



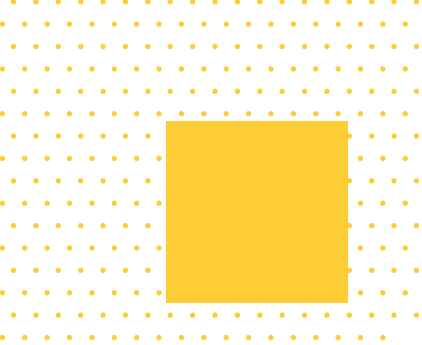
**PUBLIC SERVICES
INTERNATIONAL**

The global union federation of workers in public services

PRACTICAL GUIDE FOR
IMPLEMENTING ILO C190
IN PUBLIC SECTOR
WORKPLACES

ending violence and harassment in the world of work

C190



Produced in collaboration with
Labour Research Service LRS and Trade Union Solidarity Centre of Finland SASK

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1. INTRODUCTION

1.1 Significance of ILO C190

In June 2019, the International Labour Organization (ILO) made history by adopting two new international instruments on violence and harassment in the world of work – Violence and Harassment Convention (No.190) and Violence and Harassment Recommendation (No. 206).

The adoption of the Convention represents a victory for the labour movement after years of campaigning and lobbying against the violence and harassment women face in the world of work. Through a process of social dialogue between governments, employers' representatives and workers' representatives, C190 brings together lessons and strategies that have been learnt over years of struggling to end gender-based discrimination, violence and harassment.

For workers in public and private as well as formal and informal work environments, the provisions in C190 and R206 supports workers with ideas and practical strategies while inspiring a sense of common purpose and solidarity in the struggle to end gender-based violence. Strategies for prevention, protection, enforcement as well as guidance, training and awareness raising are all part of what C190 and R206 offer trade unions in the struggle to end gender-based violence.

We suggest that you watch these short introductory videos online:



[#Ratify C190 for a World of Work Free from Violence and Harassment
https://youtu.be/zplky6B4jYk?si=HSgvT5stsa8GPRYc](https://youtu.be/zplky6B4jYk?si=HSgvT5stsa8GPRYc)



[C190 on ending violence and harassment in the world of work - an opportunity for unions \(youtube.com\)
https://youtu.be/s3ndHcVvvg?si=DRTcvLmThuTRKIMv](https://youtu.be/s3ndHcVvvg?si=DRTcvLmThuTRKIMv)

1.2 Tips for working with this guide

The starting premise of the guide is that worker leaders who use the guide are aware of C190 and R206 and are interested in using some of the provisions and guidelines to create a world of work free of violence and harassment. The text of C190 and R206 can be found at the end of the guide in the APPENDIX.

The guide does not aim to explain the provisions in the convention and recommendation but rather offers approaches for strengthening the work that unions are already engaged in for eradicating violence and harassment using C190 and R206.

The guide offers discussion questions, stories, video clips, articles and potential strategies for using C190 and R206 provisions in the world of work. While the stories and potential strategies are drawn from specific contexts the aim of the guide is to draw out further insights and lessons that can be transferable.

2. WHAT CAN WE LEARN FROM THE PROCESS OF ILO C190 RATIFICATION IN AFRICA?

2.1 The ratification process

Between December 2020 and June 2024 so far 9 African countries have ratified C190. These are detailed below.

Namibia: 9 December 2020

On 9th December 2020 the government of Namibia ratified both Conventions C189, the convention on Domestic Workers and C190, the convention on violence and harassment. The Namibia Domestic and Allied Workers' Union (NDAWU) an affiliate of the International Domestic Workers Federation (IDWF) played a leading role in the struggle for ratification.

[PSI Southern Africa region welcomes Namibia's ratification of C190 - PSI - The global union federation of workers in public services](https://publicservices.international/resources/news/psi-southern-africa-region-welcomes-namibias-ratification-of-c190?id=11461&lang=en)

<https://publicservices.international/resources/news/psi-southern-africa-region-welcomes-namibias-ratification-of-c190?id=11461&lang=en>

Somalia: 17 February 2021

Somalia's ratification of Convention 190 and six other International Labour Organization (ILO) conventions is the result of a successful campaign by trade unions to improve labour standards in the country and the effective use of tripartism and social dialogue. As part of the process of domesticating the conventions ratified in 2021, the National Policy on Occupational Safety and Health was adopted on 18 January 2024.

[Somalia ratifies seven ILO Conventions, including on Tripartite Consultations \(C144\) and on Violence and Harassment \(C190\) - OECD \(theglobaldeal.com\)](https://www.theglobaldeal.com/news-and-events/somalia-ratifies-seven-ilo-conventions-including-on-tripartite-consultations-c144-and-on-violence-and-harassment-c190.htm)

<https://www.theglobaldeal.com/news-and-events/somalia-ratifies-seven-ilo-conventions-including-on-tripartite-consultations-c144-and-on-violence-and-harassment-c190.htm>

Mauritius: 01 July 2021

Transport workers unions in Mauritius played a significant role in the national lobbying for the ratification of C190. Women in the union raised their concerns about violence and especially domestic violence and got all labour and gender equality stakeholders involved. The National Advisory Council on Labour and Occupational Safety and Health was used as an important space for advocating for C190.

[How Mauritius Ratified C190 \(youtube.com\)](https://www.youtube.com/watch?v=aB4MfQzIHgE)

<https://www.youtube.com/watch?v=aB4MfQzIHgE>

South Africa: 29 Nov 2021

The Federations COSATU, FEDUSA and NACTU developed an advocacy roadmap and campaign strategy. Alliances with civil society, women's rights groups and other allies were created. The Alliance organised regular campaign events such as protests, marches and the national grassroots campaign #TotalShutdown, urging the government to end GBVH. The campaign strategy included working together with the unions of domestic workers and informal workers. A key feature of the advocacy roadmap was ongoing dialogue with government and employers.

The Department of Employment and Labour published an updated Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace on 18 March 2022, aligned to C190.

[Implementing C190: Lessons from South Africa on ending violence in the world of work \(lrs.org.za\)](https://www.lrs.org.za/2022/12/07/implementing-c190-lessons-from-south-africa-on-ending-violence-in-the-world-of-work/)

<https://www.lrs.org.za/2022/12/07/implementing-c190-lessons-from-south-africa-on-ending-violence-in-the-world-of-work/>

Central Africa Republic: 09 June 2022

The ratification of C190 has taken place amidst high levels of conflict related sexual violence and will hopefully act as one of the tools for reducing the high levels of violence

[Unions report in ITUC survey that 50 governments on track to #RatifyC190 - International Trade Union Confederation \(ituc-csi.org\)](#)
<https://www.ituc-csi.org/ITUC-C190-survey>

Nigeria: 06 Oct 2022

Nigeria ratified C187, the convention on Occupational Safety and Health at the same time as C190. The campaign for the ratification of C190 involved a broad, union-led coalition. Key areas of reform to bring Nigerian laws and policies in line with C190 provisions are being identified.

[Mercy Okezie, Nigerian Labor Congress, on Ratifying ILO C190 \(youtube.com\)](#)
<https://youtu.be/DZ6LdFC2bec?si=nS7o8fYpKR72B7C9>

Lesotho: 15 Mar 2023

Together with the ratification of C190 Lesotho, trade unions like the National Clothing Textile and Allied Workers Union won binding agreements to end GBVH with garment suppliers. The key supplier, Nien Hsing, is committed to implement an anti GBVH programme, establish an independent complaints mechanism and create a toll-free hotline which allows GBVH victims to call and report violations of the code of conduct.

