



It's time for a world of work free from violence and harassment

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WHY THE ILO VIOLENCE AND HARASSMENT CONVENTION NO.190 IS SO IMPORTANT FOR WORKERS ACROSS THE WORLD

The ILO's Violence and Harassment Convention No.190 (C190) is a ground-breaking new international treaty that gives all workers the right to protection against violence and harassment, including gender-based violence and harassment. Trade unions across the world campaigned hard for the Convention, which was adopted on 21 June 2019 by the International Labour Conference (the tripartite decision-making body of the ILO). Following ratification by Uruguay and Fiji, the Convention came into force in June 2020. C190 is supplemented by Recommendation No.206 (R206) which gives detailed guidance on how the Convention should be implemented at national level.

It is ground-breaking in recognizing that violence and harassment in the world of work can constitute a human rights violation and that it is incompatible with decent work:

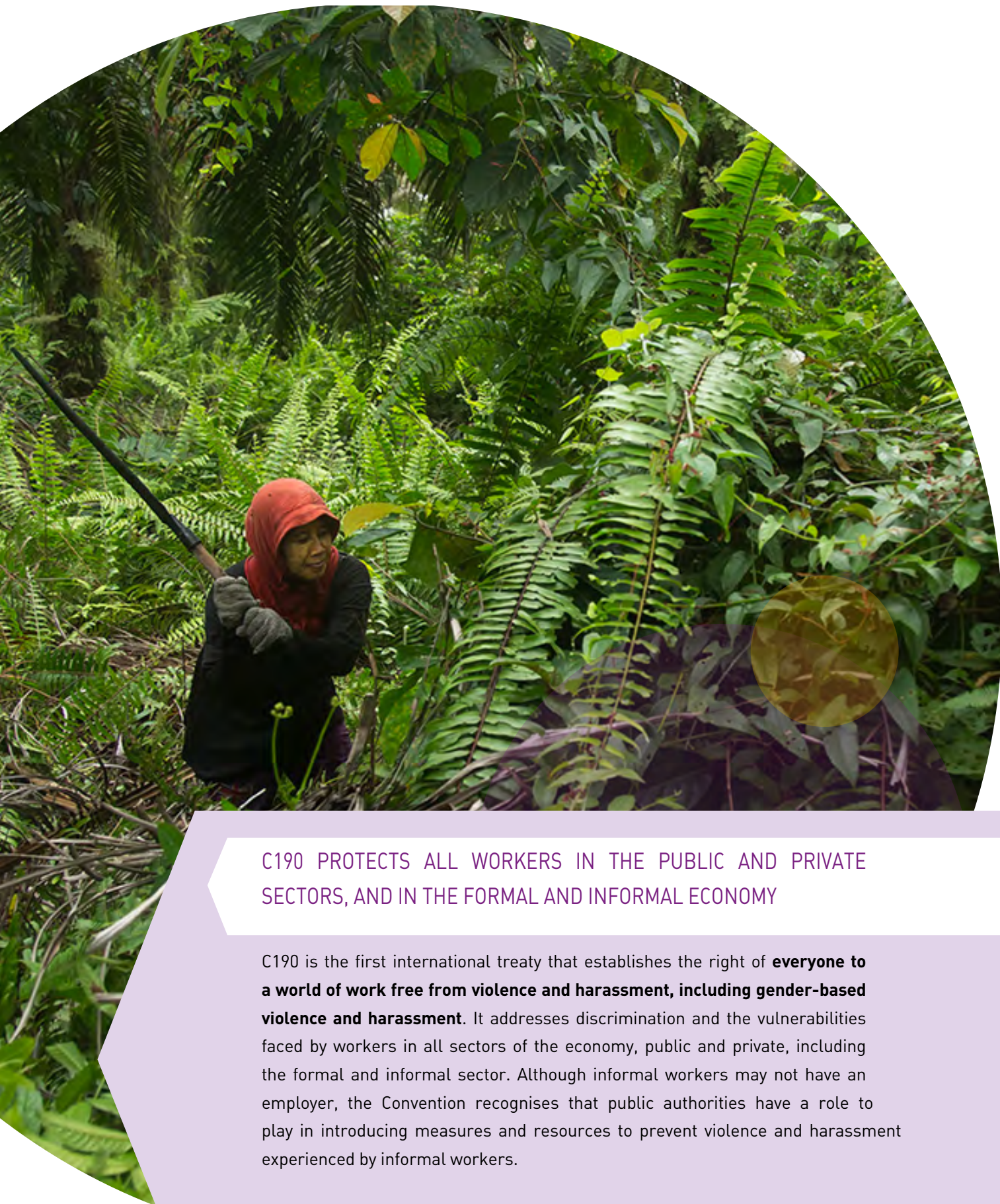


"...the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment...that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work." [Preamble to C190]

C190 calls for an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. It establishes minimum standards that offer a comprehensive road map for social dialogue between trade unions and employers in preventing and addressing violence and harassment in the world of work. → Page 10 contains a model agreement with draft clauses to use in negotiations for a collective bargaining agreement.

