



Convention No.190 and Recommendation No.206 at a glance

▶ A world of work free from violence and harassment: a right and an obligation

In June 2019, at the Centenary Conference of the International Labour Organization (ILO), the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) were adopted. The global community has made it clear that violence and harassment in the world of work will not be tolerated and must end.

Convention No. 190 and Recommendation No. 206 are the first international labour standards to provide a common framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment. The Convention includes the specific recognition, for the first time in international law, of the right of everyone to a world of work free from violence and harassment, and sets out the obligation to respect, promote and realize this right (Art. 4(1)).

▶ Definition of violence and harassment

Convention No. 190 provides the first international definition of violence and harassment in the world of work (Art. 1(1)(a)), which 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.”

The Convention also defines gender-based violence and harassment (Art. 1(1)(b)) 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.”

While more and more countries are legislating on this issue, the definitions vary. The line between what constitutes violence and what constitutes harassment is often blurred, as conduct cuts across established categories and can stand alone, interlink, accumulate or escalate. Taking this into account, the Convention defines violence and harassment as a “range” rather than drawing a line between them.

In national laws and regulations, States are able to define violence and harassment as a single concept or separately, and could also set out what specific behaviours and practices constitute violence and harassment. What is important is that there is effective prevention of and protection against the range of unacceptable behaviours and practices (Art. 1(2)).

▶ Scope of protection

Convention No. 190 builds on the understanding that no one should be subject to violence and harassment in the world of work. It protects workers and other persons in the world of work, including (Art. 2(1)):

- **EMPLOYEES** as defined by national law and practice
- **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**
- Individuals exercising the authority, duties or responsibilities of an **EMPLOYER**

The Convention has a broad scope: it applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas (Art. 2(2)).

Moreover, Members shall, in preventing and addressing violence and harassment in the world of work, take into account the involvement of **THIRD PARTIES**, (both as victims or perpetrators) (Art. 4(2)).

► The world of work

Acknowledging the diverse and changing nature of the world of work, the instruments apply to violence and harassment occurring “in the course of, linked with or arising out of work” (Art. 3):

- In the **WORKPLACE**, including public and private spaces where they are a place of work.
- In places where the worker is **PAID**, takes a **REST BREAK** or a **MEAL**, and uses **SANITARY, WASHING AND CHANGING FACILITIES**.
- During work-related **TRIPS, TRAVEL, TRAINING, EVENTS OR SOCIAL ACTIVITIES**, as well as when **COMMUTING** to and from work.
- Through work-related **COMMUNICATIONS**, including those enabled by information and communication technologies.
- In employer-provided **ACCOMMODATION**.

► An inclusive, integrated and gender-responsive approach

The Convention and the Recommendation are grounded on the adoption of an inclusive, integrated and gender-responsive approach to prevent and eliminate violence and harassment in the world of work, in consultation with representative employers’ and workers’ organizations (Art.4(2)). This approach envisages action on prevention, protection, enforcement, remedies, guidance, training and awareness raising.

In adopting this approach, the Convention requires Members to 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 (Art. 4(3)).

► Inclusive approach

Broad scope of protection, on the basis that everyone has the right to a world of work free from violence and harassment. It also takes into account that certain groups are disproportionately affected by violence and harassment, and that workers and other persons concerned in certain sectors, occupations and work arrangements are more exposed to it. Information, tools and training materials need to be provided in accessible formats.

► Integrated approach

To be able to prevent and eliminate violence and harassment in the world of work, it is necessary to address it in all the fields concerned, including in labour, equality and non-discrimination, occupational safety and health, migration and criminal laws, regulations and policies, as well as through collective bargaining.

► Gender-responsive approach

Women are particularly vulnerable to violence and harassment in the world of work. Measures need to take this into account and to address the related underlying causes, such as multiple and intersecting forms of discrimination, unequal gender-based power relations, gender stereotypes, and gender, social and cultural norms that support violence and harassment. Measures are also to be taken, as appropriate, to mitigate the impact of domestic violence in the world of work.

► Link with fundamental principles and rights at work

The Convention and the Recommendation recognize that preventing and eliminating violence and harassment in the world of work requires Members to respect, promote and realize the fundamental principles and rights at work as well as to promote decent work (Art. 5). Regarding equality and non-discrimination, the Convention requires Members to adopt laws, regulations and policies that ensure the right to equality and non-discrimination including for women workers, as well as for persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment (Art. 6).

Recommendation: “Vulnerable groups and groups in situations of vulnerability” should be interpreted in accordance with applicable international labour standards and international instruments on human rights (Para. 13). Also, specific legislative measures should be taken to protect migrant workers, particularly women migrant workers (Para. 10).

► Prevention and protection

Under the Convention, Members have the obligation to **define and prohibit** violence and harassment in the world of work in laws and regulations (Arts. 4(2) (a) and 7), and to **adopt appropriate measures to prevent it** (Art 8).

