



## Plenary sitting

### Reports of the Standard-Setting Committee: Violence and Harassment in the World of Work

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Friday, 8 June 2018, 11.30 a.m.

*President: Ms Majali*

## **Summary of proceedings**

### **Submission, discussion and approval of the report of the Standard-Setting Committee: Violence and Harassment in the World of Work**

#### **The President**

We now move on to the submission, discussion and approval of the report of the Standard-Setting Committee on Violence and Harassment in the World of Work, contained in *Provisional Record* No. 8B, which provides a summary of the Committee's proceedings and is available on the Conference website.

I would like to invite the Officers of the Committee – Mr Patry, Chairperson; Ms Matheson, Employer Vice-Chairperson; Ms Clarke Walker, Worker Vice-Chairperson; and Ms Ortíz de Rosas Gómez, on behalf of the Reporter, Ms Casado García, – to take their seats on the podium.

I now call on Ms Ortíz de Rosas Gómez to present the Committee's report. The other Officers will then take the floor.

#### **Ms Ortíz De Rosas Gómez**

Government (Mexico), speaking on behalf of the Reporter of the Standard-Setting Committee: Violence and Harassment in the World of Work  
(*Original Spanish*)

I have the honour of presenting to the Conference the report of the Standard-Setting Committee on Violence and Harassment in the World of Work.

As part of the double-discussion standard-setting process, the Committee held the first discussion on the proposed conclusions with a view to drafting a Convention and Recommendation on this subject. This is the first time that the issue of violence and harassment has been addressed from a standard-setting point of view within the ILO. Next year, when the ILO centenary will be celebrated, there will be a second and final discussion with a view to the possible adoption of these instruments on such a complex, multifaceted and highly topical subject.

The Committee held 17 sittings, beginning on 28 May and concluding on 6 June. Approximately 146 Government members, 185 Employer members and 184 Worker members took part in the Committee's deliberations. In addition, several international organizations and 62 non-governmental organizations took part. The Committee Drafting Committee met on four occasions.

The Committee held substantive discussions, which were at times arduous and emotional. All parties agreed that violence and harassment have no place in a rapidly-evolving world of work undergoing radical change, as is evident in the discussions on the future of work. They also agreed on the need to address the impact of violence and

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harassment on victims, particularly on their physical, mental and sexual health, as well as on their families, the world of work, the productivity of enterprises and society in general.

The tripartite members have set themselves an ambitious goal of establishing the guidelines for providing effective protection to all people in the world of work, be they workers, employers or third parties such as customers or service providers. They have also recognized that it is the responsibility of all – governments, employers, workers and society in general – to adopt the necessary measures to prevent and tackle violence and harassment in the world of work. It is governments which must adopt an appropriate legislative framework, which clearly defines what constitutes unacceptable behaviour, provides for the adoption of preventive mechanisms and establishes appropriate sanctions. For their part, employers and workers should comply with standards and regulations, promoting working environments where the dignity and rights of all are respected. At the same time, it was recognized that the world of work is a good starting point from which to address violence and harassment in society in general. It was also recognized that the impact of domestic violence extends beyond the direct victims and their families, having an effect on work colleagues and the working environment as well.

The ambitious nature of the proposed conclusions called for the parties to show a real willingness to reach consensus on multifaceted concepts. This was not an easy path to tread. Several topics were the subject of intense discussion. The concepts that were most widely debated relate to the definition of what constitutes “violence and harassment”, including gender-based violence and harassment, and the scope of the “world of work”, which extends beyond the workplace. The issue of persons to be protected was also widely debated.

However, the fact that the Committee adopted conclusions on a possible Convention and partial conclusions on a possible Recommendation clearly demonstrates the intention of all parties to achieve a common objective. Owing to lack of time, the Committee was unable to consider all of the amendments submitted by the tripartite constituents. The innovative nature of the instrument and the variety of issues covered would have required more time for reflection and exchanges among all the parties. The Committee therefore decided to bracket the text from point 23(d) to point 37 of the proposed conclusions, with the intention of resuming the discussion in 2019.

All tripartite participants should remain open to dialogue over the coming months, so as to have a better understanding by 2019 of the expectations of all sectors. With this in mind, the parties should continue their discussions and exchanges this year in order to have a clearer picture of the common objective, the concepts, and the rights and responsibilities of the various stakeholders. We should continue to take an ambitious approach to adopting a Convention and a Recommendation that provide practical and realistic responses to violence and harassment in the world of work. It is a unique opportunity that we cannot afford to waste.

I have the honour of submitting for approval to the International Labour Conference the report of the Standard-Setting Committee on Violence and Harassment in the World of Work. The report on the Committee’s deliberations has three sections. The first section contains the opening statements in which the Worker and Employer members, representatives of regional government groups, as well as individual governments, presented their views on the proposed conclusions. Several non-governmental organizations presented their views as well. The second section summarizes the discussion on 222 of the 307 amendments submitted by a large cross-section of delegates, as well as a large number of subamendments. The third section contains the closing statements in which a number of Committee members express the urgent need to continue tripartite dialogue and consensus building in order to achieve the goal of providing all people with protection against violence and harassment in the world of work.

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Lastly, I present to you the proposed conclusions and resolution with a view to including in the agenda of the 2019 session of the International Labour Conference – a significant date because it marks the centenary of the Organization – an item for a second discussion on violence and harassment in the world of work with a view to the adoption of a Convention supplemented by a Recommendation.

**Ms Matheson**

Employer Vice-Chairperson of the Standard-Setting Committee: Violence and Harassment in the World of Work

Governments, workers and employers have been presented with an important opportunity to work together constructively, united by the common goal of ending workplace violence and harassment. The causes of unacceptable human behaviour are complex and our task is a challenging one, but everyone in the community can play a role in driving the right behaviours and, to the extent possible, ensuring that the way we treat others does not, or is not intended to, cause them harm. We recognize that the subject we are dealing with – violence and harassment – is of great importance to us all, and that our work can make a big difference to the lives of many people around the world. Violence goes to the heart of our very existence as human beings, and protection from it is fundamental to our ability to live and work together, whether in enterprises or in society at large. So we were glad to have this opportunity to do something at the global level, at the ILO, to make a difference.