In the context of the COVID-19 pandemic, urgent action is needed from governments and employers to ensure that everyone has the right to a world of work free from violence and harassment.

Ratification of C190 is crucial to these efforts. The ITUC and global unions, along with CNV Internationaal and trade unions across the world have been very active in campaigning for and lobbying governments to ratify the Convention through the campaign #Ratify190.



C190 PROTECTS ALL WORKERS IN THE PUBLIC AND PRIVATE SECTORS, AND IN THE FORMAL AND INFORMAL ECONOMY

C190 is the first international treaty that establishes the right of **everyone to a world of work free from violence and harassment, including gender-based violence and harassment**. It addresses discrimination and the vulnerabilities faced by workers in all sectors of the economy, public and private, including the formal and informal sector. Although informal workers may not have an employer, the Convention recognises that public authorities have a role to play in introducing measures and resources to prevent violence and harassment experienced by informal workers.

The Convention covers all workers irrespective of their contractual status, including trainees, interns, volunteers and job seekers.

ALL FORMS OF VIOLENCE AND HARASSMENT ARE COVERED, INCLUDING GENDER-BASED VIOLENCE AND HARASSMENT

The Convention has a wide scope and recognises that violence and harassment are “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”.

All potential forms of violence and harassment that impact on the world of work are included. This includes third-party violence and harassment (from clients, customers, patients, students and the general public) as well as domestic violence when it impacts the workplace.

The Convention is particularly strong on ending gender-based violence, which is defined as 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. It requires governments to implement a gender-responsive approach to ending violence and harassment in the world of work by addressing underlying causes and risk factors. These include gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations.

It recognises that women workers and workers who experience discrimination and inequality, and who belong to one or more vulnerable groups or groups in situations of vulnerability, are disproportionately affected by violence and harassment in the world of work. Although not defined in the Convention, the Recommendation notes that vulnerable groups and groups in situations of vulnerability should be interpreted in accordance with applicable international labour standards and human rights instruments. This could include a wide range of groups experiencing discrimination such as LGBTI+ people, minority ethnic groups and migrant workers.





THE CHANGING WORLD OF WORK AND COVID-19

C190 is very relevant in the context of the COVID-19 pandemic. There has been an alarming increase in violence and harassment against workers providing front line services. We have seen many cases of workers being spat at, physical violence and verbal aggression against health workers, shop and supermarket workers and transport workers. The increase in domestic violence during lockdowns has affected many women workers who are confined in their homes carrying out telework. An employer's 'duty of care' toward their workers should apply regardless of where they are working.

The world of work is defined broadly in the Convention to include public and private spaces where work occurs. A public space could be a market or where an informal workers sells her produce on the street. A private space could be the private home where she is employed as a domestic worker or a carer, or it could be where a home-worker sews garments from her own home. The world of work also covers work related meetings, social events and training that occur away from the physical workplace, and it applies to in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities. Of relevance for the increasing numbers teleworking, are work-related communications, where harassment takes place through information and communication technologies, including cyber-harassment by email and social media.

For many workers today, commuting to and from work is dangerous, particularly at night. It is important therefore that the Convention includes commuting to and from work as part of the world of work, which could lead governments to improve safety in public transport. This is also the case for employer-provided accommodation, which will be important for garment or agricultural workers where employers provide dormitories, or for domestic workers who live in their employer's home.



OBLIGATIONS ON GOVERNMENTS AND EMPLOYERS TO PREVENT AND END VIOLENCE AND HARASSMENT

It is also the first time that a global treaty addresses the responsibilities of governments to end violence and harassment at work. In turn governments are requested to pass laws that put obligations on employers to implement workplace policies, complaints procedures, risk assessments in occupational safety and health, awareness raising and guidance in the workplace. With its strong focus on gender-based violence, this is of huge importance to the sectors of the economy that employ large numbers of women such as garments and textiles, agriculture, health and care services, domestic work, education, amongst others. In addition, governments are called upon to introduce an integrated approach to ending violence and harassment in their laws and policies on labour and employment, equality and non-discrimination, migration, occupational health and safety, and crime.

