



International
Labour
Organization

A Global Mandate to Prevent and End Violence and Harassment in the World of Work:

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

Three small triangles (red, white, and blue) are arranged in a diagonal line on the left side of the slide.A large, textured red triangle pointing right, containing the text '#RATIFY C190' in white.

**#RATIFY
C190**

Structure of the presentation

1. Setting the scene: Why C190 was needed
2. C190 and R206: Overview of Main Principles and Scope of Application
3. Deep dive: Enforcement and Remedies under C190 and R206 (Art. 10 C190 and §§ 14-22 R206)
4. Where do we stand: Progress... and challenges
5. The role of the ILO
6. Conclusion and Call to Action



Setting the Scene – Why C190 Was Needed

- Violence and harassment is a **widespread phenomenon**, in all countries.
- It **affects everyone**, although some groups or certain occupations or work arrangements are more at risk.
- A **range of factors can lead to or increase the risk** of violence and harassment, such as poor working conditions, informality, stress, stigma and discrimination, working in contact with the public, working alone...
- **Crises exacerbate vulnerability**, including risks to violence and harassment.



Setting the Scene – Why C190 Was Needed (cont'ed)

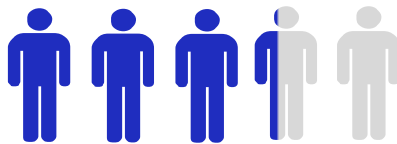


More than **1 in 5 persons in employment** experienced VH

- Nearly **1 in 10** experienced physical VH.
- Nearly **1 in 5** experienced psychological VH.
- **1 in 15** experienced sexual VH.

▶ **Women** were particularly exposed to sexual violence and harassment at work, **men** to physical violence and harassment at work.

▶ More than **3 in 5 victims** of violence and harassment at work said it has happened to them **multiple times**.



- ▶ **Some groups are more at risk**, including youth, migrants, and wage and salaried workers.
- ▶ **Persons affected by discrimination during their life**, were more likely to have experienced violence and harassment at work.



▶ **Only half of victims** have shared their experience of violence and harassment with someone

▶ **“Waste of time”, “fear for their reputation”** and **“unclear procedures at work”** were mentioned as first three top barriers preventing people from talking about it.