[The Lesotho Agreements: A Model for Fighting Gender-Based Violence and Harassment \(youtube.com\)](#)
<https://youtu.be/DZ6LdFC2bec?si=nS7o8fYpKR72B7C9>

Uganda: 07 August 2023

A multi-stakeholder Technical Working Group on ending sexual harassment and violence in the world of work, formed in 2022, played a key role in Uganda's ratification of the treaty and reforms to align with it. The group, chaired by the minister of gender, labour, and social development, included representatives from the National Organization for Trade Unions, Federation of Uganda Employers, Akina Mama wa Afrika, Association of Women Lawyers, and the Platform for Labor Action.

The ratification took place 2 months after the Ugandan Parliament passed the Employment (Amendment) bill 2023, which obligates all employers to prevent sexual harassment, and prohibits mistreatment, harassment or violence against any employee. The bill includes a new definition of the "workplace" to include all places where work is carried out or where workers are found as a consequence of their work. It also requires covering not just formal employees, but also people working irrespective of their contractual status, trainees including interns and apprentices, workers whose employment has been terminated, job seekers, and job applicants.

[Public Sector Unions in Uganda discuss strategies on implementation C190 & R206 \(youtube.com\)](#)
https://youtu.be/sqtkPG9klls?si=Z_msR7Oeq1KIRKOF

Rwanda: 1 November 2023

An important backdrop to the ratification of C190 is the important role that trade unions and a range of feminist networks have played in making visible the structural factors that enable violence and harassment in the world of work.

[Rwanda ratifies the ILO Convention on Violence and Harassment | International Labour Organization](#)
<https://www.ilo.org/resource/news/rwanda-ratifies-ilo-convention-violence-and-harassment>

Zimbabwe includes aspects of C190 for domestic law

In Zimbabwe, which has not yet ratified C190, a new law passed in August 2023 after a sustained union campaign to include parts of C190 in domestic law. Amendment 5 of the Labour Amendment Act 11/ 2023 added new penalties and used the wording from Article 3 of C190, relating to violence and harassment in the world of work.

[Zimbabwe Unions Push for Government to Ratify ILO C190 to End GBVH at Work \(youtube.com\)](https://www.youtube.com/watch?v=ZEuCOutcOBo&list=PLfjFAZ18PareVDj29KfwD2ZHh-k_OeA5b&index=3)

https://www.youtube.com/watch?v=ZEuCOutcOBo&list=PLfjFAZ18PareVDj29KfwD2ZHh-k_OeA5b&index=3

Kenyan union uses C190 to campaign for the rights of informal sector worker

Kenya has not yet ratified C190 but the Amalgamated Union of Kenya Metalworkers (AUKMW) is not waiting for ratification to campaign to end GBVH. The union has given a specific focus to C190 in its campaign to end GBVH faced by workers in the informal economy.

[Ministry of Labor to Ratify C190, Which Seeks for Protect Against Harassment & Violence at Work \(youtube.com\)](https://www.youtube.com/watch?v=t1QDOV_m4V0)

https://www.youtube.com/watch?v=t1QDOV_m4V0

2.2 Summing up lessons from the ratification process in Africa

- ▶ The forms of mobilization leading to ratification as well as after ratification gives life to the provisions in C190. Trade unions can win important gains for workers on the road to ratification as can be seen in the case of Zimbabwe and Kenya.
- ▶ Ratification is just one step in an ongoing struggle to address in the world of work. Once a country has ratified a convention, it needs to be domesticated into the laws of the country and taken forward for implementation through policy. Unions and workers can engage in the formulation of these laws and policy. Employers need to align practices and policies in the workplace to the updated laws and unions and workers must negotiate for the implementation of the convention in the workplace. In fact even if C190 has not been ratified, workers can negotiate for their workplaces to align to C190 and R206 as an international standard.
- ▶ It is important that women workers are at the center of the mobilization for ratification of C190 and that unions pay particular attention to the needs of women in informal and precarious forms of work.
- ▶ Creating trade union spaces that support women workers to speak out and take action against violence and harassment in the world of work can ensure that the provisions in C190 and R206 become a reality for workers.
- ▶ Trade unions need to take the lead in creating coalitions, alliances and solidarity actions with other civil society groups and especially women and feminist groups in advocating for the ratification of C190 and for the implementation of the convention as well as taking forward R206.
- ▶ The process of preparing to engage in social dialogue on the implementation of C190 and R206 with government and employers involves ongoing trade union education, mobilization, organizing and alliance building.

3. MAKING ILO C190 A REALITY IN THE WORLD OF WORK

C190 and R206 are important tools for trade unions to increase capacity to address gender-based violence and harassment in the workplace regardless of whether your Government has ratified C190 or not.

C190 offers trade unions an opportunity to use a gender-transformative approach which includes taking measures for raising consciousness, changing behaviors, creating more equal workplace norms and culture and putting in place policies and resources necessary for eradicating violence and harassment in the workplace.

3.1 What should we expect from Government as an employer that ensures a healthy work environment and effective public service

In many instances public sector workers find themselves devalued by the very public they serve. Workers are at risk of being bullied and harassed by both the public who expect improved service delivery and by a highly bureaucratic and hierarchical management structure with rigid procedures and the constant refrain of budget constraints. All of this leads to increased stress and anxiety and a decrease of employee morale and productivity - very directly impacting on the quality of public services workers are able to deliver

Where Governments have ratified C190, trade unions can expect their public sector employers to lead by example and ensure that C190 is operationalised across all departments and policies. This would include creating confidential channels for reporting, awareness raising and training programmes, effective policy creation and implementation and more generally creating a culture where all workers feel safe and secure.

Article 9 of C190 obliges governments to adopt laws and regulations requiring **employers i.e.** the government in the case of the public sector, to take appropriate steps to prevent violence and harassment in the world of work, including gender-based violence and harassment, and to:

- a. adopt and implement, in consultation with workers and their representatives, **a workplace policy** on violence and harassment;
- b. take into account violence and harassment and associated psychosocial risks in the management of **occupational safety and health**;
- c. **identify hazards and assess the risks of violence and harassment**, with the participation of workers and their representatives, and take measures to prevent and control them; and
- d. provide to workers and other persons concerned **information and training** on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

ACTIVITY - Brainstorm what you believe is essential to a Workplace Policy on violence and harassment in your context

Using *Convention C190 - Violence and Harassment Convention, 2019 (No. 190)* (Appendix 5.1 which appears at the back of this guide) and *Recommendation R206 - Violence and Harassment Recommendation, 2019 (No.206)* (Appendix 5.2) as your guide – brainstorm all the key issues you believe should be part of your workplace policy on violence and harassment.

*It is important to take into account the **roles** of both the employer and worker organisation in relation to harassment and violence; a description of the **risk factors** that contribute to harassment and violence; a list of the **training** that the employer will provide about harassment and violence; the **resolution process** if workers witness or experience workplace harassment or violence; a description of how the employer will **protect the privacy** of victims and witnesses and the **support measures** available to workers.*

3.2. What does ILO C190 and R206 expect from Trade Unions?

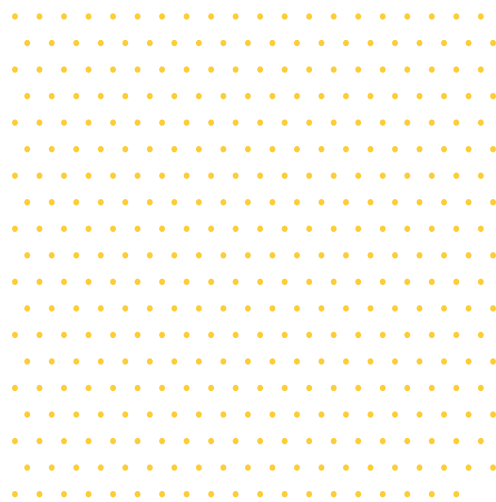
While faced with many challenges, public sector workers are also some of the most highly unionised workers in the world, and can be key trendsetters for creating a world of work free from violence and harassment.