We have been consistent in our desire to ensure that this discussion, together with the one we will have in 2019, delivers an outcome that can be implemented in national law and practice in as many member States as possible. As we considered the proposed Conclusions, we gave careful consideration to the likely follow-up that member States of the ILO will give to this work. We have no appetite to create another standard that is poorly ratified and does little more than sit on the books. This is because we want the end product of our discussions to make a real difference in addressing and minimizing exposure to violence and harassment through the ILO's mandate. We must be ambitious; however, our ambition must be directed at ratification, binding laws and application, and not merely reflect unrealistic or impractical aspirations.

We are concerned that this discussion has not produced proposed Conclusions that will enable us to properly focus our efforts, and that the text presents a number of barriers to ultimate adoption and practical implementation.

Effective instruments that get wide uptake in binding national regulations tend to focus on principles and objectives rather than on details of application. The proposed Conclusions, as currently drafted, look more like a declaration of concern than a practical, flexible legal text that would provide a framework for legislators to use as a basis for national law. The text is far too broad in scope and far too detailed, including the prescription of responsibilities that do not seem to take into account the circumstances of the diverse range of businesses that would be required to meet them, including small and medium-sized enterprises (SMEs). The structure of our discussions did not require us to vote on the text at this stage, but had there been a vote, we would have found it very difficult to support the text.

Importantly, we are hoping for an instrument that applies to everybody, because protection from violence and harassment is so fundamental to us all. There has been unnecessary, regrettable contention regarding which persons should be named in the text for the purposes of the protections of the future instrument. Widely ratified fundamental Conventions of the ILO have overcome this problem by seeing all persons as human beings who deserve equal treatment, and they are not concerned with categories or definitions. We have consistently cautioned that such lists risk excluding people, and we remain

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disappointed that so much time was dedicated to discussion of whether lesbian, gay, bisexual, transgender and intersex (LGBTI) persons should be expressly included in the text of the proposed Conclusions with a view to a Convention. It is very important to us that we ensure that all people are protected from violence and harassment, including LGBTI persons, and that should be made abundantly clear in the text, particularly in the light of the discussion held in 2018. We consider it necessary to address this matter in 2019.

We are also disappointed that employers are excluded from key protections in the text. While the text recognizes that a broad range of persons can be both victims and perpetrators, its operative provisions are insufficient when it comes to protection for employers. We are disappointed that our efforts to extend essential protections were rejected because of fears that we were interfering with industrial relations activities, despite our clear explanation on the record that we only want to address violence and harassment in the scope of this future instrument. We strongly emphasize that violence and harassment are unacceptable in all contexts, and we are very disappointed that we could not secure clarification to this effect. We note that the Committee on Freedom of Association, the supervisory body, has recognized that protection and immunities with respect to industrial action do not extend to acts of violence, or to the preparation and incitement of violence. We would like to see that point clarified in the text in 2019.

We are also concerned that the text, as currently drafted, does not properly reflect that all persons in the workplace should share responsibility for ensuring that violence and harassment does not happen. Employers should have responsibilities and so should other participants in the workplace. Committing not to engage in violence and harassment is frankly something that should be uncontroversial.

As currently drafted, the key definitions in the proposed Conclusions that are critical to setting the scope and parameters for this discussion and helping us to focus our efforts are, in our respectful view, highly problematic. The definition of the term “violence and harassment” presents major practical problems when considered in the context of the operative provisions. Both violence and harassment are unacceptable and measures must be taken to prevent and address them, but they are different things when it comes to how we deal with them practically. Definitions need to provide clarity as we interpret the boundaries of responsibilities, but the current text does not meet that criterion. Violence and harassment can lead to sanctions. In most countries, sanctions are only applied when the offence is defined with clear boundaries and facts can be objectively established. In most cases of violence, that would not be a problem, but harassment covers such a wide range of behaviours that it needs to be addressed differently, both for sanctions to be applied in accordance with principles of fairness and for bringing such harassment to an end. We should have had separate definitions and we hope we will in 2019.

There are other definitions that make the text difficult to convert into legislation. The definition of the term “worker” is far too broad, and given the combination of ambiguity and prescription with respect to responsibilities in the proposed Conclusions both with a view to a Convention and with a view to a Recommendation, employers might be obliged to extend employment-related responsibilities to people they have never met, for events that never happened and in places they cannot reach, let alone control. The definition of the term “worker” needs to be more precise so that we can better focus our efforts.

We would also like to address the notion of the term “world of work”. We do not want to see violence anywhere or in any context – in our homes, our public spaces or our workplaces. During this discussion, we have emphasized the need to make sure that our efforts are targeted to those areas where we can all make a difference and that is at the workplace, where the responsibilities of employers and workers can be made relatively clear. We also want to ensure that any resulting instrument is relevant to the ILO’s mandate, a point reiterated by a number of governments. The very broad definition of the term “world

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of work” as currently drafted seems beyond the ILO’s mandate: it covers conduct occurring in public spaces, private homes and areas well beyond places where people work.

There also seems to be an underlying assumption in the text that employers who are being asked to take on the responsibilities provided in the text are large, highly sophisticated and very well-resourced. The vast majority of workers, however, work for small enterprises, which cannot possibly implement the highly prescriptive provisions contained in the proposed Conclusions.

We have heard comments to the effect that we should not be too legalistic in discussing this text, but we need to be aware that, in some countries, the text that we are debating would provide the direct basis of national legislation. This means that it is not just the spirit of this discussion that matters; it is also our words on the page, which will become law, that matter, because they will have real impacts for the employers who will be required to meet responsibilities, including SMEs.

We will be taking this text away and consulting with our employers, including SMEs, because as we see it, we are finding it very difficult as their representatives to see how they might be able to meet their obligations, even if they had the capacity to implement the most sophisticated systems in the world, particularly given the exceptionally broad scope. As noted earlier, the proposed Conclusions set out responsibilities for employers, both public and private, with regard to people they have never met, and for events that happen in places they cannot reach or control. We really hope that 2019 will provide a further opportunity to address our concerns.

I would like to close by thanking everybody who participated in the discussion for their contributions, including the Chairperson for his effective stewardship of our Committee during this past week in very challenging circumstances. I also thank the Worker Vice-Chairperson for her constructive contribution to our work and her considered, respectful approach throughout the discussion, and the governments and workers who participated in the discussion, as well as the secretariat for the support it provided. I would also like to extend my sincerest thanks to the employers in our team for their expertise, support, input and enduring commitment to our discussion and to addressing this important issue. Finally, we would like to thank the interpreters for making this whole exercise possible among people from so many countries.

