

Governing Body

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Institutional Section

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THIRD ITEM ON THE AGENDA

Matters arising out of the work of the 108th Session (2019) of the International Labour Conference

Follow-up to the resolution concerning the elimination of violence and harassment in the world of work

Purpose of the document

The document provides an overview of the rationale for and the content of the new Violence and Harassment Convention (No. 190), and Recommendation (No. 206), 2019, which were adopted by the International Labour Conference at its 108th Session (June 2019). The document also lays down the priorities, thematic scope and institutional framework of a possible strategy aimed at giving effect to the resolution concerning the elimination of violence and harassment in the world of work that was also adopted by the Conference at its 108th Session (see the draft decision in paragraph 39).

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome/cross-cutting policy driver: Cross-cutting policy driver: International labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: None.

Follow-up action required: Yes, see the draft decision in paragraph 39.

Author unit: Conditions of Work and Equality Department (WORKQUALITY).

Related documents: Convention No. 190 and Recommendation No. 206; Programme and Budget for 2020–21: Programme of work and results framework (GB.337/PFA/1); ILO Research Strategy (GB.337/INS/7).

Part I. Introduction

1. At its 108th Session (2019), the International Labour Conference adopted the first-ever standards on the elimination of violence and harassment in the world of work, namely the Violence and Harassment Convention (No. 190), and Recommendation (No. 206), 2019.¹ At the same session, the Conference also adopted the ILO Centenary Declaration for the Future of Work, expressing a clear commitment to a world of work free from violence and harassment.²
2. The texts of the Convention and Recommendation were achieved through tripartite consensus and were adopted with wide support.³ Their adoption provides a historic opportunity to shape a future of work based on dignity and respect.⁴
3. These international instruments recognize the right of everyone to a world of work free from violence and harassment. They take into account the different and complementary roles that governments, employers and workers, as well as their respective organizations, play in preventing and addressing violence and harassment, and provide a clear framework for action.
4. Alongside the new instruments, in June 2019, the Conference adopted the resolution concerning the elimination of violence and harassment in the world of work. It invites the Governing Body to request the Director-General to develop a comprehensive strategy for the wide ratification of the Convention and effective implementation of the instruments.⁵ The resolution identifies the following areas for action:
 - supporting constituents through awareness-raising initiatives, promotional materials, research and technical assistance;
 - bringing the instruments to the attention of relevant international and regional organizations, and promoting partnerships and joint initiatives to eliminate violence and harassment in the world of work; and
 - allocating resources within the existing and forthcoming programmes and budgets and mobilizing extrabudgetary resources to carry out the above-mentioned activities with the tripartite constituents.
5. This document proposes a framework for ILO action to implement the resolution. It suggests a strategy, including the main areas of ILO assistance to constituents. Specific regional priorities, targets and resources, as well as the country-level and global action that is

¹ The texts of Convention No. 190 and Recommendation No. 206 can be found on the ILO website ([NORMLEX database](#)).

² [ILO Centenary Declaration for the Future of Work](#), International Labour Conference, 108th Session, Geneva, 2019.

³ ILO: *Plenary sitting: Outcomes of the work of the Standard-Setting Committee on Violence and Harassment in the World of Work*, [Provisional Record No. 7C](#), International Labour Conference, 108th Session, Geneva, 2019.

⁴ ILO: [Resolution concerning the elimination of violence and harassment in the world of work](#), International Labour Conference, 108th Session, Geneva, 2019.

⁵ *ibid.*

required, will be identified and pursued based on the Governing Body's discussion and decision on this proposed framework and on the Programme and Budget for 2020–21,⁶ as well as on the ongoing consultations between headquarters and field offices. The time frame for the strategy is foreseen to be six years, thus future programme and budget discussions will also be relevant.