Whether the employer has ratified C190 or not – workers in the public sector have the right to expect a world of work free from violence and harassment. Public sector trade unions therefore have a pivotal role to play in ensuring that members are both aware of the levels and causes of violence and harassment as well as prepared to work with the employer to create the conditions necessary for a world of work free from violence and harassment.

Public sector trade unions are jointly responsible with the employer for developing inclusive, integrated and gender-responsive approaches for the prevention and elimination of violence and harassment in their specific contexts. One of the key principles in **Article 4 of C190** states that: Each Member shall adopt, in accordance with national law and circumstances and in **consultation with representative employers' and workers' organizations**, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.

Public sector trade unions are well positioned to implement C190 Article 12 which states that the Convention should be applied by means of national laws and regulations as well as through **collective agreements** and the extension of existing **occupational safety and health measures** to cover violence and harassment. Unions can play an important role in engaging in workplace risk assessments. Workplace risk assessments are referred to in Article 9(c) of the Convention deals specifically with the factors that increases the likelihood of violence and harassment including psychosocial hazards and risks. Workers in unions are also best placed to identify work arrangements in which exposure to violence and harassment may be more likely such as night work, emergency service etc. Refer to R206 (9)

Section 1V of R206, *Guidance, Training and Awareness-Raising*, introduces a range of measures to address violence and harassment which includes public awareness-raising campaigns to address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistleblowers as well as public campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment. Public sector trade unions have a great deal of experience in conducting public campaigns and can play a pivotal role in the awareness raising necessary for addressing violence and harassment.



3.3 Practical steps for Unions to make ILO C190 and R206 a reality in the workplace

3.3.1 As a union - what do we know about the levels of violence and harassment and what do we need to find out if we are to take effective action

An important starting point is to identify our assumptions and to try to establish how accurate they are.

Discussions in meetings and sharing of stories and anecdotes are some ways of getting a deeper understanding of the context we are operating in. What is key to this process of deepening our understanding are the questions we ask of ourselves and of each other.

ACTIVITY - Scoping my world of work:

1. **Who** is most affected by violence and harassment? **What** are the forms of violence and harassment? **Where** and **when** does it take place. **How** do you know this?

When answering these questions please keep the following in mind:

Who is most affected:

e.g. Violence and harassment is related to the discrimination that the worker faces and women who experience multiple types of discrimination are disproportionately affected by violence and harassment at work.

e.g. Vulnerable workers like Community Health Workers (CHW) have high levels of exploitation, gender-based violence, employment insecurity and poverty. In disaster or conflict situations the CHW can become a target of political or gang violence.

e.g. Healthcare workers often face patients who are angry and disgruntled at the challenging health system. Verbal abuse is one of the most commonly reported forms of abuse on the part of healthcare workers.

e.g. Teachers in school can be victims of third party violence i.e. violence perpetrated by pupils and parents. (Third party violence, is violence and harassment that a teacher experiences in the workplace but not at the hands of co-workers).

CAN YOU THINK OF OTHER EXAMPLES FROM YOUR OWN CONTEXT?

What are the forms of violence and harassment?

Article 1 of C90 defines violence and harassment as follows:

(a) the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;
(b) 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.

e.g. Healthcare workers face high levels of verbal abuse

e.g. Municipal workers are affected by service delivery protests that affect women and men differently

e.g. Gay workers are teased and face derogatory remarks

CAN YOU THINK OF OTHER EXAMPLES FROM YOUR OWN CONTEXT?

Where and when does the violence and harassment take place?

Article 3 of C190 defines violence and harassment in the world of work occurring in the course of, linked with or arising out of work:

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in 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) in employer-provided accommodation; and
- (f) when commuting to and from work.

e.g. Travelling to and from work

e.g. During nightshift work

CAN YOU THINK OF OTHER EXAMPLES FROM YOUR OWN CONTEXT?

How do you know this?

e.g. Comments made in informal spaces

e.g. Complaints raised by workers

e.g. First hand experience - As a worker leader I have been a victim of harassment in the workplace

CAN YOU THINK OF OTHER EXAMPLES FROM YOUR OWN CONTEXT?

ACTIVITY- Deepening your understanding:

2. How do I gauge **worker attitudes and responses** to the violence and harassment?

The best way to gauge workers attitudes and responses to violence and harassment is to ask open-ended questions to fellow workers, and listen carefully to how they respond.

Example of an open ended question:

e.g. I know that many workers have been victims of harassment by public/workers. My question is what is stopping workers from raising these issues with management or with the union?

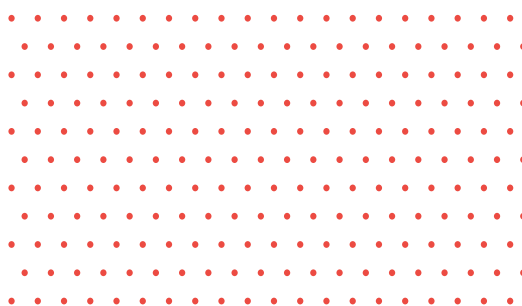
When opening a discussion on violence and harassment consider the following:

Creating enough trust for workers to speak openly about harassment.

This could include showing that you are already familiar with the scale and forms of violence in your world of work and that you and the union have a commitment to addressing it.

Meeting with the forums or spaces where public/workers are represented for example Clinic Committees etc.

Meeting with management to find out what they know about the levels of harassment.



3.3.2 Creating safe spaces for speaking out

These can be formal spaces that for example form part of Wellness Programs set up by the employer or the informal support spaces set up by the union - where workers and in particular women and LGBTQ+ workers can feel physically and emotionally safe. It is also important that in these spaces survivors of violence and harassment can express themselves without fear or judgement.

As union leaders we are supporting workers to take action to eradicate violence and harassment. To take action workers need to feel safe enough to speak about the violence they are experiencing or witnessing.

Strategies for creating safe spaces for workers to speak out and take action

It may be useful to look at the following Youtube videos:



[What are safe spaces](https://www.youtube.com/watch?v=br-2-D5fqW4)

<https://www.youtube.com/watch?v=br-2-D5fqW4>



[Safe spaces that allow for vulnerable conversations](https://youtu.be/M-zrE0jbn04?si=RXgSxGrksb0ua5Qw)

<https://youtu.be/M-zrE0jbn04?si=RXgSxGrksb0ua5Qw>

Features of a safe space

- ▶ A space where people feel supported and respected
- ▶ A space to discuss, process, and heal from trauma and stress
- ▶ A space to raise your deepest concerns and ask sensitive questions
- ▶ A space for dialogue that enables mutual learning
- ▶ A space free from emotional and physical threat
- ▶ A space that is private and confidential

As union leaders we are creating dialogue and learning spaces for workers who are not only the survivors of violence and harassment but also for those affected by violence, for those who unwittingly perpetrate violence harassment and for those who take on the role of bystanders because they are afraid or lack the understanding and skills to take action.

Key to creating a world of work free of violence and harassment is the action workers themselves take – this could be in relation to their own attitudes and behaviours, the relationships with fellow workers, their bargaining with the employer and their activism in ensuring that policies, resources and infrastructure that creates a safe environment is put in place.

Creating safe spaces for the survivors of violence and harassment

Watch the following Youtube video:

[Survivor Centred Approach](#)

<https://www.youtube.com/watch?v=Fk3pQyeobZE>



- ▷ Violence is never the fault of the survivor. It is important to show the survivor that you believe them and that you believe that they are not to blame.
- ▷ Do not pass judgement on the way the survivor is responding. There is no such a thing as a “right” way to respond to trauma.
- ▷ Let the survivor take the lead in speaking about the violence and harassment, never try to force the discussion.
- ▷ Let the survivor choose the support that they need and the actions they want taken up- the role of the union leader is to open discussion, encourage, support and offer resources. The survivor needs to go at their own pace.