We should now seek to make the best use of the double discussion procedure. We remain highly committed to this issue and stand ready to participate in the next round of discussion and to maximize the opportunity to revisit these issues in 2019. The opportunity is unique because the subject we are addressing is so important to all of us, and because we will be making our final decision at the ILO’s centennial conference – an occasion to celebrate tripartism. We hope that at the end of this process, we will be celebrating the triumph of tripartism, with all of us finding our concerns understood and addressed and supporting an effective role for the ILO and its constituents in dealing with the important issue of violence and harassment.

**Ms Clarke Walker**

Worker Vice-Chairperson of the  
Standard-Setting Committee: Violence  
and Harassment in the World of Work

We would like to thank the Employer Vice-Chairperson and her secretariat and colleagues on the Employers’ team; the Chairperson of the Committee and his team; the Office and the secretariat; and the Workers’ team, including our secretariat, those who served on our bureau, in particular the technical advisers, and the entire Workers’ bench, for their unwavering support during this very important and sometimes difficult discussion.

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In deciding to create a new international standard at this very challenging time in global politics, we took on an audacious task. In the year that led up to this discussion, as hashtags such as “#MeToo”, “#YoTambién” and “#NiUnaMenos” brought to the surface stories that showed the widespread and pernicious nature of harassment and violence in the world of work, our challenge became even more pronounced. We took on this task, together, because we know the cost that harassment and violence extracts from every single one of us, resulting in deep and lasting impacts on the daily lives and on the physical and psychological health and economic security of workers. It can also have considerable impacts on productivity, the health and safety of society at large and the work environment. So not only did we take on a particular challenge in choosing to create a new international instrument, we chose an issue that has likely already impacted everyone in this room, some of us in very deep and personal ways. So it is not surprising that there were strong feelings in the room and that the discussion was difficult. This, I believe, is a good thing.

I am heartened that an overwhelming majority of Governments spoke in favour of a Convention, supplemented by a Recommendation, and that this support was confirmed after agreement was reached on the definitions and scope of the proposed instruments. We were gratified that Governments seemed to want instruments that would be ambitious and forward-thinking and would stand the test of time as our societies and the world of work evolve. At the same time, we have all agreed that we want instruments that governments will be able to ratify and implement. Together, we are striving to achieve a balance between the aspirational and the practical.

We heard a clear commitment to adopt a standard that will make a real difference in the lives of working people the world over. We also heard a commitment to demonstrate the value of tripartism and the relevance and ability of the ILO, through its fundamental mission to promote peace, social justice and democracy, to make a significant and positive impact on a world that today is deeply fragmented in many ways. As difficult and passionate as our discussion was, we are confident that this commitment of governments and social partners will not waver during the second round of this discussion, when we will celebrate the 100th anniversary of this vital institution.

Globally, we are seeing an exponential rise in inequalities and a strong pushback against the progress made in addressing all forms of discrimination. And, of course, we are seeing a rise in violence throughout our societies and communities, whether through the escalation of conflict and war, violence and harassment against particular groups of people, violence and harassment in our homes or violence and harassment in the world of work.

Workers came here with the expectation that we would negotiate a Convention that would signal without ambiguity that violence and harassment are unacceptable and represent the antithesis of decent work and therefore demand serious and urgent action. We wanted such a Convention to help to create a level playing field by setting down the minimum steps required by governments, employers and workers and their organizations to end violence and harassment. And we wanted a Recommendation that would supplement the Convention by providing more detailed and practical guidance on how to translate the principles embedded in the Convention into action. As difficult as much of our discussion was, we have achieved a great deal together.

We have been able to agree on an instrument that will signal without any ambiguity that violence and harassment are unacceptable and the antithesis of decent work, and will moreover provide a path for the protection of all workers in all occupations and sectors of economic activity around the world, including in the private and public sectors, private and public spaces and the formal and informal economies.

Our Committee recognized that violence and harassment are intertwined and represent a range of unacceptable behaviours and practices, and that gender-based violence and

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harassment are particular forms of violence and harassment that require distinct approaches and solutions. We have recognized that particular attention must be paid to those who are most vulnerable, and that certain working situations pose a particularly high risk. We have broken new ground in acknowledging the impact of domestic violence in the world of work and the positive and proactive role that the world of work and its institutions can play.

We have also agreed that there needs to be an integrated and inclusive approach to prevent and address violence and harassment in the world of work, and that we all have a role to play in taking this action. In this way, I believe that we are creating instruments that show the visionary nature of the ILO that will stand the test of time and will be flexible in order to adapt to the challenges of the future world of work. Of course we had disagreements and there is much we still need to discuss and resolve. As we return to our respective countries and the role that we play outside this forum, I encourage everyone to endeavour to listen – really listen and hear – and take the time to really walk in the shoes of others as we deliberate what we need to do in 2019. Let us return to this conversation ready to work together, to find that necessary balance between the aspirational and the practical and ensure an end result that is truly inclusive.

This Committee has achieved a significant amount and I look forward to returning in 2019, when the ILO will be celebrating its 100th anniversary. We will be here to complete our work and to ensure that we have succeeded in meeting the heavy responsibility that this Committee assumed to create a standard that will make a real difference in the lives of all those in the world of work, leaving no one behind, by setting out a vision for the eradication of violence and harassment and laying down a path that all can follow to make that a reality for all.

**Mr Patry**

Chairperson of the Standard-Setting Committee:  
Violence and Harassment in the World of Work

It has truly been an honour, and indeed a privilege, to chair the Standard-Setting Committee: Violence and Harassment in the World of Work.

Although the issue we have been dealing with is by no means a new one, public attention has turned to this issue only very recently. There is now broad awareness of the pervasiveness and devastating impacts of violence and harassment in the world of work and this issue can no longer be ignored.

This first of two Conference discussions could not be more timely. The world is watching us and expectations are very high. Yet, even before the recent global campaigns, ILO constituents had identified this as a critical issue in the world of work, requiring new international standards. We began this journey with a shared understanding of the fundamental importance of this subject and an understanding that it was incumbent upon us to take steps that would make a real difference in the lives of real people. This was not an intellectual or an abstract exercise. The discussions were impassioned, as I am sure you have heard, and we all knew that we needed to succeed. The world needs solutions to address the issue; the world needs hope.

