


# All you need to know about ILO Convention 190 and Recommendation 206 on Violence and Harassment in the world of work.

History was made on the 21st of June 2019 as the International Labour Organisation (ILO) adopted a new labour standard to combat violence and harassment in the workplace. The Violence and Harassment Convention 2019 (C190), and the Violence and Harassment Recommendation 2019(R206), were adopted by delegates representing governments and employers' and workers' organisations.

**A convention is legally binding international treaty that may be ratified by member states while a Recommendations are non-binding guidelines.—ILO**



**The approach of this trailblazing and visionary Convention is to recognise that gender-based violence and harassment is a systemic issue rooted in unequal and abusive power relations in society as in the world of work, and intersecting systems of oppression.—Chidi King.**

Violence and harassment at work is a human rights issue. It affects workplace relations, worker engagement, health productivity, quality of public and private services, and enterprise reputation. It affects labour market participation and in particular, may prevent women from entering the labour market, especially in male-dominated sectors and jobs, and remain therein.<sup>1</sup> Before the adoption of this momentous Convention, there was no universally accepted definition of the terms “harassment” or “violence” in the world of work. The Convention signifies an extraordinary opportunity to advance the fight against gender-based violence.

## The significance of ILO C190

This is the first international standard that aims to put an end to violence and harassment in the world of work shaping and recognizing a future of work for everyone based on dignity, respect, free from violence and harassment.

ILO C190 is revolutionary as it largely closes the global regulatory gap on workplace sexual harassment. It recognises that violence and harassment in the world of work can constitute a human rights violation or abuse, is a threat to equal opportunities and is unacceptable and incompatible with decent work.<sup>2</sup>

<sup>1</sup> ILO Report, Ending violence and harassment against women and men in the world of work, 2018.

<sup>2</sup>

## What does violence and harassment constitute?

The Convention takes a pragmatic approach defining violence and harassment as “a range of unacceptable behaviours and practices” that “aim at, result in, or are likely to result in physical, psychological, sexual or economic harm”. This potentially covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

## C190 provides broad protections and expands on who is considered a worker

ILO C190, through the broad definition of who a worker is, takes an inclusive and integrated approach in its scope of protection. It applies to every sector, the formal and informal economy, rural and urban areas. The Convention equally covers all workers and employees irrespective of their contractual status.

The scope of protection extends to job applicants, job seekers, volunteers, trainees, interns, apprentices and workers whose employment has been terminated. It recognises that individuals exercising the authority, duties or responsibilities of an employer can also be subjected to violence and harassment.<sup>1</sup>

The Convention also makes it clear that violence and harassment involving third parties whether they are clients, customers, patients, or members of the public must be considered and addressed with sturdy and robust protection for people whose experience of violence and harassment is exacerbated by discrimination and inequality. Put in text box

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<sup>1</sup> ILO C190 Art 2

## The world of work expanded

ILO C190 expands the concept of the world of work beyond the immediate physical workplace, covering situations linked to or arising out of work, such as

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- (c) during work-related trips, travel, training, events or social activities;
- (d) through work-related communications, including those enabled by information and communication technologies;
- (e) in employer-provided accommodation; and
- (f) when commuting to and from work.

## ILO C190 sees Gender Based Violence as a workplace issue

The Convention is groundbreaking with a specific focus on Gender-Based Violence (GBV). It defines and recognises the effects of domestic violence on the world of work, acknowledging that gender-based violence and harassment disproportionately affects women and girls and establishing the obligation of states to develop policies with an inclusive, integrated, intersectional approach, which is critical to addressing multiple forms of discrimination and unequal gender-based power relations.

It requires action to mitigate the impact of domestic violence in the world of work, providing a lifeline to victims of domestic violence who might otherwise lose their job or be forced to choose between income and safety.

## According to Recommendation 206

Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 10(f) of the Convention could include:

- (a) leave for victims of domestic violence;
- (b) flexible work arrangements and protection for victims of domestic violence;
- (c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- (d) the inclusion of domestic violence in workplace risk assessments;
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.