ACTIVITY - Union meetings as safe spaces for discussing violence and harassment in the world of work

When discussing violence and harassment in Union meetings we should be careful not to be too accusatory, or to place blame. We should try to open the space for workers to talk about their experiences. One way to do this is to prepare statements and ask workers what they think about these statements.

e.g. “Violence has become normalized in the world of work” Some workers view the violence as “part of the job”.

Does this statement resonate with your experience as a worker and as a worker leader?

e.g. “Women are afraid of reporting cases of harassment and bullying”. They do not want to lose their jobs”.

Does this statement resonate with your experience as a worker and as a worker leader?

e.g. “Workers are afraid to get involved when they see other workers being bullied or harassed”

Have you/ or do you know of anyone who has responded to violence they have seen taking place? Why did you /or they respond? How did you/they respond?

CAN YOU THINK OF OTHER EXAMPLES FROM YOUR OWN CONTEXT?

3.3.3 What does it mean to ensure the safety and security of workers in the “world of work”

Why C190 speaks of the world of work?

C190 has helped us look more carefully at the way the work we do shapes our day to day lives and in turn how violence and harassment and the effects of both can creep into the many parts of our lives that relate to the work we do. **“in the course of, linked with or arising out of work”**

When we think of the world of work we thinking beyond an immediate physical workplace. Spaces like changing facilities, employer provided accommodation, work taking place offsite, online work, travel for work.

ACTIVITY - Describe your “world of work”.

Try thinking of a typical working day and all the activities and spaces you occupy that are linked to you performing the work you do.

What are the forms of violence workers are likely to experience in the context of your “world of work?”

e.g.Domestic violence – and the way it impacts on workers in the workplace

Employers will argue that domestic violence is a private, domestic matter and not a workplace issue as it does not arise out of work activities. Yet domestic violence impacts negatively on the safety, health and productivity of the worker. Workers who are victims of domestic violence are often stressed, anxious and scared. The Government as an employer has a responsibility to change social attitudes to domestic violence especially in contexts where it is treated as problematic but normal societal behavior. Government needs to make it clear that such behavior is not acceptable and this needs to start within it’s own workforce where there are public sector employees who are likely both victims and perpetrators of domestic violence.

e.g.Third-party violence – violence from patients, family members and other members of the community.

Third party violence, is when the aggressor is not a work colleague for e.g. the abuse healthcare workers suffer at the hands of patients. Often this form of violence is not reported and becomes normalized and seen as “part of the job”. Recognizing the ways third-party violence impacts on workers is important if prevention and support measures are to be put in place. The employer needs to have a clear policy framework for the prevention and management of harassment and violence by third-parties. These policies need to be developed in consultation with the union. Part of the employer management strategy needs to include the provision of appropriate information for e.g. patients, clients etc. Workers who fall victim to third-party violence should be assisted with psychosocial, medical, legal and financial support like additional insurance cover. Ongoing monitoring of the implementation of policy decisions is key as the employer needs to be seen supporting workers.

Our struggle is to create public sector workplaces that are safe spaces where workers are able to find allies and be part of employee assistance programs that provides confidential counselling or referral services.

3.3.4 Using our bargaining power to address violence and harassment in the world of work

Collective bargaining is one of the most effective tools unions can use to address violence and harassment in the world of work. A public sector worker who works in an environment free from violence and harassment is more able to deliver quality services to the public.

In R206 the Core Principles (4) calls for the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work as well as supporting collective bargaining through the collection and dissemination of information on related trends and good practices regarding the negotiation process and the content of collective agreements.

Collective bargaining is conventionally understood as having 4 phases:

1. PREPARATION

■ Preparing for bargaining is key to success.

1.1 Gathering information

As a union leader you need to have the information at hand. The difference between being reactive and proactive is preparation. Understanding the levels and nature of violence and harassment in your world of work is key to being proactive. (refer to workplace risk assessment in R206 *Protection and Prevention* (8))

It is important to have at your finger tips all the prior agreements and policies that speak to violence and harassment. This could for example be a sexual harassment policy that could be broadened to speak to the broader issue of violence and harassment in the world of work. It would also be important to check if the existing policies are in line with all Government legislation in relation to violence and harassment.

It is important to keep in mind that workers cannot rely on a policy if unions have not been involved in shaping it. Any workplace policy or code of conduct on violence and harassment must have a shared understanding and commitment from unions and employers. Workplace policies should be negotiated between trade unions and employers and should not be imposed by the employer. (refer to workplace policy in R206 *Protection and Prevention* (7) and model codes of practice in *Guidance, training and Awareness Raising* (23 c))

1.2 Putting together the bargaining team

The bargaining team will need to include negotiators who understand the nature and form of violence and harassment in their world of work. The inclusion of women leaders is important as they are likely to have a more nuanced understanding of the gendered nature of violence and harassment and how it impacts differently on different groups of workers.

1.3 Collecting demands

The demands to employers for addressing violence and harassment will not just emerge in one general meeting. The process of creating safe spaces for workers to speak about their experience of violence is key to ensuring that there is broad support for the demands that emerge and that negotiators feel the pressure of workers to remain resolute at the negotiating table when discussing issues of violence and harassment. In workplaces where codes of good practice or policies exist, demands might focus on mechanisms to ensure that the policies are implemented. (Refer to C190 *Enforcement and Remedies*, Article 10 a)



Examples of demands (Refer to R206 sections on *III Enforcement, remedies and assistance and IV Guidance, Training and Awareness Raising*)

- Paid leave for victims of violence and harassment – fundamental aspect of workplace support
- Flexible work arrangements and protection for victims of domestic violence
- Work relocation for victims of violence in the world of work
- Safe houses for victims of domestic violence
- Support to help victims re-enter the labour market
- Model policy (Code of Good Practice)
- Security measures like better lighting, security personnel, safe transport for shift workers
- Safe sanitation facilities
- A Helpline
- Support from Social workers and counselling services
- An independent complaints mechanism
- Joint union-employer commissions to prevent, monitor and address violence and harassment
- An inclusion of domestic violence in workplace risk assessments

1.4 Prepare members, allies and the public (Refer to R206 IV(d) *Public Awareness Campaigns*)

The safety of public sector workers is to the benefit of everyone. It is important that all members of the union are able to follow the negotiations process.

Public highlights and discussions with allies like NGO's working on gender-based violence before the negotiations can be important in raising broader public awareness about violence and harassment in the world of work.

Where is it legally permissible, unions can also keep a public spotlight on the progress of the negotiations. This will keep pressure on the employer but also create public awareness of the measures the union is taking in dealing with the scourge of violence and harassment in the world of work.

2. NEGOTIATION

The second phase in the collective bargaining process is where you actually engage with the employer face-to-face, across the bargaining table, in order to negotiate the best possible outcomes for your members. Confronting violence and harassment will require addressing the underlying conditions that drive violence and harassment in the world of work. So when negotiating for demands the speak to the immediate safety of workers, the more ongoing struggle for job security and labor rights need to act as the broader framing of the immediate needs of workers.

3. AGREEMENT

It is important to share the agreement with your membership. The agreement acts as an important awareness raising tool for workers who might not be aware of their right to a safe work environment. With a signed agreement comes an increase in the confidence and power of workers. This can be an important moment to deepen the discussions about unequal gender norms that acts as a key driver of violence and harassment in the world of work.

4. IMPLEMENTATION

The agreement is only the beginning of the process. It is very important to follow up to ensure that what has been agreed is being implemented.

3.4 Violence and harassment as an Occupational Safety and Health Issue

With OSH both employers and workers have a common goal around health and safety in the workplace and both have the responsibility to establish a joint OSH workplace committee. Addressing violence and harassment needs this kind of common goal and commitment and is in fact an OSH issue. OSH is described as a system of mutual rights and obligations between workers and employers. OSH regulations – sets out detailed preventative strategies and there is duty on the part of the employers as well as workers to take reasonable care of their own health and safety and that of others.

