

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

The International Labour Conference (ILC) voted in June to adopt Convention 190 and Recommendation 206 on Ending Violence and Harassment in the World of Work (C190 & R206). This marks a significant victory for all workers everywhere. Once ratified by States it will help provide clarity and legal protection against violence and sexual harassment at work.

Why does this matter?

The Convention and Recommendation 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. Importantly it applies to everyone in the world of work, in both the formal and informal economy.

In the United Kingdom, the Health & Safety Executive¹ estimates that annually there were around 43,000 workers who sustained non-fatal injuries as a result of acts of physical violence at work in the 3 years up to 2017/18, accounting for about 7% of all workplace non-fatal injuries.

Whilst both women and men experience violence and harassment in the world of work, unequal status and power relations in society and at work often result in women being far more exposed to violence and harassment.

The ITUC campaign page² states that, "Gender-based violence remains one of the most tolerated violations of workers' human rights. According to statistics, 35% of women - 818 million women globally - over the age of 15 have experienced sexual or physical violence at home, in their communities or in the workplace."

Workplace risk assessments, as set out in the Convention and detailed further in the Recommendation, can also help to change attitudes because they can take 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.

¹ <https://www.hse.gov.uk/statistics/causinj/violence/work-related-violence-report-2018.pdf>

² <https://www.ituc-csi.org/GBV>

Importantly, the impact of domestic violence on the world of work is also included. This is a significant step in bringing domestic violence out of the shadows, and changing attitudes. The Recommendation also sets out practical measures, including leave for victims, flexible work arrangements, and awareness-raising.

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.

Base code relevance

ETI welcomes this new Convention as it aligns to Base Code clause nine (9) relating to No Harsh or inhumane treatment is allowed and which specifies violence and harassment. It is underpinned by Base code clause seven (7), No discrimination is practiced specifically focusing on individual's social identity – gender, race, caste, national origin, religion, age, disability, marital status, migration status and sexual orientation. As referred to in the Recommendation, implementation and progressing activity in workplaces is contingent on Base code clause (2), freedom of association, collective bargaining, and worker representation.

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.

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

Twelve (12) months after **two member States have ratified the Convention**, it will enter into force. The ILO has indicated that due to the high level of support when it was adopted, they are confident it will come into force quite quickly.

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

The Recommendation outlines the core principles and how Member states should implement the Convention. This includes:

- Ensuring FOA & CB conventions are ratified
- 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, mitigate its impact in the world of work and provide 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;

- Ensuring all workers and employers exercise right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work including the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, and other relevant instruments.
- 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 that are 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 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
- As appropriate, specify in laws and regulations that workers, especially women and vulnerable groups and their representatives, should take part in the design, implementation and monitoring of the workplace.

Pragmatic definitions

A pragmatic approach has been taken towards the definitions of what constitutes violence and harassment. The International Labour Conference (ILC), define 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.

Definitions in the world of work?

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

Violence and Harassment refers 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.

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.

Scope of world of work clarification

Article three (3) of the Convention outlines the world of work includes public and private spaces where they are a place of work, work-related trips, travel, training, events or social activities, work-related communications, employer-provided accommodation and when commuting to and from work.

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 and danger have the right to remove themselves from a workplace without fear of retaliation or other undue consequences.

Guidance, training, and awareness-raising

Article eleven (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.

Additional information

- ETI Base code clause two and women’s representation guidance
- [ILO Convention 190](#) (full text), [ILO Recommendation 206](#) (full text) and [Country Convention ratification index](#)
- ETI base code clause seven and nine guidance.
- ILO Convention (No. 100) and Recommendation (No. 90), Convention (No. 111) and Recommendation (No. 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”](#)