▶ **Experiences of violence and harassment at work: A global first survey**

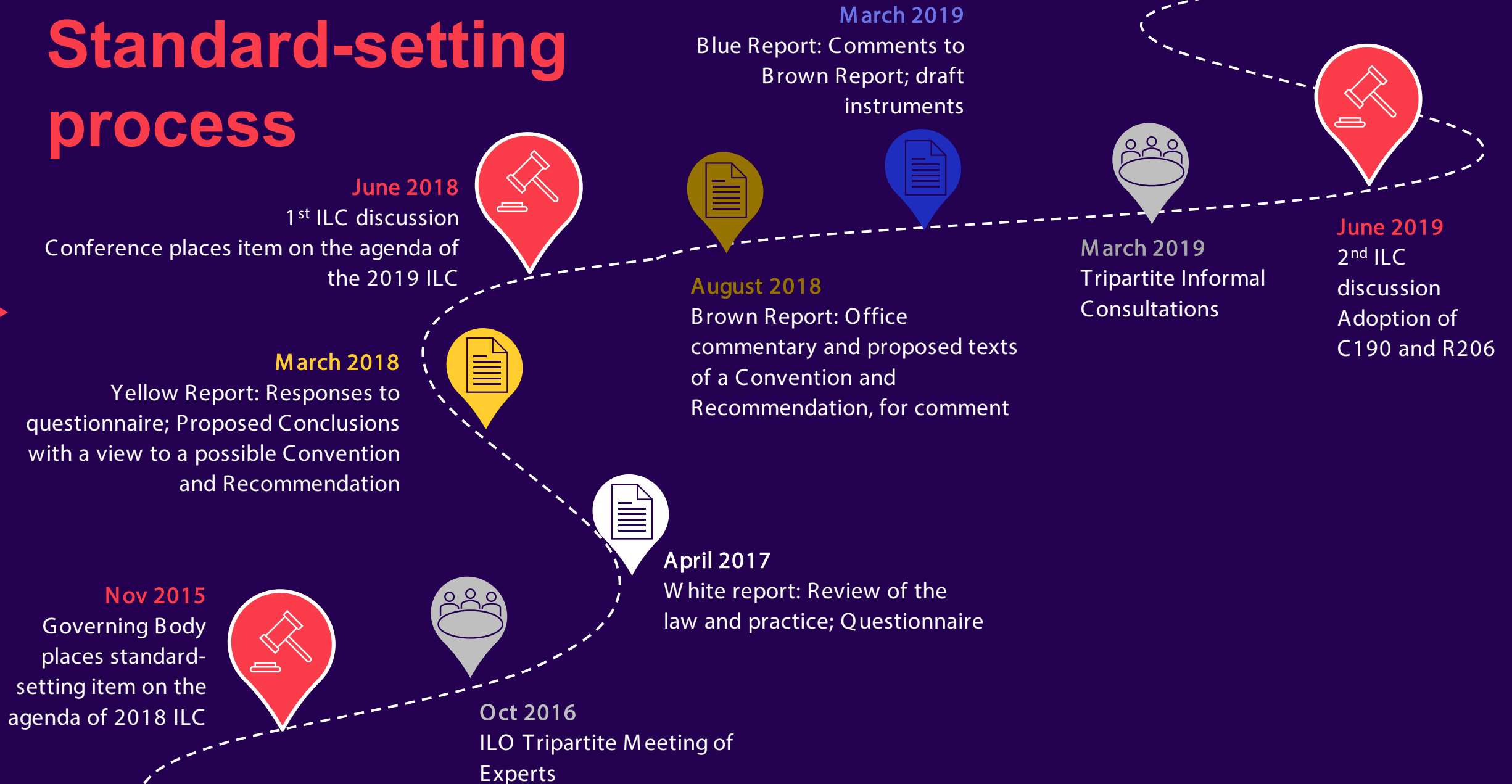
Setting the Scene – Why C190 Was Needed (cont'ed)

- At the heart of ILO's mandate and work:
 - ✓ ILO Constitution, 1919
 - ✓ Declaration of Philadelphia, 1944
 - ✓ Declaration on Fundamental Principles and Rights at Work, 1998
 - ✓ Declaration on Social Justice for a Fair Globalization, 2008
 - ✓ Standards on equality and non-discrimination
 - ✓ Standards containing non-discrimination provisions
 - ✓ Standards on occupational safety and health



Before C190&R206,
no comprehensive global
framework to address
violence and harassment
in the world of work.

The ILO Standard-setting process





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- C190 and R206 were adopted by a large tripartite majority of the International Labour Conference.
- C. 190 is an international treaty; R. 206 provides guidance on how to implement the Convention
- C190 is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment

C.190 and R. 206 are an historic opportunity to shape a future of work based on dignity and respect for all.