Part II. Highlights of Convention No. 190 and Recommendation No. 206

6. The Convention calls for the right of everyone to a world of work free from violence and harassment to be respected, promoted and realized. It provides the first common definition of the term “violence and harassment”, which is understood to refer 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 foresees that definitions in national laws and regulations may provide for a single concept or separate concepts.
7. The Convention and the Recommendation are grounded on the adoption of an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work, which envisages action that ranges from protection and prevention, enforcement and remedies, to guidance and training. They further 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 promote decent work.
8. Violence and harassment has, in the past, often been dealt with in a fragmented manner, or treated as either an equality and non-discrimination issue or an occupational safety and health (OSH) issue. The instruments bring the various aspects together in an integrated manner, and call for violence and harassment to be prohibited, prevented and addressed in relevant law and policies as well as through collective bargaining.
9. The instruments protect workers and other persons in the world of work, irrespective of contractual status, including interns and volunteers, job applicants and individuals exercising the authority, duties or responsibilities of an employer. Third parties, as victims and perpetrators, are also taken into account. They apply to all sectors, whether public or private, both in the formal and informal economy, and whether in urban or rural areas. The instruments apply to violence and harassment occurring in the course of, linked with or arising out of work, and apply beyond the physical workplace, acknowledging the varied and changing nature of the world of work.
10. The Convention provides that Members shall require employers to take appropriate steps to prevent violence and harassment in the world of work, specifying that such steps should be commensurate with employers' degree of control.
11. The specific reference to gender-based violence and harassment in the definition acknowledges the significant gender dimensions of the phenomenon. The Convention also acknowledges that gender-based violence and harassment disproportionately affects women and girls and provides for specific measures in this regard, while recognizing the need to tackle underlying causes and risk factors. The instruments also recognize the effects of

⁶ [GB.337/PFA/1/1](#).

domestic violence, and require measures, so far as is reasonably practicable, to mitigate its impact in the world of work.

12. The Convention acknowledges that there are other groups disproportionately affected by violence and harassment, and highlights the importance of ensuring the right to equality and non-discrimination for such groups. It also requires that specific sectors, occupations and work arrangements in which there is more exposure to violence and harassment be identified in consultation with employers' and workers' representatives, and appropriate measures taken.
13. Work on violence and harassment is not new to the ILO, and significant achievements have been made regarding specific dimensions. These instruments provide the guiding compass for a more comprehensive approach. Work on violence and harassment requires further impetus, so that the issue can be addressed in its diverse and evolving forms, and in the different contexts in which it originates and escalates.

Part III. Follow-up: Strategy for action

A. Context and rationale

14. In the past few years, a number of member States have adopted laws and policies aimed at addressing new and persisting forms of violence and harassment in the world of work. Some member States have already expressed their intention to ratify the Convention, while others are considering such a possibility. Others require time to determine the nature and extent of the changes needed with a view to putting into place effective laws, collective agreements, policies and practical measures to prevent, remedy and eliminate violence and harassment in the world of work.
15. While essential, legal reforms on their own are not sufficient to prevent and address violence and harassment in the world of work. Empowering people and supporting employers' and workers' representatives to make a change and build strong and inclusive social dialogue, including collective bargaining, have proven to be effective mechanisms for enduring change.
16. Ending violence and harassment in the world of work requires significant social change. This implies a combination of coordinated interventions operating at multiple levels, across sectors and in different areas of law, policy and practices, as well as interventions in the field of behavioural science, as articulated in this strategy.
17. The implementation of the strategy will reflect the different needs and priorities of ILO constituents across regions and countries. Countries that are ready to ratify the Convention or want to prepare the legal groundwork or build institutional capacity for its implementation would be identified. These countries could act as champions and catalysts for change. It would be advisable to ensure the full participation and engagement of all groups disproportionately affected by violence and harassment as well as sectoral social partners to ensure that they are part of the policy response and to ensure the greatest impact.
18. Actions at the regional, national, sectoral and workplace levels would involve initiatives on a range of fronts. The sequencing and timing of interventions will vary from country to country, according to national realities and priorities, including as reflected in ILO Decent Work Country Programmes and in United Nations Sustainable Development Cooperation Frameworks.

B. Elements of an ILO strategy

Wide ratification of the Convention and the effective implementation of the instruments

19. A rapid entry into force of the Convention, which requires two ratifications, will be important to maintain the momentum generated through its adoption and to galvanize the commitment to building a future of work free from violence and harassment. The Office will support tripartite consultations as well as national efforts to enhance the ratification and application prospects of the Convention. Upon request, the Office will assist the authorities concerned in undertaking pre-ratification reviews of national laws and practice and in facilitating measures to overcome identified gaps.
20. Based on constituents' requests, the Office will promote national reviews assessing relevant laws, collective agreements, policies and practices, helping member States to understand what is required for effective implementation and possible future ratification.
21. With a view to reassuring member States about future reporting obligations and in the context of the streamlining of the reporting system, consideration could be given to including Convention No. 190 in the possible transition to a baseline-based reporting system.⁷

Support to constituents through awareness-raising initiatives, promotional materials, research and technical assistance