Recommendation: Measures to prevent violence and harassment should not result in the exclusion or restriction of the participation of women and other groups in specific jobs, sectors or occupations (Para. 12).

As violence and harassment does not occur uniformly throughout the world of work, prevention measures shall include the identification of the **sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment**, and the protection of those persons. Identifying such sectors, occupations and work arrangements is to be done in consultation with the employers’ and workers’ organizations concerned and through other means (Arts. 8(b) and 8(c)).

Recommendation: Sectors, occupations and work arrangements where there is more exposure to violence and harassment may include night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment (Para. 9).

The Convention also requires Members to recognize the role of public authorities regarding the protection of **informal economy workers** against violence and harassment (Arts. 8(a) and 8(c)).

Recommendation: In facilitating the transition to the formal economy, States should provide resources and assistance to prevent and address violence and harassment (Para. 11).

The Convention also addresses the **responsibilities of employers** in violence and harassment prevention and protection (Art. 9). Members are to 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. So far as is reasonably practicable, these include:

- A workplace policy, adopted and implemented in consultation with workers and their representatives.

Recommendation: The workplace policy should include a zero-tolerance statement, prevention programmes, the rights and responsibilities of the workers and the employer, that communications related to incidents of violence and harassment will be duly considered and acted upon, and information on complaint and investigation procedures, the right to privacy and measures protecting against victimization or retaliation (Para. 7).

- Occupational safety and health management systems that take into account violence and harassment and associated psychosocial risks.
- Identification of hazards and assessment of risks of violence and harassment, with the participation of workers and their representatives, and adoption of measures to prevent and control such hazards and risks.

Recommendation: The assessment should take into account particular factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks (Para. 8).

- Information and training, including on hazards and risks, associated prevention and protection measures, and the rights and responsibilities of workers and other persons concerned.

► Enforcement and remedies

Ensuring effective enforcement and remedies is essential to respond to cases of violence and harassment once they have occurred, and to prevent that they do not happen again.

To do so, the Convention foresees that Members shall **monitor and enforce** such laws and regulations and ensure easy access to safe, fair and effective **reporting and dispute resolution mechanisms and procedures**, such as complaint and investigation procedures, dispute resolution mechanisms in the workplace and external to the workplace, courts or tribunals. Measures are to be taken to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation (Arts. 10(a) and 10(b)). Also, **sanctions** for cases of violence and harassment are to be provided for where appropriate (Art. 10(d)).

The Convention also addresses the need to balance people's right to **privacy and confidentiality**, while ensuring effective enforcement and redress. It, therefore, explicitly requires Members to protect privacy and confidentiality and ensure that such requirements are not misused (Art. 10(c)).

Together with dispute resolution, **remedies and support** are necessary to ensure full redress. The Convention requires Members to ensure easy access to appropriate and effective remedies, as well as to legal, social, medical and administrative support measures for complainants and victims (Art. 10(b)).

Recommendation: Remedies could include the right to resign with compensation, reinstatement, appropriate compensation for damages, orders requiring measures with immediate executory force, and legal fees and costs (Para. 14).

The Convention specifies that **victims of gender-based violence and harassment** must be provided with access to gender-responsive, safe and effective complaints and dispute resolution mechanisms, support, services and remedies (Art. 10(e)).

Recommendation: Such mechanisms should include courts with specific expertise, timely and efficient processing, legal advice and assistance, accessible guides and the shifting of the burden of proof (Para. 16). Support, services and remedies should include support to help victims re-enter the labour market, counselling and information services, 24-hour hotlines, emergency services, medical care and treatment, crisis centres including shelters, specialized police units or specially trained officers (Para. 17).



► Guidance, training and awareness-raising

Guidance, training and awareness-raising at the national level are essential to ensure that violence and harassment in the world of work is prevented and eliminated. For this reason, the Convention requires that Members, in consultation with representative employers' and workers' organizations, shall seek to ensure that relevant national policies address violence and harassment in the world of work. This includes, in line with an integrated approach, those concerning occupational safety and health, equality and non-discrimination, and migration (Art. 11(a)).

The Convention also calls for Members to ensure that **guidance, resources, training or other tools** are provided to employers and workers and their organizations, as well as to other relevant authorities, in accessible formats (Art. 11(b)).

Recommendation: Guidelines and training programmes directed to employers, workers and their organizations, and other relevant authorities should be gender-responsive (Para. 23(b)).

The Convention also requires the undertaking of other general initiatives by Members, including **awareness-raising** campaigns (Art. 11(c)).

Recommendation: These include, among other measures, public campaigns to foster safe, healthy and harmonious workplaces, as well as campaigns that convey the unacceptability of violence and harassment, address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistle-blowers (Paras. 23(d) and 23(g)).