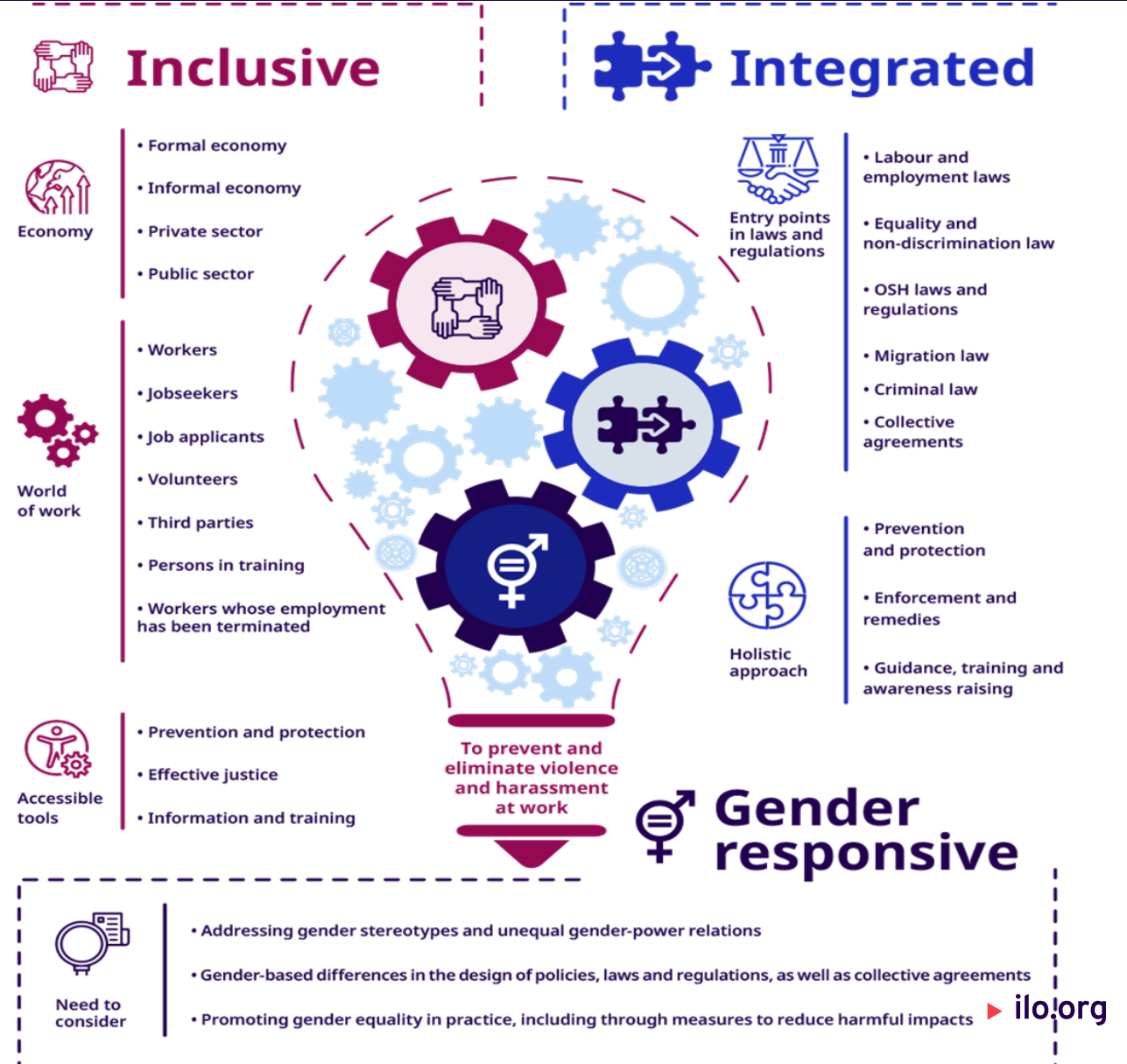
C190 and R206: Overview of Main Principles and Scope of Application

- ▶ “Violence and harassment” (VH) *“a range of unacceptable behaviours, 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”*
- ▶ **WHO** is protected? It covers **not just employees**, but e.g. also persons working irrespective of their contractual status, jobseekers and job applicants, interns, apprentices, and persons exercising the authority of an employer, in formal and informal economy, public and private sector
- ▶ **WHERE?** Its scope includes but **goes beyond the physical and time boundaries of the traditional workplace**, both in formal and informal economy, and public and private sector

C190 and R206: Overview of Main Principles and Scope of Application (cont'ed)

