

UnFAIR LABOUR Practices, anti-union Discrimination, and workplace violence

Module 4: Workplace Violence and Harassment



Structure of this module:

- Examining C190 - Violence and Harassment Convention, 2019 (No. 190).
- Treating with Violence and Harassment at the National Level.
- Treating with Violence and Harassment in the Workplace.
- The Role of Collective Bargaining in Preventing Violence and Harassment.

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



Why a Convention on Violence and Harassment?

- Workplace violence and harassment:
A serious global issue impacting individuals and organizations.
- ILO Convention No. 190 provides a **crucial framework for addressing this.**
- It is important to understand C190 and its practical application in creating **safer work environments.**

What is ILO Convention No. 190?

- ILO C190: The first international treaty dedicated to eliminating violence and harassment in the world of work.
- Adopted in **June 2019**, entered into force in **June 2021**.
- A landmark agreement recognizing the right to a world of work free from violence and harassment.

Key Definitions in C190:

- 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**.

Key Definitions in C190:

“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.”

Core Principles of C190:

Human Right: **Everyone has the right to a world of work free from violence and harassment.**

State Obligation: Member states which ratifies this Convention shall adopt laws and policies to ensure this right.

Integrated Approach: Requires comprehensive measures for prevention, protection, and remedies.

Scope of Application of C190:

- Who is Protected?
 - Workers, trainees, apprentices, volunteers, job seekers, individuals exercising the authority of an employer, and others.
- Sectors Covered: Both the **public** and **private** sectors.
- Inclusion: Extends to the **informal economy**.

Obligations of Member States once ratified:

Legal Framework: Adopt laws and regulations prohibiting violence and harassment.

Access to Justice: Ensure access to effective and timely remedies, including complaint mechanisms and dispute resolution.

Enforcement: Provide for effective enforcement and monitoring mechanisms.

Obligations of Member States once ratified:

National Policies: Develop and implement national policies in **consultation** with social partners (employers' and workers' organizations).

Awareness Raising: Undertake initiatives to **raise awareness** about violence and harassment.

Addressing Root Causes: Identify and address underlying causes and risk factors.

The Importance of a Gender-Sensitive Approach:

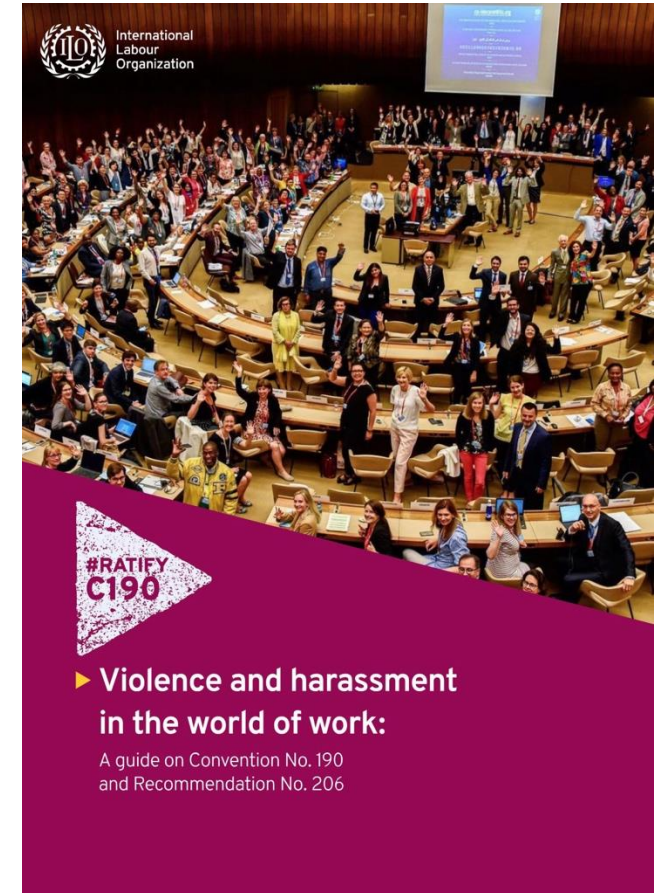
- Violence and harassment disproportionately affect **women** and **girls**.
- C190 emphasizes the need for a **gender-sensitive approach** in all measures.
- This includes recognizing and **addressing power imbalances** and **gender stereotypes**.

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



For more information:

- **Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206.**
<https://c190guide.ilo.org/en/#chapter-title-homepage>
- This Guide seeks to clarify the definitions, core principles and measures enshrined in Convention No. 190 and its accompanying Recommendation No. 206.
- It helps readers understand the scope of the instruments and sheds light on how member States have recently advanced in the prevention and elimination of work-related violence and harassment by providing a rich selection of examples of national laws, regulations, policies and other measures.



Treating with Violence and Harassment at the National Level



Implementing C190 Nationally:

- Why ratify C190?
 - Ratification signifies a commitment to implement the Convention's provisions.
- From international standards to national action:
Translating C190 into tangible change.
- Ratification requires integrating the Convention's principles into national legal and policy frameworks.