Convention No. 190 and Recommendation No. 206 now make it clear that violence and harassment – including gender-based violence and harassment should be addressed through OSH management. Article 12 of Convention No. 190 specifies that “extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary” is one of the methods of applying the provisions of the Convention.

In June 2022 the ILO added a safe and healthy working environment as it’s fifth fundamental principle and right at work. This means occupational safety and health can no longer be considered an optional extra.

C190 includes the three fundamental rights of all workers as identified in the OSH approach

- The right to participate in decisions that could affect health and safety
- The right to know about health and safety matters
- The right to refuse work that could affect their own health and safety and that of others

Working with and OSH framework we are able to take preventative action even before violence and harassment arises. A key feature of the OSH framework is a risk assessment where all the possible risks that may threaten the health and safety of workers are identified.

The concept of a workplace risk assessment is that it is a continual, ongoing process – like a film on a loop. It is not a snapshot of a workplace, which can be likened to a workplace inspection. Whilst it may be beneficial to use information from workplace inspections when undertaking risk assessments, we must be clear on the difference between risk assessments and inspections. A risk assessment should identify the hazard and the required control measures, an inspection should verify if the required control measures are in fact being used. (ILO: 5 Step Guide for employers, workers and their representatives on conducting workplace risk assessments)

ACTIVITY- A risk assessment typically has 5 steps. Let’s see if we can use these steps as a way of identifying conditions that need to be addressed for creating a world of work free of violence and harassment.

STEP 1: IDENTIFY THE HAZARDS

In a typical workplace assessment you would walk around the workplace to see what reasonably could cause harm. You would also ask workers to describe the dangers of the jobs they carry out.

Trying to understand the “hazards” of violence and harassment in the workplace is a much more personal and subjective experience. One way of exploring this could be to ask workers to tell stories of violence and harassment in their world of work – and then explore the risk factors in the story.

Another possible exercise that could be used to understand the “hazards” of violence and harassment:

Ask workers to describe a typical working day starting from the time they wake up in the morning till when they go to bed. They could also create a drawing with a timeline of a typical day. Now ask them to identify any moments in their typical day – when they feel unsafe or fearful. They could then go on to discuss where, when, why and how they feel unsafe. This could be another way of identifying possible “hazards” of violence and harassment.

STEP 2: IDENTIFY WHO MIGHT BE HARMED AND HOW

The more workers feel free to speak about their experience of violence and harassment both as victims and as bystanders, the more you will be able to explore the relationship between the potential hazards and the people involved. For e.g. night shift work might affect women and male workers differently with women more fearful of the threat of sexual violence and harassment if the workplace is not properly secured or if they have to leave to catch public transport late at night. Men on the other hand might be more fearful of being robbed.

STEP 3: EVALUATE THE RISK - IDENTIFY AND DECIDE ON THE SAFETY AND HEALTH RISK CONTROL MEASURES

In a typical risk assessment, once the hazards have been spotted decisions will be taken to address the challenge.

Addressing the hazards of violence and harassment is a lot more complex than addressing for example hazardous chemicals. One way of working with this complexity is by drawing on the kind of work taking place in employee wellness programs that focus on physical, psycho-social and organizational wellness. In the context of violence and harassment, working with these 3 dimensions enables one to address the needs of the individual's physical and psycho-social wellbeing while locating this within the broader culture of their world of work.

STEP 4: RECORD WHO IS RESPONSIBLE FOR IMPLEMENTING WHICH CONTROL MEASURE, AND THE TIMEFRAME

The ILO guide provides a useful guide when developing a plan of action. These tips can be adapted to include our focus on violence and harassment.

- ◆ a few low-cost or easy improvements that can be done quickly, perhaps as a temporary solution until more reliable controls are in place;
- ◆ long-term solutions to those risks most likely to exacerbate the levels of violence and harassment
- ◆ long-term solutions to those risks with the worst potential consequences;
- ◆ arrangements for training workers on the main risks that remain and how they are to be controlled;
- ◆ regular checks to make sure that the control measures stay in place.

STEP 5: RECORD THE FINDINGS, MONITOR AND REVIEW THE RISK ASSESSMENT, AND UPDATE WHEN NECESSARY

The nature and forms of violence and harassment are constantly changing. Cyberbullying might not have been a major risk in the past, but today many workers report examples of online bullying and harassment. Reviewing and updating the risk assessment is important for being able to respond to new challenges workers are facing.

4. USEFUL RESOURCES

[Convention C190 - Violence and Harassment Convention, 2019 \(No. 190\) \(ilo.org\)](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

[Recommendation R206 - Violence and Harassment Recommendation, 2019 \(No. 206\) \(ilo.org\)](https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206)

https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

[Ratify C190 Chapters | ILO C190 Guide](https://c190guide.ilo.org/en/ratify-c190-chapters/)

<https://c190guide.ilo.org/en/ratify-c190-chapters/>

PSI Toolkit

[C190 Train the Trainers Toolkit \(Facilitator Guide\) - PSI - The global union federation of workers in public services](https://publicservices.international/resources/publications/c190-train-the-trainers-toolkit-facilitator-guide?id=11959&lang=en)

<https://publicservices.international/resources/publications/c190-train-the-trainers-toolkit-facilitator-guide?id=11959&lang=en>

[International Transport Workers Federation: A Transport Workers Toolkit](https://www.itfglobal.org/sites/default/files/node/resources/files/C190%20toolkit_FINAL.pdf)

https://www.itfglobal.org/sites/default/files/node/resources/files/C190%20toolkit_FINAL.pdf

Centre for Women's Global Leadership

[Ratifying and Implementing ILO Convention 190 - A Global Dialogue - YouTube](https://www.youtube.com/watch?v=jqJzYaR47w0)

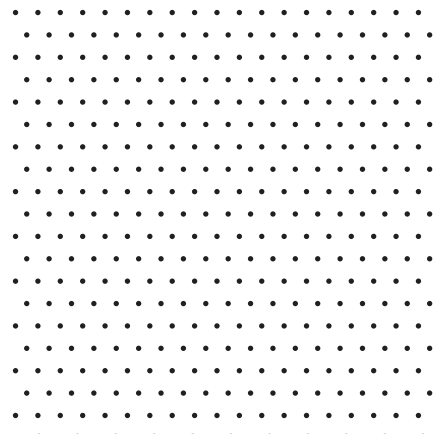
<https://www.youtube.com/watch?v=jqJzYaR47w0>

[ILO guide on Joint OSH Committees](https://webapps.ilo.org/static/english/osh/en/story_content/external_files/fs_bs_2-workplace_4_en.pdf#:~:text=joint%20occupational%20safety%20and%20health%20%28OSH%29%20committee%20can,maintain%20safe%20and%20healthy%20working%20conditions%20and%20environment.)

https://webapps.ilo.org/static/english/osh/en/story_content/external_files/fs_bs_2-workplace_4_en.pdf#:~:text=joint%20occupational%20safety%20and%20health%20%28OSH%29%20committee%20can,maintain%20safe%20and%20healthy%20working%20conditions%20and%20environment.

[ITUC guide on C190](https://www.ituc-csi.org/IMG/pdf/c190_mini_guide_en.pdf)

https://www.ituc-csi.org/IMG/pdf/c190_mini_guide_en.pdf



5. APPENDIX

5.1 C190 - Violence and Harassment Convention, 2019 (No. 190)

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 108th (Centenary) Session on 10 June 2019, and

Recalling that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Reaffirming the relevance of the fundamental Conventions of the International Labour Organization, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities, and

Recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment, and

Recognizing that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work, and

Recognizing the importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment, and

Recalling that Members have an important responsibility to promote a general environment of zero tolerance to violence and harassment in order to facilitate the prevention of such behaviours and practices, and that all actors in the world of work must refrain from, prevent and address violence and harassment, and

Acknowledging that violence and harassment in the world of work affects a person's psychological, physical and sexual health, dignity, and family and social environment, and

Recognizing that violence and harassment also affects the quality of public and private services, and may prevent persons, particularly women, from accessing, and remaining and advancing in the labour market, and

Noting that violence and harassment is incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity, and

Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work, and

Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence, and

Having decided upon the adoption of certain proposals concerning violence and harassment in the world of work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year two thousand and nineteen the following Convention, which may be cited as the Violence and Harassment Convention, 2019:

I. DEFINITIONS

Article 1

1. For the purpose of this Convention:

(a) the term "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

(b) 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.