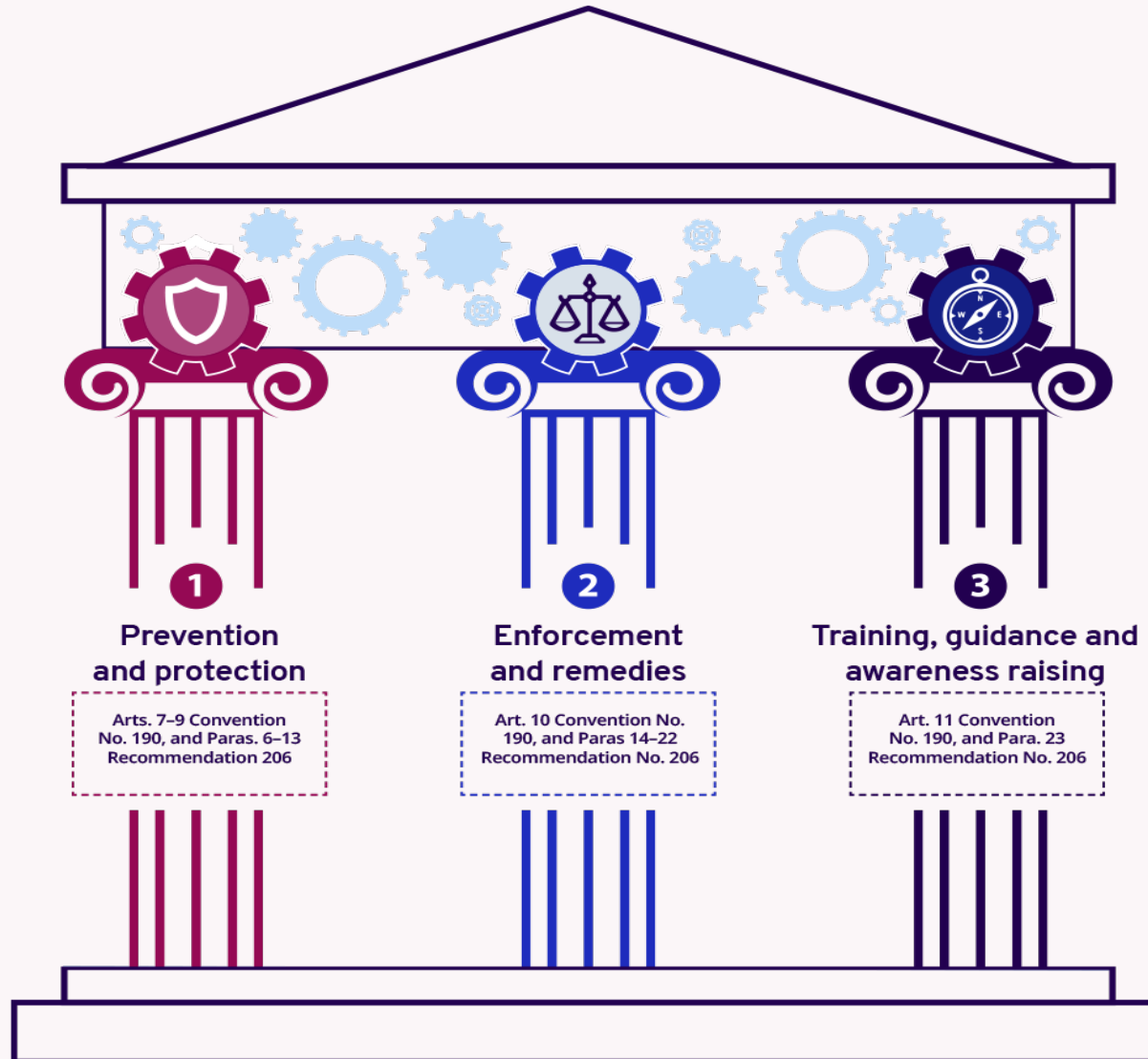
- It calls for the **adoption of an inclusive, integrated and gender-responsive approach**, in consultation with employers' and workers' representatives:
- Recognizes **different and complementary roles and functions of governments, employers and workers**, with the varying nature and extent of their responsibilities
- Takes into consideration:
 - the **underpinning elements of violence and harassment**;
 - the **sectors, occupations and work arrangements** more exposed to violence and harassment;
 - **role of public officials** in the case of informal economy workers;
 - **accessibility**;
 - linkages between **domestic violence** and the world of work