National Laws and Regulations:

- A variety of legal instruments can be used:
 - Labour laws
 - Criminal laws
 - Equality and anti-discrimination laws
 - National policies
 - Etc.
- These laws/policies should define, prohibit, and provide penalties for **violence and harassment**.
- They should also outline **employer duties** and worker rights.

National Policies and Action Plans:

- National policies provide a strategic framework for **prevention and response**.
- Involve **government ministries, labour inspectorates**, and other relevant agencies.
- Action plans outline **specific measures, timelines**, and **responsibilities**.

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

- 2. In adopting and implementing the inclusive, integrated and gender responsive 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.
- 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.

Access to Remedies and Support:

- Effective **complaint mechanisms** are crucial for reporting incidents.
- Role of **labour inspectorates, courts, and alternative dispute resolution (ADR)** are important for providing remedies.
- Essential to provide **support services** for victims: counseling, legal aid, medical assistance, etc.

Enforcement and Monitoring:

- Ensuring **compliance** through labour inspections, investigations, and sanctions.
- Importance of **data collection** and analysis to understand the prevalence and nature of the issue(s).
- Regular **monitoring** of the effectiveness of national measures.

Role of Social Partners at the National Level:

- **Employers' and workers' organizations** play a vital role in shaping national responses.
- **Social dialogue** and **consultation** are key to developing effective and relevant laws and policies.
- **Collective bargaining** can reinforce legal protections.

Treating with Violence and Harassment in the Workplace



Employer Responsibilities – Creating a Safe Workplace:

- Employers have a primary responsibility to **prevent** and **address** violence and harassment.
- A **safe** and **respectful** workplace is a fundamental right.

Developing a Workplace Policy:

- A comprehensive policy is essential.
Key elements include:
 - Clear **definitions** of violence and harassment.
 - Explicit **prohibition** of all forms.
 - **Confidential and accessible reporting procedures.**
 - **Fair and impartial** investigation processes.
 - Protection against **retaliation** for reporting.
 - Clear **sanctions** for perpetrators.
 - Information on **support** for those affected.

Risk Assessment and Prevention:

- Identify and assess specific **risks of violence and harassment** in your workplace context.
- **Implement preventive measures:**
 - **Organizational:** Clear roles, workload management, communication protocols.
 - **Environmental:** Security measures, safe physical spaces.
 - **Awareness and Training:** Regular education for all staff.

Reporting Mechanisms and Procedures:

- Establish **clear, confidential**, and **accessible** channels for reporting incidents.
- Ensure **protection** for individuals who report from **any form of retaliation**.
- Consider multiple reporting options: supervisors, HR, designated contact person, anonymous reporting, etc.

Investigation and Remedial Action:

- Conduct **prompt, thorough, and impartial investigations** of all reported incidents.
- Ensure **due process** for all parties involved.
- Take appropriate **remedial action**, including **sanctions** for perpetrators and **support** for victims.

Support for Victims:

- Provide access to **internal** and **external** support resources:
 - Employee Assistance Programs (EAPs).
 - Counselling services.
 - Legal aid.
 - Support groups.
 - Etc.

Monitoring and Evaluation:

- **Regularly monitor the effectiveness** of workplace policy and procedures.
- **Collect and analyse data** on reported incidents (while maintaining confidentiality).
- Evaluate the impact of **prevention** and **response measures** and make adjustments as needed.

The Role of Leadership/Management:

- Strong leadership commitment is crucial for creating a culture of **zero tolerance**.
- Management must actively **promote respect** and **address incidents promptly and effectively**.
- **Accountability** at all levels is essential

The Role of Collective Bargaining in Preventing Violence and Harassment



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

- 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)**.

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

- 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
 - a) 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

Collective Bargaining and C190:

- Collective bargaining between employers and workers' organizations is a powerful tool for implementing C190 (or violence and harassment policies) at the workplace.
- Trade unions play a key role in advocating for workers' rights and protections against violence and harassment.

Topics for Negotiation:

- **Collective bargaining agreements** can include provisions on:
 - Joint development and implementation of **workplace policies**.
 - Establishment of **joint committees** to address violence and harassment.
 - Agreed-upon **training** and **awareness programs**.
 - Specific **reporting** and **investigation procedures**.
 - Support **mechanisms** for affected workers.

Benefits of Collective Bargaining:

- Increases worker **trust** and **buy-in** in addressing the issue.
- Leads to more effective and relevant **solutions** tailored to the workplace.
- Strengthens **enforcement mechanisms** through joint ownership and oversight.

Importance of Training and Awareness:

- Education is fundamental to **preventing** violence and harassment and fostering a **respectful** workplace culture.
- Training should be provided to **all employees, managers, and supervisors**.

Conclusion

In conclusion

- Eliminating workplace violence and harassment requires **a collective and ongoing commitment**.
- The principles of ILO **C190** should be implemented at all levels.
- Foster a culture of **respect, dignity**, and **safety** for everyone in the world of work.

End of Module 4

See Activities 4.1 to 4.5