2. Without prejudice to subparagraphs (a) and (b) of paragraph 1 of this Article, definitions in national laws and regulations may provide for a single concept or separate concepts.

II. SCOPE

Article 2

1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.

2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

Article 3

This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work:

(a) in the workplace, including public and private spaces where they are a place of work;

(b) in 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) in employer-provided accommodation; and

(f) when commuting to and from work.

III. CORE PRINCIPLES

Article 4

1. Each Member which ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment.

2. Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence and harassment involving third parties, where applicable, and includes:

- (a) prohibiting in law violence and harassment;
- (b) ensuring that relevant policies address violence and harassment;
- (c) adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;
- (d) establishing or strengthening enforcement and monitoring mechanisms;
- (e) ensuring access to remedies and support for victims;
- (f) providing for sanctions;
- (g) developing tools, guidance, education and training, and raising awareness, in accessible formats as appropriate; and
- (h) ensuring effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates or other competent bodies.

3. In adopting and implementing the approach referred to in paragraph 2 of this Article, each Member shall recognize the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.

Article 5

With a view to preventing and eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.

Article 6

Each Member shall adopt laws, regulations and policies ensuring the 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.

IV. PROTECTION AND PREVENTION

Article 7

Without prejudice to and consistent with Article 1, each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.

Article 8

Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) recognizing the important role of public authorities in the case of informal economy workers;
- (b) identifying, in consultation with the employers' and workers' organizations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and
- (c) taking measures to effectively protect such persons.

Article 9

Each Member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:

- (a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- (b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and
- (d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.

V. ENFORCEMENT AND REMEDIES

Article 10

Each Member shall take appropriate measures to:

- (a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
- (b) ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as:
 - (i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;
 - (ii) dispute resolution mechanisms external to the workplace;
 - (iii) courts or tribunals;
 - (iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and
 - (v) legal, social, medical and administrative support measures for complainants and victims;
- (c) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused;
- (d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;
- (e) 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;
- (f) recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work;
- (g) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management; and
- (h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law.

VI. GUIDANCE, TRAINING AND AWARENESS-RAISING

Article 11

Each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
- (b) employers and workers and their organizations, and relevant authorities, are provided with

guidance, resources, training or other tools, in accessible formats as appropriate, on violence and harassment in the world of work, including on gender-based violence and harassment; and (c) initiatives, including awareness-raising campaigns, are undertaken.

VII. METHODS OF APPLICATION

Article 12

The provisions of this Convention shall be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary.

VIII. FINAL PROVISIONS

Article 13

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 14

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 15

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 16

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 17

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered in accordance with the provisions of the preceding Articles.

Article 18

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 19

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 20

The English and French versions of the text of this Convention are equally authoritative.

Adoption: Geneva, 108th ILC session (21 Jun 2019)

Source: https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

5.2 R206 - Violence and Harassment Recommendation, 2019 (No. 206)

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 108th (Centenary) Session on 10 June 2019, and

Having adopted the Violence and Harassment Convention, 2019, and

Having decided upon the adoption of certain proposals concerning violence and harassment in the world of work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Violence and Harassment Convention, 2019,

adopts this twenty-first day of June of the year two thousand and nineteen the following Recommendation, which may be cited as the Violence and Harassment Recommendation, 2019:

1. The provisions of this Recommendation supplement those of the Violence and Harassment Convention, 2019 (hereafter referred to as “the Convention”), and should be considered in conjunction with them.

I. CORE PRINCIPLES

2. In adopting and implementing the inclusive, integrated and genderresponsive approach referred to in Article 4, paragraph 2, of the Convention, Members should address violence and harassment in the world of work in labour and employment, occupational safety and health, equality and non-discrimination law, and in criminal law, where appropriate.

3. Members should ensure that 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).

4. Members should take appropriate measures to:
 - (a) promote the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work; and
 - (b) support such collective bargaining through the collection and dissemination of information on related trends and good practices regarding the negotiation process and the content of collective agreements.
5. Members should ensure that provisions on violence and harassment in national laws, regulations and policies take into account the equality and non-discrimination instruments of the International Labour Organization, 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.

II. PROTECTION AND PREVENTION

6. Occupational safety and health provisions on violence and harassment in national laws, regulations and policies should take into account relevant occupational safety and health instruments of the International Labour Organization, such as the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
7. Members should, as appropriate, specify in laws and regulations that workers and their representatives should take part in the design, implementation and monitoring of the workplace policy referred to in Article 9(a) of the Convention, and such policy should:
 - (a) state that violence and harassment will not be tolerated;
 - (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
 - (c) specify the rights and responsibilities of the workers and the employer;
 - (d) contain information on complaint and investigation procedures;
 - (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;
 - (f) specify the right to privacy of individuals and confidentiality, as referred to in Article 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards; and
 - (g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.
8. The workplace risk assessment referred to in Article 9(c) of the Convention should take into account 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:
 - (a) arise from working conditions and arrangements, work organization and human resource management, as appropriate;
 - (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and
 - (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.
9. Members should adopt appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment.
10. Members should take legislative or other measures to protect migrant workers, particularly women migrant workers, regardless of migrant status, in origin, transit and destination countries as appropriate, from violence and harassment in the world of work.
11. In facilitating the transition from the informal to the formal economy, Members should provide resources and assistance for informal economy workers and employers, and their associations, to prevent and address violence and harassment in the informal economy.
12. Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation in specific jobs, sectors or occupations, or their exclusion therefrom, of women and the groups referred to in Article 6 of the Convention.

13. The reference to vulnerable groups and groups in situations of vulnerability in Article 6 of the Convention should be interpreted in accordance with applicable international labour standards and international instruments on human rights.

III. ENFORCEMENT, REMEDIES AND ASSISTANCE

14. The remedies referred to in Article 10(b) of the Convention could include:

- (a) the right to resign with compensation;
- (b) reinstatement;
- (c) appropriate compensation for damages;
- (d) orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed; and
- (e) legal fees and costs according to national law and practice.

15. Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work.

16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:

- (a) courts with expertise in cases of gender-based violence and harassment;
- (b) timely and efficient processing;
- (c) legal advice and assistance for complainants and victims;
- (d) guides and other information resources available and accessible in the languages that are widely spoken in the country; and
- (e) shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings.

17. The support, services and remedies for victims of gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:

- (a) support to help victims re-enter the labour market;
- (b) counselling and information services, in an accessible manner as appropriate;
- (c) 24-hour hotlines;
- (d) emergency services;
- (e) medical care and treatment and psychological support;
- (f) crisis centres, including shelters; and
- (g) specialized police units or specially trained officers to support victims.

18. Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 10(f) of the Convention could include:

- (a) leave for victims of domestic violence;
- (b) flexible work arrangements and protection for victims of domestic violence;
- (c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- (d) the inclusion of domestic violence in workplace risk assessments;
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.

19. Perpetrators of violence and harassment in the world of work should be held accountable and provided counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment, and facilitating their reintegration into work, where appropriate.

20. Labour inspectors and officials of other competent authorities, as appropriate, should undergo gender-responsive training with a view to identifying and addressing violence and harassment in the world of work, including psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers.