Advancing social justice, promoting decent work



C190 and R206: Overview of Main Principles and Scope of Application (cont'ed)

C.190 and R.206: The pillars of the inclusive, integrated and gender-responsive approach



Deep Dive: Enforcement and Remedies under C190 and R206 (Art. 10 C190 and §§ 14-22 R206)

Art. 10 C190:

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;

(...)

Deep Dive: Enforcement and Remedies under C190 and R206 (Art. 10 C190 and §§ 14-22 R206)

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.*

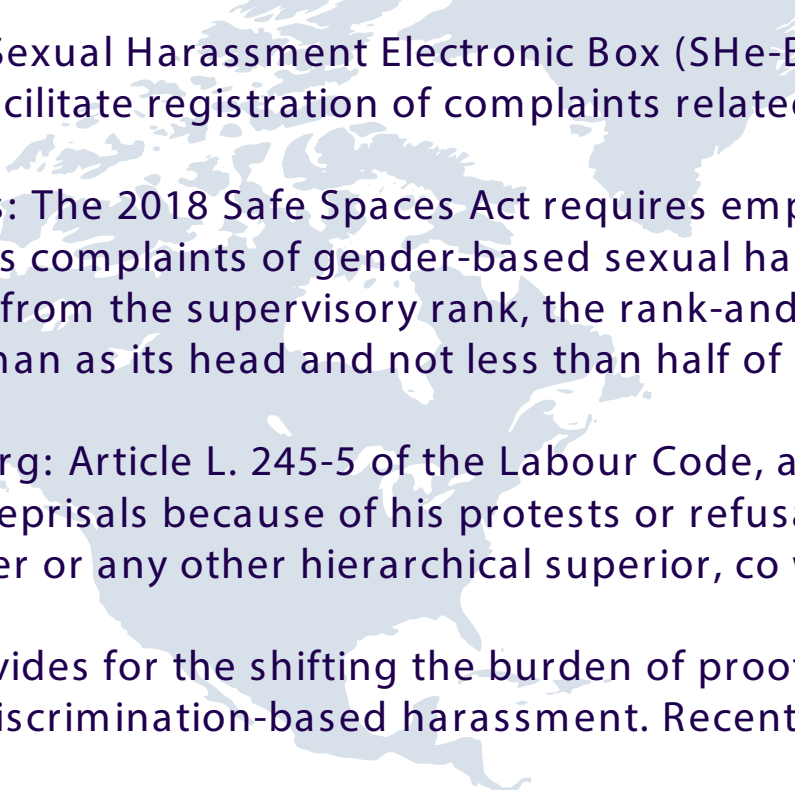






16. *The **complaint and dispute resolution mechanisms for gender-based violence and harassment** referred to in Article 10(e) of the Convention should include measures such as:*