22. There is often a lack of understanding regarding: (i) what constitutes violence and harassment in the world of work and the motivators of such behaviours or practices; (ii) the groups disproportionately affected by violence and harassment, and the sectors, occupations or work arrangements where people are more at risk of it; and (iii) what measures – both in law and in practice – are most effective to prevent, address and change such behaviours. In addition, following the adoption of the instruments, the Office has been receiving requests indicating the need for more information and research on, among others: (i) how to strengthen prevention and protection for persons in vulnerable situations; (ii) how to ensure that OSH legislation and management systems address violence and harassment; (iii) new risks of violence and harassment stemming from the impact of technology and new forms of work; and (iv) the negative implications and costs of violence and harassment for enterprises and society as a whole.
23. Statistics on violence and harassment in the world of work are sporadic and scarce. Comparability of data is problematic because different concepts, definitions and methods are used. Statistics are often collected for a specific occupation, industry or group, and may not be disaggregated by sex. Under-reporting is also a problem, due to fear of victimization and the lack of effective or accessible enforcement and monitoring systems in many countries. Based on demand, the Office will assess current data availability on violence and harassment with a view to developing a new and consistent methodology for measuring violence and harassment in the world of work. Moreover, the ILO will collect comparative information on national laws and practices to strengthen its assistance to member States.
24. Enhancing the knowledge base is therefore an essential starting point for many future activities of the Office. In consultation with the Bureau for Employers' Activities (ACT/EMP) and the Bureau for Workers' Activities (ACTRAV) and based on an assessment

⁷ [GB.335/INS/5](#), para. 52(viii).

of ILO constituents' needs, the Office will design and carry out research on relevant issues, with a view to informing meaningful policy dialogue, awareness-raising and action at all levels.

25. In cooperation with the International Training Centre of the ILO (Turin Centre), the Office will develop a series of initiatives encompassing training or other learning opportunities as well as the development of a knowledge-sharing platform for ILO constituents and other stakeholders to provide easy access to learning, research and information products. The ILO will consider harnessing the potential of South–South and triangular cooperation in order to enhance mutual understanding and the cross-fertilization of knowledge. The Office will also facilitate dialogue among relevant institutions, networks and tripartite committees with a view to ensuring policy and programmatic coherence.
26. Over the years, the ILO has developed a range of tools, training packages and other materials on addressing violence and harassment in the world of work. The ILO will map these existing materials and review and update them in light of the new instruments and use them to strengthen the capacity of constituents at the regional, national, sectoral and workplace levels. At the same time, the ILO will develop practical tools for all relevant actors involved in national legislative processes and in the design of labour laws, strategic compliance plans, workplace policies and management systems, and related guidance.
27. Convention No. 190 calls for the adoption of laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation. In the context of its ongoing work to promote the effective implementation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Office will continue to provide technical assistance on how to address discrimination and promote equality.
28. Convention No. 190 also foresees extending or adapting existing OSH measures to cover violence and harassment. In the framework of promoting the Occupational Safety and Health Convention, 1981 (No. 155), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the List of Occupational Diseases Recommendation, 2002 (No. 194), the ILO will provide concrete guidance on how to adapt national OSH policies and other measures to cover violence and harassment. The ILO will also continue to promote the *Guidelines on occupational safety and health management systems, ILO–OSH 2001* and explore how these guidelines can more efficiently prevent, manage and address risk factors related to psychosocial hazards, including those linked to violence and harassment in the world of work.
29. In some cases, members of the judiciary, labour dispute settlement authorities, legal professionals, labour inspectors and OSH professionals, among others, may not know how to identify and address risks of violence and harassment or how to access justice, enforcement mechanisms and remedies. Given the important role of these actors in implementing the new instruments, the ILO will develop their capacity through relevant global and regional courses and academies, including those carried out in collaboration with the Turin Centre, and by upgrading existing training modules and materials to bring them up-to-date with the new instruments.
30. Employers' and workers' representatives played an active role in shaping the instruments. ILO technical assistance, through ACT/EMP and ACTRAV and at the request of the organizations concerned, will be provided to support the social partners and assist them in promoting, implementing and disseminating the new instruments. This assistance could include the development of guidelines and materials to clarify the roles and responsibilities of all parties concerned and to improve the knowledge base on good practices related to workplace policies and tools that are in line with the new instruments.

31. For prevention and protection from violence and harassment in the world of work to be effective, it will be important to take into account the specific needs and circumstances of small and medium-sized enterprises, including those in the informal economy. The ILO will further support its constituents in developing clear guidance and tools on how to implement the instruments and design practical measures to prevent and address violence and harassment in such enterprises.
32. The ILO Department of Communication and Public Information will prepare a communication strategy to promote the ratification and implementation of the Convention among key ILO audiences, in coordination with the relevant departments and ILO field offices. The communication strategy will include a global campaign to raise awareness of the various forms of violence and harassment in the world of work and their negative effects on individuals, enterprises and society as a whole, and of measures to prevent, address and change such behaviours. Following the successful experience of the ILO Centenary, the global campaign will be adapted and used by ILO field offices and the social partners at the regional and local levels. Such campaigns will make use of all forms of media and arts outlets, public figures and influencers, and galvanize the will mobilized by existing international days.