Employers would have a role to carry out risk assessments in order to prevent violence and harassment. This includes psychosocial risks that arise from poor organisation of work, working conditions or job content. This could include the way that work is organised on a production line that could result in a heightened risk of harassment. For example, in the garment sector tight deadlines, unreasonable production line targets and long working hours are all factors that can affect the health and wellbeing of women workers, but they also create conditions that result in work pressure, stress and harassment, including sexual harassment.

The standards also call for measures to prevent violence and harassment by and against third parties and ensure that they are included in risk assessments, for example, in order to identify and act upon the risks of violence and harassment regularly faced by workers in customer facing jobs.

Further measures are called for to enable victims of violence and harassment to have access to support, services and remedies, such as counselling, information and emergency services, medical care and treatment and psychological support, shelters and other crisis centres and specialised police units or specially trained officers.

In the area of enforcement and remedy, the Convention includes a role for labour inspectors, the police and the judiciary, who should receive gender-responsive training and guidance on ending gender-based violence and harassment and discrimination against workers.

It is important also to note that employers and trade unions are requested to draw up training and guidelines to assist them in preventing and addressing violence and harassment in the world of work.



ARTICLE 9 OF THE CONVENTION STATES THAT:

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.
- (e) This is guided by the provisions in R206 which specifies that a workplace policy should contain, a statement that violence and harassment will not be tolerated; prevention programmes; rights and responsibilities of workers and employer; information on complaint and investigation procedures and privacy and confidentiality. In addition, protection is given for complainants, victims, witnesses and whistle-blowers against victimization or retaliation.

DOMESTIC VIOLENCE IN THE WORLD OF WORK

Domestic violence is recognised as form of workplace violence that impacts on the lives of working women. Survivors of domestic violence have fewer opportunities to remain in work and progress in their careers. It can affect the safety of survivors and potentially of their colleagues at work. Physical assault and stalking can occur in the workplace because that is where an abuser can find a woman. During the COVID-19 lockdowns, the increase in domestic violence became an important workplace issue for women carrying out teleworking.

A major part of the trade union campaign for C190 was the inclusion of domestic violence, and is another break-through for workers. Domestic violence is recognised in the Preamble to C190: “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.”

The C190 requires governments to take appropriate measures to recognise the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work. The Recommendation goes into more detail by including provisions such as leave for victims of domestic violence, flexible working arrangements, protection against dismissal, and ensuring that that domestic violence is included in workplace risk assessments and that referrals are made to domestic violence services, along with measures to raise awareness.

SOCIAL DIALOGUE, FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

The Convention recognises the importance of freedom of association and the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment. Consultation with employers’ and workers’ organizations is at the centre of the development, implementation and monitoring of laws and policies to prevent and end violence and harassment in the world of work. This is relevant to laws on occupational safety and health, equality, non-discrimination and migration, and extends them to workers who are most vulnerable. Collective bargaining remains one of the most important instruments for implementing the new standards, including their application through workplace or sectoral collective bargaining and across global supply chains through Global Framework Agreements between global unions and multinational companies. And even if governments have not yet ratified the Convention, the Convention along with the Recommendation are a blueprint for workplace negotiations and collective bargaining.

[See model agreement and draft clauses for collective agreements p.10]





ACTIONS TRADE UNIONS CAN TAKE TO ENSURE THAT C190 IS RATIFIED

- Lobby your government to ratify C190, and build alliances with organisations that are supportive of the Convention: #Ratify C190!
- Give training and guidance for trade union representatives about how to use the standards as a basis for workplace negotiations for collective agreements to implement a workplace policies, risk assessments and to ensure that gender-based violence and harassment to be included in all future workplace risk assessments.
- Build awareness about violence and harassment, including ensuring that workplace complaints procedures are effective and confidential, and build trust with workers so that they feel safe to report cases of violence and harassment.
- Put your own house in order and make sure your own trade union internal policies and procedures are in line with the minimum standards in C190 and R206.