- (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.*

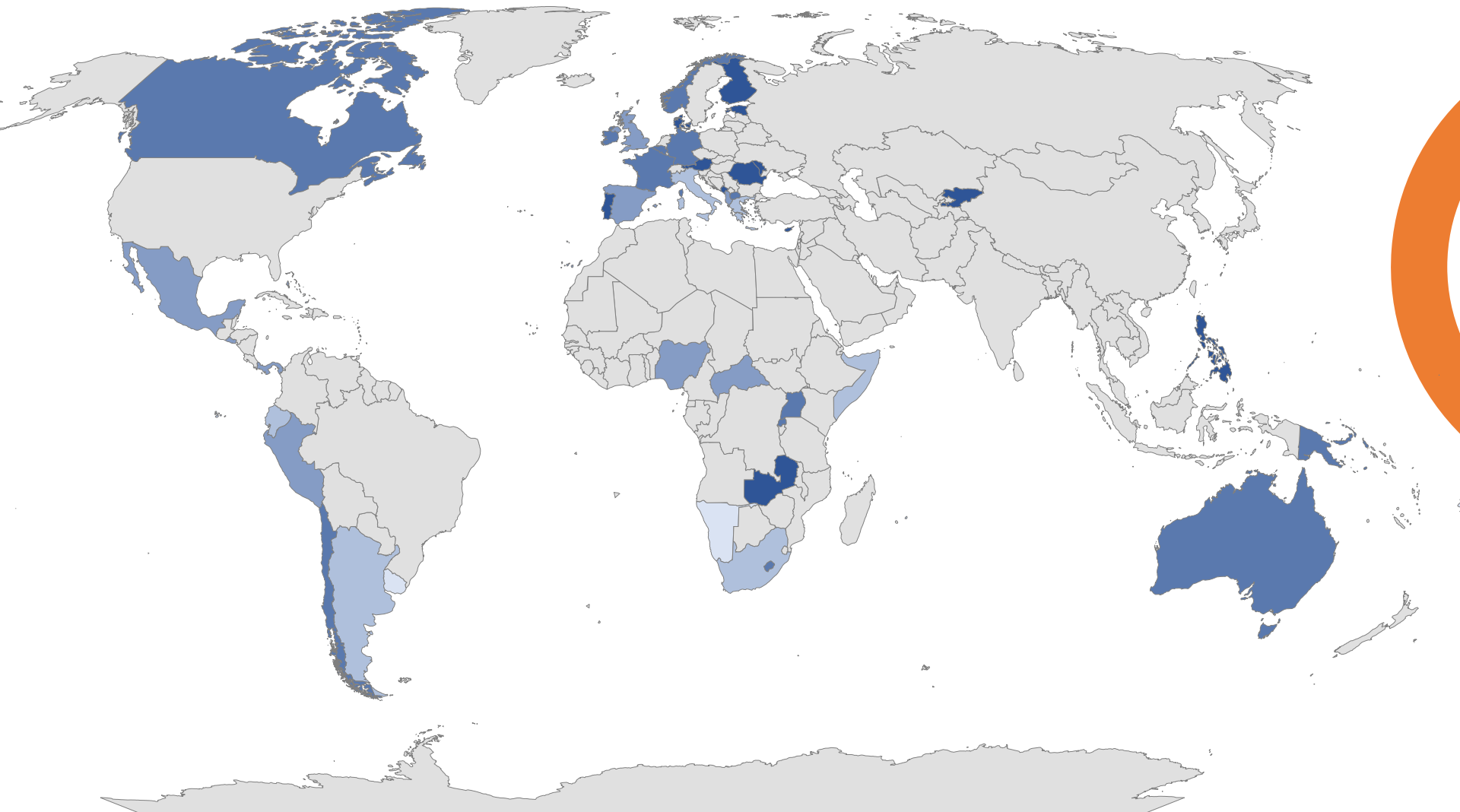
19. ***Perpetrators** of violence and harassment in the world of work should be held accountable and provided counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment, and facilitating their reintegration into work, where appropriate.*