“Business as usual” is not going to end violence and harassment in the world of work. An inclusive, integrated and gender-responsive approach is needed that tackles the multiple underlying causes and risk factors. The Committee acknowledged that we all have a role to play in ending violence and harassment in the world of work and it also discussed definitions and scope. Some considered that the proposed definitions and scope were too broad to allow for effective and targeted action. Others felt that this broad approach ensured flexibility so that the outcome would be relevant to all national contexts. We discussed how to ensure

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meaningful rights and protection, while recognizing that different countries address violence and harassment in different ways.

The discussions were challenging and constructive and the debate was enriched by the range of approaches and experiences reflected in the room. The commitment of all those involved was evident. When we return to our countries, capitals and communities, when we discuss the outcome with our friends and families, we can tell them with pride what we have achieved in 2018, acknowledging that the road ahead is still a long one. We must continue to consult, debate and listen as we prepare for the second and final discussion in 2019.

We are all acutely aware that our journey is far from over. We have taken significant steps towards making the invisible visible and ensuring that violence and harassment are no longer tolerated in their many manifestations, in the many places they are found in the world of work and given their many adverse impacts on a diversity of people.

On the eve of the ILO's centenary, we have an enormous responsibility to develop a meaningful Convention and Recommendation for a future of work free from violence and harassment, a future of work that we all want to see. We have built a strong foundation for our discussions in 2019 and it will be essential to continue this constructive dialogue as we prepare for those discussions. We are working in uncharted territory and progress will not always be smooth. But with the goal that we all share of ending violence and harassment in the world of work and with our commitment to make a difference, I am confident that we will succeed.

I would like to warmly thank the Vice-Chairpersons, who are both my colleagues and my friends, whose passion, knowledge and wisdom enabled us to reach an important stage in our journey; the members of their Committee, for their passionate commitment to this issue; and, of course, the secretariat, for its diligent work, in particular the representative of the Secretary-General, Ms Greenfield, and the deputy representative of the Secretary-General, Ms Tomei, for their wise counsel and guidance in extremely challenging circumstances.

I recommend the adoption of the report and of the proposed Conclusions of the Standard-Setting Committee: Violence and Harassment in the World of Work.

## **The President**

I would like to thank all the Officers of the Committee for the report that has been submitted and for the work they have done.

The discussion of the report of the Committee is now open.

## **Ms Aleksandrova** Government (Bulgaria)

I speak on behalf of the European Union and its Member States. The candidate country Albania and the European Free Trade Association countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

Let me start by thanking Ms Ortíz de Rosas Gómez and Mr Patry for the overviews they have provided of the issue of violence and harassment in the world of work and of the report on the work of the Standard-Setting Committee on Violence and Harassment in the World of Work and the proposed Conclusions. We would also like to thank the Chairperson and Vice-Chairpersons of the Committee for leading the discussions, the Office and the secretariat for their support and guidance, and the interpreters for their work. We would also like to reaffirm that having accurate versions of the adopted text in all three official ILO

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languages is essential to facilitate our work; we therefore welcome the work done by the drafting committee. We extend our gratitude to the Workers' and Employers' groups, as well as to the governments, for their active participation and valuable input to the discussions. We express our sincere desire to build upon the positive statements of principle that were expressed in this session, as well as the willingness to listen and to engage respectfully and constructively on the issues. We look forward to continuing our discussions.

As we underlined at the beginning of the Committee's work, we strongly support the ILO in its efforts to address violence and harassment in the world of work. Given the seriousness of this problem and the existing gap in international law, it is both timely and essential that this issue be tackled in a comprehensive and inclusive manner. Our discussions on this standard-setting item have been an important step in this regard. This problem calls for a well-constructed Convention that can enjoy tripartite support and be widely ratified. We welcome the decision of the Standard-Setting Committee to put forward proposals for a Convention supplemented by a Recommendation. We hope that the next step in this standard-setting process will enable all of us to agree on the text of these standards, thereby establishing wide support for their adoption and implementation.

The text as agreed so far provides a good basis for productive work in 2019. During the past two weeks, we have agreed on an approach that promotes key principles, such as a gender-responsive perspective and a focus on prevention and protection. It also provides measures to improve enforcement and to provide appropriate assistance for victims, including legal, social, medical and administrative support. We welcome the fact that gender-based violence and harassment and the effects of domestic violence in the world of work have been addressed in the text. Our discussions on the standard-setting item have produced many important new ideas and initiatives to address the issue of violence and harassment in the world of work, taking into account the responsibility of tripartite constituents. However, there remain some important points in the text that require additional attention and further consideration, and that we would like to revisit and review further during our discussions in 2019, including the definition of violence and harassment in the world of work, which is the core element of the standard. Further consideration should also be given to the definition of the term "worker" and the other definitions in the instrument. Indeed, the scope of the Convention will have an impact on the nature of the obligations contained in its operative parts. A more focused scope could enable an increase in the level of protections afforded and would also facilitate ratification.

We remain fully committed to ensuring that the instrument protects all persons in the world of work against discrimination, leaving no individuals or groups behind, as has already been reiterated this morning. Therefore, we stress the need for further discussions and dialogue in this regard in order to make the invisible visible, as stressed by the Chairperson. We also reaffirm that violence and harassment in the world of work is a human rights issue that must be condemned by all. We encourage the Office to build on the progress achieved during this session of the Conference and ensure that the period between the two standard-setting discussions will be used to conduct further consultation with the tripartite constituents and all relevant stakeholders. We stress our shared responsibility to enable a constructive and consensus-oriented dialogue with all stakeholders. We will make every effort in the Standard-Setting Committee in 2019 to reach a consensus that adequately addresses all forms of violence and harassment in the world of work. The world is watching. As we approach the centenary of the ILO in 2019 and with the ongoing global call for action on this matter, we cannot fail to act.

**Mr Syder**  
Employer (United Kingdom)

I speak on behalf of the Confederation of British Industries (CBI). The CBI and its members have a keen interest in the issues debated this year. From start-ups to established

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multinational companies and medium-sized, family-run or privately-owned firms, the CBI represents businesses of all sizes across every sector and region within the United Kingdom. We speak for 190,000 businesses, employing 7 million people, which is about one third of the private-sector workforce in the United Kingdom.