Promotion of international cooperation and partnerships and of resource mobilization

33. Partnerships are key in order to leverage expertise and knowledge, widen the outreach, realize economies of scale and advance the ILO's values and labour standards. The ILO will foster its existing partnerships with other international and regional organizations, including international financial institutions, regional economic communities and sectoral partners, and will establish new ones.
34. The ILO will promote the new instruments within the numerous ongoing global and regional processes and initiatives, including those promoted by the United Nations. This will provide the potential to amplify the outreach to relevant constituencies beyond the ILO's own and to identify potential synergies and complementarities, with a view to achieving greater cost-effectiveness and impact. The ILO will also leverage existing entry points, such as relevant United Nations human rights mechanisms and recurrent events, to integrate Convention No. 190 into the multilateral system with a view to making the end of violence and harassment a reality for all.
35. Convention No. 190 also offers a strategic opportunity to highlight the value added of tripartism and its distinct contributions to the achievement of several of the internationally agreed Sustainable Development Goals, including Goals 3, 5, 8, 10 and 16. Convention No. 190 has a great potential to contribute to fairer economic growth, while leveraging social and cultural change, towards a world of work – and beyond – based on dignity and respect.
36. The financial resources required for the implementation of this strategy will be raised as part of the ILO's overall programme of work and results framework at the country and global levels, using all funding sources available to the Office as part of its integrated resource framework. Since the time frame for the strategy is foreseen to be six years, future programme and budget discussions will also be relevant. Should the Governing Body approve the Programme and Budget for 2020–21, with the inclusion of a specific output on violence and harassment, resource allocation and mobilizing the required extrabudgetary resources would be facilitated.

C. Institutional framework for implementation

37. The new Convention and Recommendation provide the Office with an opportunity to lead by example and become an exemplary employer with respect to preventing and addressing violence and harassment. Under the leadership and coordination of its Human Resources Development Department, the Office will review relevant internal human resources rules, regulations, policies, procedures and mechanisms to ensure that they are in conformity with the new instruments and to enable the effective prevention and elimination of all forms of violence and harassment. Proactive campaign strategies will be used to make all ILO staff aware of their right to a respectful workplace and a world of work free from violence and harassment as well as the expectations and obligations placed upon them in that regard. This will be supported by effective training on both the prevention of abuse and the promotion of a respectful workplace culture. Greater efforts will be made to ensure that staff are aware of, and therefore more confident in, accountability mechanisms that provide effective redress and proportionate administrative and disciplinary consequences. This would lend further legitimacy and credibility to the ILO's commitment towards the promotion of a world of work based on dignity and respect.
38. Because of the multidimensional character of eliminating violence and harassment, the coordinated efforts of several technical departments at headquarters and in the field offices will be required, as described below.
- A technical working group will be set up at headquarters, consisting of representatives of the Conditions of Work and Equality Department, and its Gender, Equality and Diversity and ILOAIDS Branch, Inclusive Labour Markets, Labour Relations and Working Conditions Branch, and Labour Migration Branch; ACT/EMP; ACTRAV; the International Labour Standards Department; the Governance and Tripartism Department and its Fundamental Principles and Rights at Work Branch, the Labour Administration, Labour Inspection and Occupational Safety and Health Branch, the Labour Law and Reform Unit and the Better Work Branch; the Sectoral Policies Department; the Enterprises Department; the Department of Statistics; the Research Department; the Department of Communication and Public Information; the Partnerships and Field Support Department; and the Turin Centre.
 - One ILO coordinator will be selected from each region, to be part of the technical working group and to be responsible for mobilizing and coordinating contributions and proper consultation and information flows among different participants, especially the ILO offices concerned.
 - Subject to funding availability, an interregional, knowledge-sharing forum for headquarters and field representatives will be held at the end of 2021 to distil the lessons learned and provide insights for the subsequent stages of the strategy, including through South–South and triangular cooperation.

Draft decision

39. *The Governing Body:*

- (a) *requested the Director-General to take into consideration the strategy, and the guidance given during its discussion, in the implementation of the Programme and Budget for 2020–21, as well as when preparing the next strategic framework and future programme and budget proposals and facilitating extrabudgetary resources; and*
- (b) *requested the Director-General to review the implementation of the strategy and report back to the Governing Body on a regular basis.*