21. The mandate of national bodies responsible for labour inspection, occupational safety and health, and equality and non-discrimination, including gender equality, should cover violence and harassment in the world of work.

22. Members should make efforts to collect and publish statistics on violence and harassment in the world of work disaggregated by sex, form of violence and harassment, and sector of economic activity, including with respect to the groups referred to in Article 6 of the Convention.

IV. GUIDANCE, TRAINING AND AWARENESS-RAISING

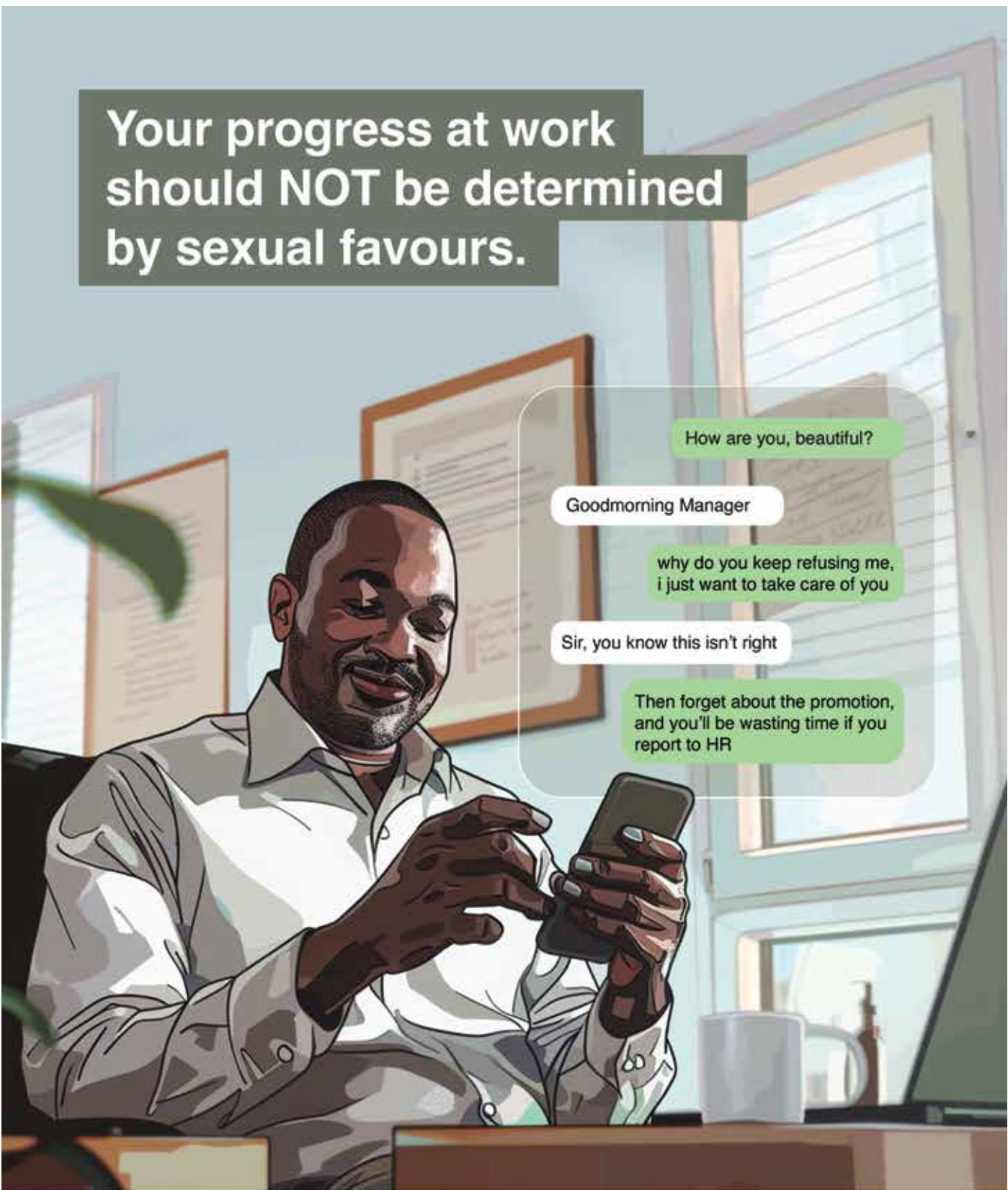
23. Members should fund, develop, implement and disseminate, as appropriate:

- (a) programmes aimed at addressing factors that increase the likelihood of violence and harassment in the world of work, including discrimination, the abuse of power relations, and gender, cultural and social norms that support violence and harassment;
- (b) gender-responsive guidelines and training programmes to assist judges, labour inspectors, police officers, prosecutors and other public officials in fulfilling their mandate regarding violence and harassment in the world of work, as well as to assist public and private employers and workers and their organizations in preventing and addressing violence and harassment in the world of work;
- (c) model codes of practice and risk assessment tools on violence and harassment in the world of work, either general or sector-specific, taking into account the specific situations of workers and other persons belonging to the groups referred to in Article 6 of the Convention;
- (d) public awareness-raising campaigns in the various languages of the country, including those of the migrant workers residing in the country, that convey the unacceptability of violence and harassment, in particular gender-based violence and harassment, address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistle-blowers;
- (e) gender-responsive curricula and instructional materials on violence and harassment, including gender-based violence and harassment, at all levels of education and vocational training, in line with national law and circumstances;
- (f) materials for journalists and other media personnel on gender-based violence and harassment, including its underlying causes and risk factors, with due respect for their independence and freedom of expression; and
- (g) public campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment.

Adoption: Geneva, 108th ILC session (21 Jun 2019)

Source: https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

Your progress at work should NOT be determined by sexual favours.



How are you, beautiful?