Businesses in the United Kingdom understand and embrace their duty of care to protect all their workers from violence and harassment in the workplace. We understand the value of diversity and of inclusive workplaces. We positively encourage them and, increasingly, they are seen as a source of competitive advantage.

Unfortunately, it is going to be difficult to explain the current text. We came seeking an instrument that we would be proud to encourage our Government to ratify, but at the halfway point of this standard-setting process we are sadly a very long way from being able to do so.

Among other issues, UK businesses will be concerned by the expansive definition of the term “worker”, the loosely defined slogan “world of work” and the failure to recognize that an employer can only do what is reasonably practicable in the workplace. We anticipate concern and disappointment in equal measure.

We have an opportunity to address these issues in the period leading into the ILO’s centenary year. It will be unacceptable if the instrument that we produce is not widely ratified because it is poorly defined and unclear. Employers must know who to protect, where to protect them and what to protect them from. It will be unacceptable if the text is not clear on how businesses of all sizes can meet their responsibilities in practice. We must show the world that social dialogue and tripartism deliver clear solutions to violence and harassment in the workplace.

Nevertheless, we have not given up hope for an ambitious instrument. Governments, workers and employers all need an instrument that expressly protects the most vulnerable workers.

It became clear during this year’s discussion that the LGBTI community is at particular risk of exclusion, and this simply cannot be allowed to happen.

We hope that all constituents will reflect on the problems raised in this year’s discussion. By working together to address these issues, we can deliver a widely ratifiable and progressive instrument that will make a real difference. That will be the ILO at its very, very best.

**Ms Keyter**  
Worker (South Africa)

Governments need legislative and administrative reforms to address violence and harassment in the world of work. It is the obligation of governments to identify and address matters of violence, harassment and discrimination. Governments must allocate resources and ensure that educational measures are implemented. We must be proactive, establish relevant goals, targets and indicators and ensure that the social and economic needs of the most marginalized communities and workers are being fairly addressed.

As noted in paragraph 54 of the Report of the Director-General, *The Women at Work Initiative: The push for equality*: “Gender-based violence and harassment, both at home and in the workplace, is a major human rights violation and impediment to women’s access to decent work and economic empowerment. Failure to address it effectively undermines the credibility and sustainability of any action in favour of gender equality at work.”

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The Standard-Setting Committee on Violence and Harassment in the World of Work has recognized the right to a world of work free from violence and has also recognized the need for governments to adopt, in consultation with workers and employers, an inclusive, integrated and gender-responsive approach for the elimination of violence and harassment in the world of work.

An inclusive approach will ensure that the realities and the multiple and intersecting forms of discrimination faced by millions of workers everywhere are fairly addressed. It will also require that workers and employers together identify those sectors, occupations and work arrangements in which workers are more exposed to violence. An integrated approach will require governments to undertake a range of measures to help prevent, address and redress violence and harassment in the world of work.

Discrimination based on colour, race, sexual orientation or religion and other forms of discrimination are a violation of human rights. The world of work must be free of violence and harassment and must be a safe environment that preserves every person's human rights.

I am pleased that the Committee has agreed on the importance of addressing violence and harassment in the world of work through an intersectional lens that reflects how multiple personal characteristics and multiple forms of discrimination interact. I am, however, saddened, disappointed and frustrated that the Committee could not find a way to clearly and unambiguously express a consensus that discrimination against anyone, anywhere is unacceptable.

We are on the eve of the ILO's Centenary and the world is watching. The ILO has continuously promoted decent work for all persons in the world of work, and in 2018 the Organization has embarked on a long-overdue journey to develop new standards that recognize the centrality of equality and non-discrimination in the eradication of violence and harassment in the world of work.

If I cut myself, the blood that flows is red, and so is the blood of my brothers and sisters who are being exposed and subjected to violence and harassment on a daily basis. It does not matter whether we are persons living with HIV/AIDS, women, persons living with a disability, indigenous persons, migrant workers or refugees or whether we are gay, lesbian, bisexual, transgender, intersex or gender-nonconforming persons, we are all equal. We must enjoy the same rights, because when we cut our fingers, our blood is red.

I am confident that the positive and significant progress we have made will serve us well for the conclusion of our discussions next year. We must end discrimination, violence and harassment and we must do so now.

**Mr Wandera**  
Government (Uganda)

On behalf of the Africa group, comprising 54 countries, I wish to reiterate that Africa remains committed to the adoption of a Convention supplemented by a Recommendation as a vehicle for ending violence in the world of work.

However, we note that, because of cultural differences, it is difficult to reach a consensus on what constitutes vulnerable groups that are disproportionately affected by violence and harassment in the world of work. The Africa group has therefore been very consistent in its position that the instrument that we adopt should use language that allows member States to expand the scope of vulnerable groups to beyond where there is already international consensus. To this end, the Committee adopted the language of "vulnerable groups", without providing a list, under point 10. This is because you can have an endless

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list. It is not possible to have consensus on an exhaustive list and that is why we insist that there should not be a list.

Notwithstanding the above, we note with great concern that some groups in the Committee have approached this discussion as an opportunity to inject into the international human rights agenda certain ideologies, values and practices that are contrary to the values and norms of a considerable number of African member States.

While we think that consensus can be reached on an international labour standard to bring an end to violence and harassment in the world of work, this can be achieved only if respect is shown for the rights of sovereign member States to develop laws and principles in this critical area that are appropriate to their national circumstances.

We therefore wish to reiterate our earlier position that there should be no list of vulnerable groups; this is because we cannot agree on an exhaustive list. To attempt to do so is to create a hierarchy of vulnerability on which, I repeat, we cannot have consensus.

The Africa group wishes therefore to state that it disassociates itself from the decision to introduce for consideration a list of vulnerable groups under point 26 with the sole intention of listing and specifically including LGBTI workers. Therefore we propose, again, that the language should be general and that terminology for vulnerable groups that accommodates the different national realities should be adapted.

Because of point 26, which provides a list of vulnerable groups, the Africa group wishes to dissociate itself from the proposed Conclusions and would prefer – or rather requests – that that point be expunged from the report.

Other groups have not been shy in saying what they do not want in the text. Africa's right to say what it does not agree with should therefore be respected, especially as it is not stopping any country from giving a broader meaning to the term "vulnerable groups".

With that, the Africa group also wishes to emphasize that if Africa's concerns are not taken into consideration, Africa will have to reconsider its position of supporting a Convention supplemented by a Recommendation on ending violence and harassment against women and men in the world of work.