MODEL AGREEMENT ON VIOLENCE AND HARASSMENT AT WORK

Draft clauses for negotiation of collective bargaining agreements on violence and harassment at work, including gender-based violence and harassment [to be adapted for workplace, company, multi-company and sectoral agreements]

[The company] is committed to ending violence and harassment in all its forms (physical, sexual and psychological) in the world of work. This includes sexual harassment and any behaviour that affects the dignity of women or men in the workplace and behaviour that creates an intimidating, hostile, degrading, humiliating or offensive environment. Special emphasis is given to ending gender-based violence and harassment in recognition of the fact that women being disproportionately affected.

[The company] complies with the international labour standards established under the ILO Violence and Harassment Convention No. 190 and Recommendation No.206, and this is relevant even if ratification in [add country] has not yet occurred.

Violence and harassment will be prevented, detected and addressed through all relevant company policies, including health and safety and human resources policies. Parties to the agreement will:

1. Carry out prevention measures that address gender-based violence, ensuring that risk assessments on violence and harassment are gender-responsive and result in gender-responsive prevention plans.
2. Address the underlying factors that lead to sexual harassment such as long working hours, production pressures, unreasonable deadlines, work culture and work organisation that lead to risks for women workers.
3. Draw up a comprehensive workplace policy on ending violence and harassment, including complaints systems and measures to prevent and end violence and harassment, including gender-based violence and harassment.
4. Introduce a workplace sexual harassment committee, and ensure that a complaints system is in place that is trusted by workers; implement formal and informal procedures to resolve complaints, and hold perpetrators accountable.
5. Carry out information and awareness raising for all workers, and training for managers and supervisors, on preventing and ending violence and harassment.
6. Provide support for victims of violence and harassment, including sexual harassment, including counselling and paid leave.
7. Provide support to victims of domestic violence through paid domestic violence leave (10 days, extended in exceptional circumstances), work adjustments, risk assessment and safety planning, and assistance in with financial and housing support in an emergency.

A joint union-employer committee will be established monitor the implementation of the agreement, with agreed timeframes for meetings and reporting.



FURTHER INFORMATION AND RESOURCES

CNV Internationaal

Violence at work is not part of the job: A Guide to end violence against women at work.

https://www.cnvinternationaal.nl/_Resources/Persistent/8f205ccd716f814f44e00870006dd58e7731fa70/CNV_Internationaal_Stop_Violence_At_Work_webversie%20clickable.pdf

DV@Work COVID-19 briefings:

<http://dvatworknet.org/content/dvwork-covid-19-briefings>

ILO (2020) ILO C190 - 12 ways it can support the COVID-19 response and recovery.

https://www.ilo.org/global/topics/working-conditions-2/WCMS_744782/lang--en/index.htm

ILO (2020) ILO Policy Brief. ILO Violence and Harassment Convention No. 190 and Recommendation No. 206.

http://www.ilo.ch/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/briefingnote/wcms_749786.pdf

ILO (2020) Series of technical briefs on Violence and harassment in the world of work (covering C190 and R206 at a glance, sexual harassment, domestic violence, violence and harassment against persons with disabilities, HIV-related violence and harassment in the world of work):

https://www.ilo.org/global/topics/violence-harassment/resources/WCMS_738113/lang--en/index.htm

International Domestic Workers Federation campaign for C190:

<https://idwfed.org/en/campaigns/c190>

ITUC Campaign to Ratify C190:

<https://www.ituc-csi.org/GBV>

Pillinger, J (2017) Violence and Harassment against Women and Men in the World of Work-Trade Union Perspective and Action. (Geneva, ILO).

https://www.ilo.org/actrav/info/pubs/WCMS_546645/lang--en/index.htm

About CNV Internationaal

CNV Internationaal works on social dialogue, on the employability of young people and on labour rights in (international) production chains, and is active in the palm oil, sugar, mining, textiles and metal industries, among others. We are the development organisation of the Dutch trade union CNV, and we work closely with international partner unions. We train colleagues from abroad to become strong negotiating partners in their own countries and strengthen the voices of young people and women. We do this by providing courses, exchanging knowledge and using our network. In addition, we work together with the Dutch government and the Dutch business community in making their international production chains more sustainable, e.g. by providing advice and laying down commitments for international responsible business conduct in voluntary IRBC agreements.

CNV Internationaal is an independent foundation. In the Netherlands, it is affiliated to the National Confederation of Christian Trade Unions (CNV). Together with its partner organisations, CNV Internationaal protects and promotes workers' rights based on the principles of international solidarity, personal responsibility, social dialogue and pluralism. In the Netherlands, CNV Internationaal contributes, working with the CNV confederation, to improving working conditions through lobbying, policy influencing and awareness building.

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