Goodmorning Manager

why do you keep refusing me, i just want to take care of you

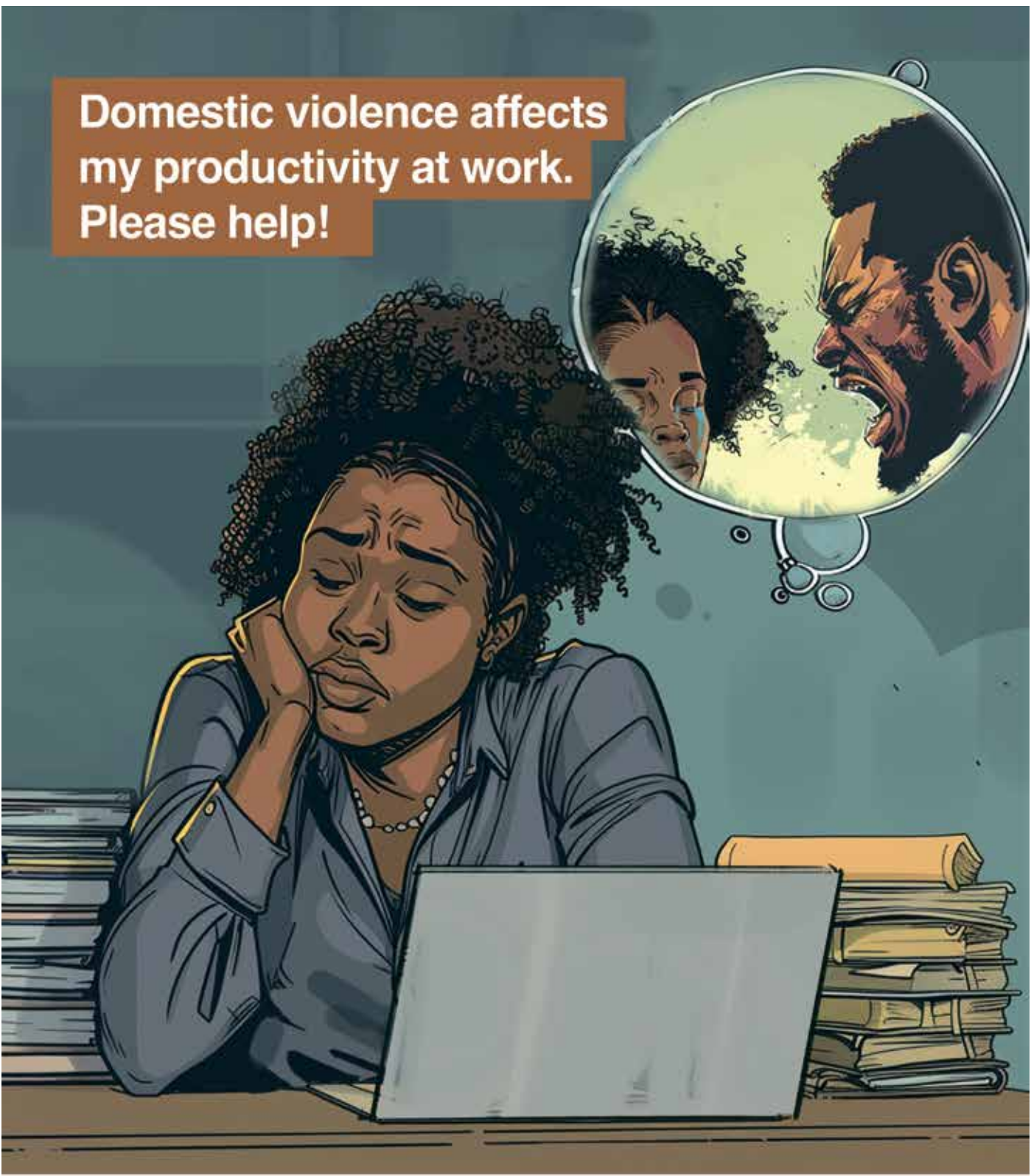
Sir, you know this isn't right

Then forget about the promotion, and you'll be wasting time if you report to HR

Resist Gender-based Violence at Work!



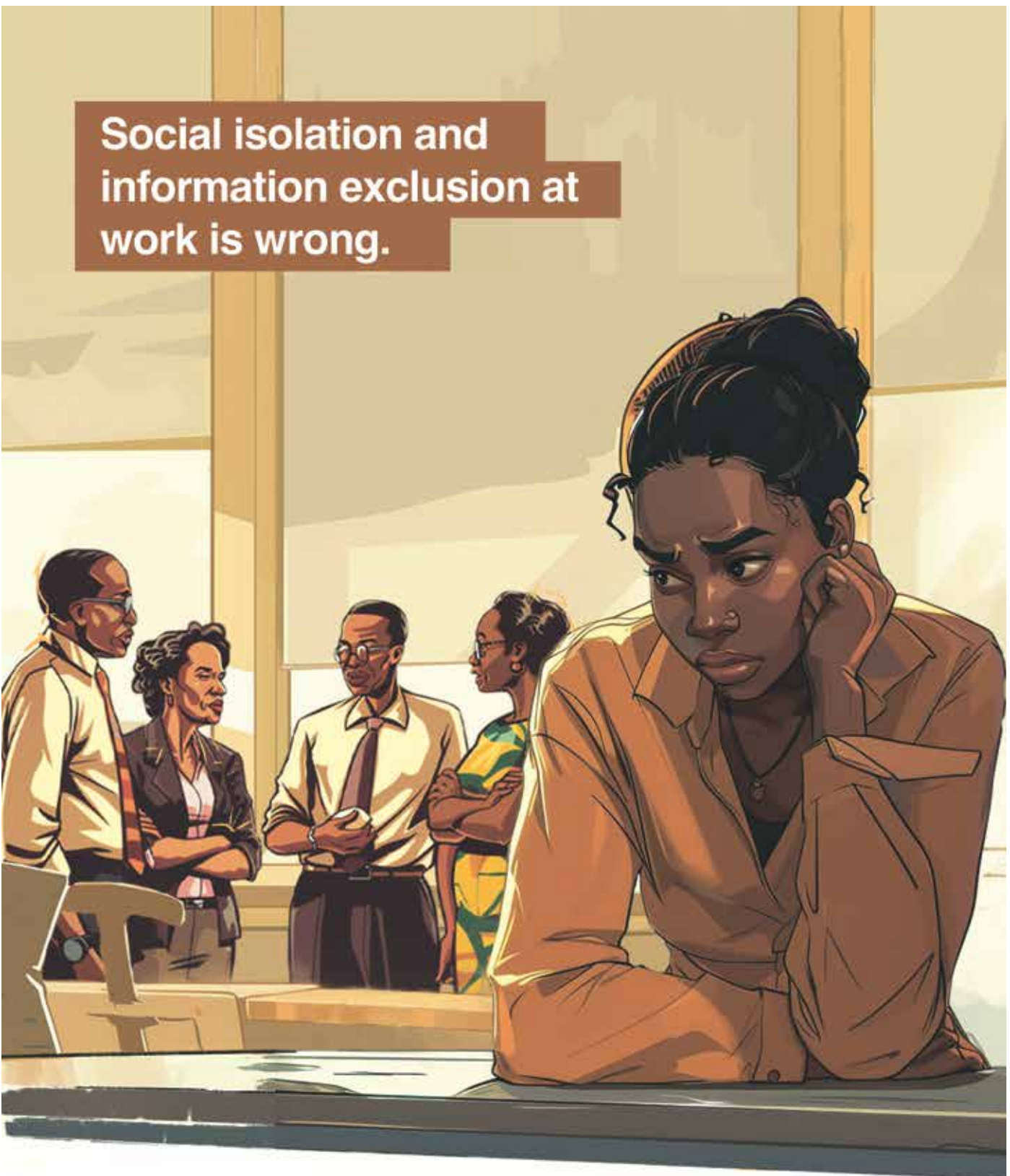
Domestic violence affects my productivity at work. Please help!



Anything that affects a worker's performance at work should be of concern
Domestic violence being a key factor



Social isolation and information exclusion at work is wrong.



Emotional and Psychological distress is part of violence and harassment at the workplace



Field workers are often threatened and mistreated by customers.



Some workers need protection and customers who commit violent acts against workers should be held liable



cut here

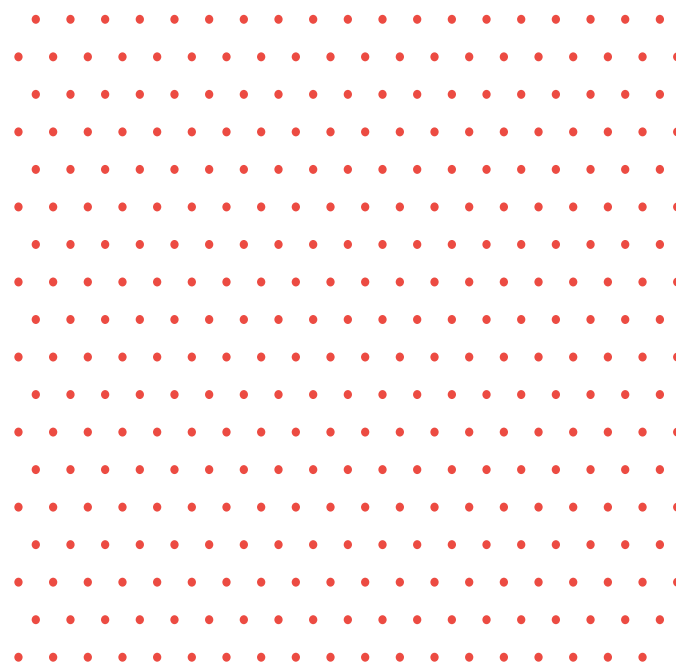
Health care workers
deserve a safe workplace
free from harassment.



We must protect our
caregivers.
They cannot provide quality
healthcare if they dont feel safe



sask^o



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