**Ms Oldfield**  
Worker (New Zealand)

This year we celebrate the 20th anniversary of the Declaration on Fundamental Principles and Rights at Work, which enables full participation in the world of work. But the exercise of those rights and therefore full participation is impossible in the face of violence and harassment. So this Committee had, as we have heard, a very critical task. My remarks will return to the issue of the scope of that task.

The Committee already knew when it started its work that violence and harassment are present in many different ways in the world of work: from the beatings and murders described in the International Trade Union Confederation (ITUC) global rights index launched at this Conference yesterday to the sexual harassment and sexual assault which have come to global attention in recent months.

The Committee heard many further examples: the pregnant nurse punched in the stomach by a patient; the driver of the last bus who was followed and attacked on her walk home from work; the housekeeping staff member subjected to repeated sexual assaults and abuse from hotel guests; and workers bullied and humiliated on social media by co-workers.

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We also heard how the effects of domestic violence can spill over into the world of work, damaging the productivity of the person primarily affected, as well as that of those working around them. We heard, in the most extreme situations, of workers and co-workers attacked and even killed when abusers targeted individuals at or through their work.

These examples were compelling. At times they were harrowing to listen to. The Committee knew that to address the full scope of the issue we needed a comprehensive and inclusive definition of violence and harassment, and we needed to acknowledge that the risks associated with work extend beyond the immediate workplace.

It was vital therefore that violence and harassment be understood as a range of unacceptable behaviours, practices and threats, including gender-based violence and harassment. In the same way, it was critical for us to address the risks posed by the whole work environment; in other words, in the world of work.

This exercise was not about seeking to impose unachievable obligations on employers. On the contrary, it was about turning to employers to tackle violence in the world of work, because in the world of work, employers have control, and it is not possible for workers to keep themselves safe in the world of work when so much of it is outside their control. So we take a more positive view in the Workers' group than our colleagues on the Employers' benches. We do not share their concerns that the text is simultaneously too broad and too detailed.

We thank the experts whose reports prepared us for this task, the Office staff who supported us through the process and of course our highly skilled Chairperson and spokespersons. The work of this Committee was not easy. It was a very difficult two weeks for a whole variety of reasons for many of us who participated, but a good outcome on an issue such as this will never be easily achieved. I, for one, am heading home with my delegation, confident that we have taken the first significant steps towards making the world of work a much safer place.

**Ms Herzog**  
Employer (United States)

I am proud to represent employers from the United States of America.

We remain optimistic that the International Labour Organization and its tripartite constituents can work together to successfully craft an instrument that meaningfully addresses the important issues of workplace violence and workplace harassment.

Neither violence nor harassment have any place in any workplace, and employers are clear that they have responsibilities, as do we all, to protect workers from these unacceptable practices.

The challenge for the ILO – and for all of us – is how to craft an impactful instrument that could help the most people suffering from workplace violence or harassment in most places in the world.

To achieve this goal, the ILO and its tripartite constituents must be both bold and balanced in their drafting – understanding that if we are to be successful, we must both inspire member States to join the global fight to eradicate this problem, and help them by providing clear definitions and guidance so that they can more easily understand the responsibilities of all of the social partners and then take action.

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Disappointingly for all of us, this year's discussion did not produce consensus on fundamental concepts that must be the starting point for any instrument seeking to provide a practical framework that ILO member States can understand and apply around the world.

Instead, overly broad and unclear definitions were gavelled through on key questions like who is a worker, what are the boundaries of a workplace, who should have protection and what behaviours should be mitigated. The implications of pushing through such unclear concepts began to become clear for many in the room when trying to apply those same unclear definitions to actual government, employer and worker responsibilities and protections, especially considering that workplaces range widely in size – from large public and private-sector employers to small and medium-sized enterprises.

When we are talking about workplace violence or workplace harassment, we must be clear so that we can be understood by everyone and so that everyone can be understood.

*(The speaker continues in Spanish.)*

Everyone must be able to understand and feel that they have been understood, including in Spanish and in the other important languages that this institution deals with. We are also clear that we want an inclusive instrument which provides protection for all against violence and harassment in the workplace: protection for workers, protection for employers and, yes, protection also for all the LGBTI community.

*(The speaker continues in English.)*

The opportunity for all of us to get this right begins anew today. United States employers will work together with our Employer colleagues and the ILO social partners with the goal of seeing you all again here next year, to mark the ILO's 100-year anniversary by hopefully adopting a meaningful instrument addressing workplace violence and workplace harassment.

**Ms Familia**

Worker (Dominican Republic)  
*(Original Spanish)*

The report put forward by the Committee that worked on these proposals for a Convention supplemented by a Recommendation concerning violence and harassment in the world of work is a mere reflection of the joint effort made by the constituents of the ILO, who have decided on a tripartite basis to confront the scourge of violence and harassment in the world of work so as to strengthen the policies relating to decent work and the application of the fundamental ILO Conventions.

The progress achieved on the definitions and the scope of application of the Convention, as well as various items included in the Recommendation, make it clear that trade unions, employers and governments are counting on social dialogue as a means of resolving the challenges that face us in global production, taking action to guarantee the eradication of all forms of discrimination, violence and harassment in the world of work, and promoting work both now and in the future under the most favourable conditions to ensure greater prospects of equality.

The global trade union movement and the trade unions of the Americas are pleased to note the commitment by the Governments and Employers in this Committee to work jointly with the Workers at the 108th Session of the International Labour Conference in 2019 towards the adoption of a Convention supplemented by a Recommendation on violence and harassment in the world of work. We workers, male and female alike, believe that this will

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make a far-reaching contribution to a society involved in global production, which the ILO will achieve through tripartite dialogue as it reaches its centenary.

We view this standard as a contribution to society because when employers and trade unions work together under the guidance of government policy, they implement programmes that contain educational measures, impose sanctions on the perpetrators and award compensation to the victims of violence and harassment in the world of work, and this will have a clear impact on families and cultures as well as reduce the rates of violence found in households and in the public arena.

ILO experts have said – and this is true – that violence and harassment pose a threat to human dignity, health and well-being, cause company losses in terms of both productivity and reputation, and run counter to decent work. This is why the Workers anticipate that this Convention supplemented by a Recommendation will be one of the major tasks that workers, employers and governments must address if we hope to reach 2030 having achieved success under the Sustainable Development Goals, in terms of decent work and sustainable enterprises, an end to poverty, equality between men and women, health, and other rights.

