harassment in the World of Work (C190). This marks a significant victory for informal workers - especially women and socially excluded groups - addressing the realities of some of the world's most vulnerable and marginalised workers.**

A new Convention, once adopted, provides an international reference, although it only creates an obligation on a country once it has ratified the Convention, after which there is a process of harmonisation of local law to make legal provision for the rights set out in the Convention. This Convention relates to and provides greater support for ETI Base Code clause 9, "No harsh or inhumane treatment is allowed."

#### Why does this matter?

The Convention provides a clear framework for action and an opportunity to shape a future of work based on dignity and respect, free from violence and harassment.

Once ratified by States it will help provide clarity and legal protection for women and the most vulnerable against violence and sexual harassment at work.

An estimated 500 million working-age women live in countries without legal protections against harassment at work.

The World Bank reported in 2018 that "in 59 countries, women are not legally protected from workplace sexual harassment. The lack of legal protection is observed in 70% of the economies in the Middle East and North Africa, half (50%) in East Asia and the Pacific, and one-third (33.3%) in Latin America and the

Caribbean." It is also a major factor in India Bangladesh.

Workplace risk assessments, as set out in the Convention and detailed further in the Recommendation, can also help change attitudes by taking into account factors that increase the likelihood of violence and harassment (such as gender, cultural and social norms). The Convention and Recommendation also call for training and awareness-raising measures.

#### Bringing domestic violence out of the shadows

Importantly, the impact of domestic violence on the world of work is also included. The Recommendation sets out practical measures, including leave for victims, flexible work arrangements, and awareness-raising.

## Trade unions

The Convention represents an opportunity for trade unions to make meaningful progress towards combating sex and gender-based violence SGBV at work. It also presents an opportunity for business to work with trade unions as representatives of workers and using their presence at the workplace as an ally in tackling this problem.

## Base Code relevance

ETI welcomes this new Convention as it aligns with Base Code clause 9 (No Harsh or inhumane treatment is allowed), which specifies violence and harassment, and is underpinned by Base Code clause 7 (No discrimination is practised), which focuses specifically on social identity (gender, race, caste, national origin, religion, age, disability, marital status, migration status, etc).

## Protecting women and the most vulnerable

While everyone who works should be protected, the Convention's focus on "inclusivity" is very important. Under the Convention, **women and the most disadvantaged groups** must be protected. Some groups and workers in certain sectors, occupations and work arrangements are acknowledged to be especially vulnerable to violence and harassment; for example, in health, transport, education and domestic work, or working at night or in isolated areas.

## Implementation requirements and timeline

The Convention will come into force 12 months after at least 2 member States have ratified it. The ILO has indicated that due to the high level of support when it was adopted, it should come into force quite quickly.

**All member States however are required to bring the Convention to the attention of their national authorities**

*An associated Recommendation sets out the practical steps that can be taken to achieve the standard set out in the Convention.*

## How should ILO member states implement the Convention?

The Recommendation outlines a number of core principles, including:

- Ensuring an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work
- Recognising the effects of domestic violence and, so far as is reasonably practicable, mitigating its impact in the world of work. Providing victims of gender-based violence and harassment in the world of work with effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies
- Ensuring all workers, including women and other persons belonging to vulnerable groups or groups in situations of vulnerability who might be disproportionately affected by violence and harassment at work, and employers, exercise their rights to equality and non-discrimination at work, in accordance with the relevant instruments (including Equal Remuneration Convention (100) and Recommendation (90), 1951, the Discrimination (Employment and Occupation) Convention (111) and Recommendation (111), 1958
- Assess and review factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks. Particular attention

should be paid to the hazards and risks that arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment

- Ensuring all workers and employers, including those in sectors, occupations and work arrangements more exposed to violence and harassment, fully enjoy freedom of association and the effective recognition of the right to collective bargaining consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (87), and the Right to Organise and Collective Bargaining Convention, 1949 (98).
- As appropriate, specify in law and regulations that workers, especially women and vulnerable groups and their representatives, should take part in the design, implementation and monitoring of practice in the workplace.

### **Enforcement and remedy**

Countries will be required to monitor and enforce national laws and regulations and ensure easy access to appropriate and effective remedies. This should include “safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work.”

Providing that “victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies

Recognising the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work.

At the workplace level it is recommended that complaint and investigation procedures, as well as appropriate dispute resolution mechanisms are in place. It also provides for the right for workers under threat of violence or imminent danger have the right to remove themselves from a workplace without fear of retaliation or other undue consequences.

### **Guidance, training and awareness-raising**

Article 11 of the Convention outlines the expectation of how nations should promote, raise awareness of and develop training on the Convention. States will be expected to provide guidance, resources, training and other tools to employers and workers and their organizations such as those concerning occupational safety and health, equality and non-discrimination, and migration;

## ANNEX

### Pragmatic definitions

- A pragmatic approach has been taken towards the definitions of what constitutes violence and harassment. The Internal Labour Conference (ILC), defines violence and harassment as “a range of unacceptable behaviours and practices” that aim at, result in, or are likely to result in physical, sexual or economic harm, and includes gender-based violence and harassment
- The term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

### What is the world of work?

Article 1 of the Convention outlines key definitions in the world of work:

- a) Violence and harassment refer to a range of unacceptable behaviours and practices aimed at, results in and/or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment
- b) Gender-based violence and harassment refers to violence and harassment directed at persons because of their sex, gender, sexual orientation affecting persons of a particular sex or gender disproportionately, and includes sexual harassment

Article 3 of the Convention outlines the world of work as:

- a) public and private spaces where they are a place of work
- b) places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities
- c) during work-related trips, travel, training, events or social activities
- d) through work-related communications, including those enabled by information and communication technologies
- e) employer-provided accommodation
- f) when commuting to and from work.

### Additional information

- [ILO Convention 190](#) (full text)
- [ILO Recommendation 206](#) (full text)
- [Country Convention ratification index](#)
- ETI Base Code clause 2, Freedom of association and the right to collective bargaining are respected
- ETI Base Code clause 7 guidance, a key document associated to the Convention.
- ETI Base Code clause 9 guidance
- ILO Convention (100) and Recommendation (90), Convention (111) and Recommendation (111) and other relevant instruments
- Rules of the game: [ILOs introduction to labour standards](#)
- ETIs support of the Convention: [Blog and member letter](#)
- ITUC briefing on [“standard setting discussion on violence & harassment in the world of work”](#).