Deep Dive: Enforcement and Remedies under C190 and R206

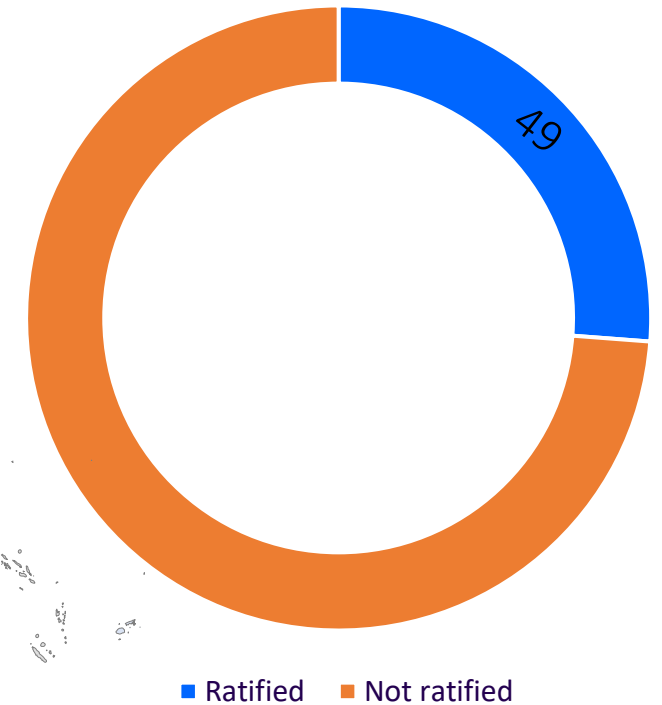
A few examples from recent legislative reforms...

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-  India: the Sexual Harassment Electronic Box (SHe-Box) established by the Government aims to provide single window access to facilitate registration of complaints related to sexual harassment.
 -  Philippines: The 2018 Safe Spaces Act requires employers to create an independent internal mechanism to investigate and address complaints of gender-based sexual harassment which shall adequately represent the management, the employees from the supervisory rank, the rank-and-file employees, and the union, if any; and have a woman as its head and not less than half of its members should be women (sect. 17).
 -  Luxembourg: Article L. 245-5 of the Labour Code, as amended in 2016, provides: 1. The employee may not be the subject of reprisals because of his protests or refusals against an act or behaviour of sexual harassment on the part of his employer or any other hierarchical superior, co workers or external persons in relationship with the employer
 -  EU law provides for the shifting the burden of proof both in judicial and extrajudicial protection against discrimination, including discrimination-based harassment. Recently, other countries in different regions have followed suit.
 -  Costa Rica: A fast-track procedure for situations of labour discrimination suffered by vulnerable populations, including migrants and refugees has been established
 -  Belgium's amended anti-discrimination law strengthens sanctions by allowing courts to impose cumulative flat-rate damages for multiple discrimination criteria. The law also enhances 'cease-and-desist' orders, enabling judges to mandate positive measures for employers.

Where do we stand: Progress...



Ratifications C190



Where do we stand: Progress...

Progress...

- **New laws and regulations** dealing with violence and harassment in the world of work
- **Collective bargaining agreements** are emerging as powerful instrument to address violence and harassment: 252 clauses dedicated to V&H included in 95 sector and company level CBAs (15 countries)
- **Great variety of V&H guidance and tools** exists to support implementation of measures at enterprise level
- Greater **awareness and momentum** at different levels and across a variety of stakeholders



...and challenges



Challenges

- Data collection
- Maintaining the momentum on ratification and effective implementation (role of labour inspectors, coordination among different governmental agencies...)
- Building the capacity of ILO constituents in implementing Convention No. 190 and addressing (old and) new challenges, including in relation to access to labour justice
- Strengthening social dialogue at all levels
- Challenges identified by CEACR:
 - Phenomenon addressed partially in legislation (GBVH, VAW, SH...)
 - Complexity of procedures
 - Limited explicit reference in OSH frameworks
- Scaling up efforts towards social change

Role of the ILO and its supervisory mechanisms

- ❖ Promote ratification of the Convention and the effective implementation of the instruments, including through its supervisory bodies
- ❖ Support to constituents through awareness-raising initiatives, promotional materials, research and technical assistance
- ❖ Promotion of international cooperation and partnerships



Conclusion and Call to Action

Why C190 matters: A safer, more inclusive world of work benefits everyone

What can be done: Encourage ratification, promote implementation, strengthen measures at all levels, and raise awareness

How to get involved: Engage with ILO initiatives, advocate for legal and policy changes, and promote best practices





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Thank you!

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