We appreciate the work of the Committee, particularly that of our spokesperson and the Government and Employer spokespersons.

The Conclusions show us that when we return to our respective countries we need to keep the discussions going between trade unions, governments and employers, because we cannot leave matters pending and then take up the dialogue again in a year's time at the next session of the Conference. No, we must take a collective look at the specific issues which slow down our work at the Conference and deal with them together, because what we are working on is not a standard intended to create difficulties for a particular sector. Rather, the aim must be to collaborate in an endeavour that, once fully conceived, will have an impact on respect for human rights. It will strengthen the principle of decent work and it will impart greater dignity to people's lives in a globalized world which is afflicted by violence and harassment in so many areas, including work.

**Ms Mannie**  
Employer (South Africa)

It has been an honour to be involved in the deliberations on such a crucial and critical topic. I wish to emphasize at the outset that the Employers' group came into this discussion in the true spirit of tripartism. We remain committed to the discussion despite the upheavals and the challenges that we have faced, and will endeavour to continue in the same spirit through to 2019. As has just been said by our Worker colleague, these discussions will continue for the rest of the year and be revived once again next year.

The timing of this topic is appropriate and important, and the whole world is watching us. However, it would be untoward not to note the concerns expressed by many of my Employer colleagues this morning, and I would like to use this opportunity to inject a word of caution as we move forward. Many Government and Employer delegates raised concern around the issue of definitions. We need to work with the text that will come out in a few months' time and review the contents so that we are able to review and revise the definitions to ensure that we have an instrument that is enforceable and ratifiable, in whatever form.

The Employers pointed out that where the text should be prescriptive it is vague, and where it should be more broadly expressed it is too prescriptive, which would certainly be problematic in terms of implementation.

I would also like to raise the issue of the role of public and private employers. We employers are often viewed simply as the private sector, and there seems to be little

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consideration for the fact that, in most countries, it is actually the State – the public sector – that is the largest employer. So, when we look at definitions, when we look at the roles and responsibilities in implementation, we need to ensure that that balance is taken into account.

Several times this morning, concern has been raised about the lack of appreciation or consideration for small, medium and micro-enterprises. On the African continent, the vast majority of businesses actually fall within the micro-enterprise category. A highly prescriptive, inflexible text that fails to offer much support for implementation will create huge barriers to implementation for small, micro- and medium-sized enterprises – this is an unintended consequence that we would not like to see.

In conclusion, I wish to reaffirm that the Employers remain committed to continued engagement on this topic. We reiterate that violence and harassment have no place in any society – however it is defined – workplace, world of work or community. This is a collective action, but this text is relevant to the role of the employer within the prescribed sphere of the workplace. We look forward to 2019, when we trust that we shall be part of the historic conclusion to an appropriate instrument that will meaningfully support the eradication of violence and harassment in the workplace.

**Mr Khawaldeh**  
Government (Jordan)  
(*Original Arabic*)

My delegation thanks all of the members of the Committee for their efforts but would like to express its reservations regarding point 26(i) of the proposed text. Jordan remains bound by its obligations stemming from ratified international Conventions and in accordance with national legislation and public order. We are looking forward to completing the discussion in 2019 in order to achieve the objective of ending violence and harassment in the world of work.

**Mr Cordero**  
Employer (Argentina)  
(*Original Spanish*)

I represent the employers' sector in the Republic of Argentina. I have come from far away, I have been working for many days, and I am feeling as tired as everyone else here. I am aware that, for 99 years now, at least once a year, delegates have been coming to meet here, filling these empty spaces with voices from different parts of the world, all heavy with responsibility. Responsibility, because those voices are not just our own but the voices of the people whom we represent. And those people represent nothing more or less than the whole of humanity, because this house is open to all of humankind. And the empty space within these imposing walls depends on the spirit of those voices to fill it.

Concerning the issue of violence and harassment at work, we are in no doubt that as humans we have no option but to pour all our efforts into creating a solid and strong instrument that will protect the victims of violence and harassment in the workplace. But, in so doing, we need to use our best resources, we need to use the intelligence that enables our power of reasoning, as well as the love in our hearts. And neither my pulse nor my voice falters when I speak of love in this room, because what has happened is that we all came here with our voices but we have been unable to listen to each other. We heard, but did not succeed in listening. The dizziness of daily life, this world where things are bought and thrown away, leaves us no time to think properly about what we are saying.

The concepts of physical and psychological violence are clear. The same goes for sexual harassment, and we also know what bullying and mobbing entail when we hear those terms, there is no other way to understand them. But if we wish to go further, we need to

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explain things to one another, and if we fail to find good definitions, we will have blindfolded the figure of justice at the wrong time. This is in fact what happened: we placed a blindfold over the eyes of justice and failed to agree on definitions. And when someone walking in the corridors asked what was happening, nobody could explain. Nobody knew if we were talking about a problem between workmates, or something that involved specific violence, or if it meant just a slight disagreement between two people, and so nobody knew how to deal with it.

That was how we started, we were proceeding without understanding what we were talking about, because things had not been defined. And although some people thought that things were defined, each person had his or her own understanding, and this is how we proceeded. Along the way we started talking about sanctions and we provided a sword for the figure of justice. Since justice was already blindfolded, we did not know for whom, against whom and in whose interest it was to be applied. We are all involved in the task, we are all in agreement, we cannot blame anybody else if we make mistakes in drafting the document, because it will be our own incompetence that is to blame. We have a duty to humanity and to God, who is watching us.

So we continued working after providing justice with a sword. We were not on the same wavelength, with everyone speaking different languages, but it was not so much the words as what was in our hearts that prevented us being able to draw up this document. We were unable to achieve the result that humanity was expecting from us, and this should lead us to think deeply about who we are as human beings, where we want to go and what kind of world we want to leave for posterity. Because if this definition is not clear, then we are trampling over what our forebears achieved in working for freedom. If we do not know what we have to do or, at the same time, what we must avoid doing, if this is not clear, then it is freedom that is at stake here. This is crippling. All this amounts to the need for a clear definition so that we understand what we are talking about. Otherwise, employment contracts will be crippled, we will lose our humanity, our happiness and our spontaneity, because we will constantly be afraid of what might happen to us if we are accused of something that we do not understand. The very least that we deserve is to know the reasons why we are being punished. I am speaking as an individual human being, not just as someone in a suit. I want to understand, and here work needs to be done, because justice must have the purpose of preventing confusion. Confusion is a breeding ground for tyranny. Under past tyrannies, laws were not observed or were confused. This instrument must be a beacon for humanity. A light is not obscure, it is clear and straightforward. This is what we need to achieve. We are all in agreement that we need an instrument which takes account of everyone, because in this way justice will be equipped with scales. We will have no concerns about saying that everybody, the whole of humanity, is protected, including in labour disputes. We want no more violence anywhere, and this does not deprive workers of any individual or collective rights, nor is there the slightest attempt to do so in any sector.

What we want is to eliminate violence and harassment in the world. So we must first provide the scales of justice to understand what we are talking about, then we must provide the sword of justice to impose sanctions, and lastly we must place the blindfold over the eyes of justice so that justice is dispensed equally to men and women all over the world irrespective of their status.

**Mr Abduljalil**  
Government (Kuwait)  
(*Original Arabic*)

Very briefly, the delegation of my country would like to reiterate the position which it had taken throughout the meetings of the Committee. Human rights cover all workers and the right to decent work must be granted to all workers without singling out categories of

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workers. That is why we associate ourselves with the position taken by the Ugandan representative on behalf of the Africa group.

**Ms Ismail**

Worker (Australia)

I speak on behalf of the Australian trade union movement, which represents approximately 46 affiliated unions and 2 million Australian workers. I would like to thank the Chairperson, who did an extraordinary job and maintained a very cool head in some very difficult circumstances; the Worker Vice-Chairperson, who guided us ably through some stormy waters; and the Employer Vice-Chairperson, a fellow Australian, with whom we did not agree on everything but whose cooperative and respectful engagement with the Workers' group was appreciated. The Australian workers strongly support a Convention supported by a Recommendation to protect all workers from violence and harassment at work.

There are two ways to look at human rights. One is that they do not exist until they are recognized in national law. The other is that they exist by virtue of our humanity. We subscribe to this second view. There are some minimum standards of treatment that we should all enjoy regardless of national circumstances, culture or religion. I would like to finish by sending a message of solidarity from the Australian union movement to lesbian, gay, bisexual, transgender and intersex workers around the world, who are disproportionately affected by violence and harassment and who are still fighting for their basic rights. We stand with you. We look forward to returning in 2019, in a spirit of cooperation, collaboration and compromise, to listen to everyone's views and to finish our work successfully.

**Mr Abu Al-Ragheb**

Employer (Jordan)

*(Original Arabic)*

On behalf of the Jordanian employers' group, we support all the standards that limit violence and harassment at the place of work. We support international standards and we indeed support the reservations by the Government of Jordan as regards the point at issue in the report.

**The President**

As there appear to be no further requests to take the floor, we shall proceed to the adoption of the report of the Committee's proceedings, which appears in paragraphs 1–1435 of the report contained in *Provisional Record* No. 8B.

If there are no objections, may I take it that the Conference adopts the report, bearing in mind that Committee members have until 6 p.m. on Friday, 15 June 2018 to request any corrections to their statements?

*(The report – paragraphs 1–1435 – is approved.)*

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## **Resolution and conclusions**

### **Adoption of the Conclusions concerning violence and harassment in the world of work**

#### **The President**

We shall now proceed to the adoption of the Conclusions concerning violence and harassment in the world of work, which are based on the work of the Standard-Setting Committee and have been published in *Provisional Record* No. 8A.

May I take it that the Conference adopts the Conclusions, Part by Part?

The delegate of Uganda has requested the floor.

#### **Mr Wandera** Government (Uganda)

On behalf of the Africa group, I wish to affirm that the Africa group disassociates itself from point 26 because the list of vulnerable groups contained therein was included in circumstances that represented, if I may say so, an abuse of procedure.

#### **The President**

The intervention by the representative of the Africa group has been placed on record.

The delegate of Namibia has also requested the floor.

#### **Ms Ya Toivo** Government (Namibia)

We would like some clarification. A number of points in Part D have been bracketed, they have not been agreed upon in the Committee. Now what is the import of this body adopting them? Are we adopting the brackets or adopting what?

#### **The President**

I invite the Legal Adviser of the Conference to take the floor to clarify the question.

#### **The Legal Adviser of the Conference**

I thank the member of Namibia for the question. All these explanations are to be found in the report of the Committee. During the closing moments of the Committee, the Chairperson explained that, owing to lack of time, part of the Recommendation – points referring to the Recommendation – could not be adopted, and not even discussed, and that the tool used in such cases is bracketing. It was explained that “bracketing” or “bracketed text” is used when text has neither been agreed nor rejected, and that the Committee had unanimously agreed that the bracketed text would be included in the proposed conclusions on the understanding that it would be reproduced for next year’s discussion.

It was also explained that any amendments which had been duly registered and submitted concerning points that had been bracketed would fall, and that their authors would have to submit either the same or other amendments during next year’s discussions.

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The Chairperson added that these explanations will be repeated in the Office report to be sent to the member States in two months' time, so that everyone understands what exactly the bracketing represents.

This method was last used in the 2016 discussion on what later became the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

You may recall that, in that case, there was a whole section on refugees which remained bracketed between the first and the second discussions. I hope this clarifies the question.

### **The President**

I would like to thank the Legal Adviser of the Conference and hope that this has satisfied the query by the delegation of Namibia.

If there are no objections, may I take it that the Conference adopts the Conclusions, points 1–37, Part by Part?

*(The Conclusions – points 1–37 – Part by Part, are adopted.)*

If there are no objections, may I take it that the Conference adopts the Conclusions, as a whole?

*(The Conclusions are adopted as a whole.)*

### **Adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Violence and harassment in the world of work”**

#### **The President**

We shall now proceed to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Violence and harassment in the world of work”, as published in *Provisional Record* No. 8A.

If there are no objections, may I take it that the Conference adopts the resolution?

*(The resolution is adopted.)*

I would now like to thank the members of the Committee and the secretariat for their contributions to the drafting of the report, the conclusions and the resolution. A special thanks goes to the team of interpreters and to all translators, operators and linguistic staff who worked into the early hours of the morning on a number of consecutive days. Thank you again to all and congratulations to the members of the Committee.

*(The sitting closed at 1.15 p.m.)*