## Protection of women.

This Convention is momentous for it is an international legal standard to specifically protect women at work from harassment and abuse, the first of its kind. C190 mainly closes the global regulatory gap on workplace sexual harassment by adopting the most comprehensive application of protections. An estimated 500 million working-age women live in countries reported not to have any legal protections against harassment at work. As indicated by the World Bank in 2018 in 59 countries, women are not legally protected from workplace sexual harassment. The lack of legal protection was observed in 70% of the economies in the Middle East and North Africa, half (50%) in East Asia and the Pacific, and one-third (33.3%) in Latin America and the Caribbean. (World Bank, Women, Business and the Law, 2018)

Through the Convention, the ILO recognised the negative role played by unequal power relations between men and women, as well as gender, cultural, and social norms that support violence and harassment. An ILO Meeting of Experts in 2016 linked these power relations and mistreatment in the world of work. "Imbalanced power relationships," they concluded, "including due to gender, race and ethnicity, social origin, education, and poverty could lead to violence and harassment." (Better work, Sexual Harassment at Work: Insights from the Global Garment Industry, Thematic Brief, 2019)

## State responsibilities under the Convention

**NOTE :** According to the United Nations, ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such a law. As with all international conventions, C190 must be ratified by individual governments before it becomes effective. The ILO requires that two countries ratify the Convention before it becomes binding on all member states.

## Recommendation 206 on protection and prevention

Members should adopt appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment.

Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation in specific jobs, sectors or occupations, or their exclusion therefrom, of women and the groups referred to in Article 6 of the Convention.

## ILO Convention No. 190 provides for extensive State obligations, these include:

- **To respect, promote, and realise the fundamental rights and principles at work**, comprising freedom of association and the effective recognition of collective bargaining rights, elimination of all forms of forced or compulsory labour, effective abolition of child labour, elimination of discrimination in respect of employment and occupation, and promotion of decent work.
- **To adopt laws, regulations, and policies on the right to equality and non-discrimination**, especially for those in one or more groups and situations of vulnerability disproportionately affected by violence and harassment in the world of work.
- **To adopt national laws and regulations defining gender-based violence and harassment** in the world of work, consistent with the Convention.

- ◉ **To take all appropriate measures to prevent violence and harassment** in the world of work through recognising the role of public authorities especially for the informal economy, the sectors or occupations and work arrangements prone to violence and harassment, taking measures to protect them.
- ◉ **To adopt laws and regulations requiring employers to take appropriate steps** commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to adopt workplace policies on violence and harassment, risk assessments, information and training.
- ◉ **To take appropriate measures to monitor and enforce national laws and regulations regarding violence and harassment in the world** of work as well as to design the fullest possible range of remedies for victims – whether administrative or judicial, civil or criminal, among others – while providing for the fullest supportive measures (including legal, social, medical, administrative support) against retaliation and any imminent threats or dangers to life, health, or safety.
- ◉ **To take measures to protect the privacy of those individuals involved, recognising the effects of domestic violence**, providing sanctions in cases of violence and harassment, and access to gender-responsive, safe and effective complaints and dispute resolution mechanisms, support services and remedies.

- ◉ **To ensure that workers have the right to remove themselves from a work situation** which they have reasonable justification to believe presents an imminent and severe danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management.
- ◉ **To ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered** to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law.

## What can organisations, unions do to accelerate the ratification of the Convention?

- ◉ **Raise awareness** and make available easily digestible education and information about the Convention to members and society at large.
- ◉ **Collectively mobilise and actively campaign** around the issue of violence and harassment in the world of work and ratification of C190 in each country
- ◉ **Build alliances with like-minded organisations, institutions**, movements and unions to develop structures for advocating for the elimination of workplace violence and harassment.

Each Member shall adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work. (Article 6)

Akina Mama wa Afrika  
Plot 222 Mama Africa Close,  
Off Kiwatule Road, Ntinda Kigoowa  
P.O.BOX 24130, Kampala-Uganda

**Tel:** +256 414 543 681

**Email:** [amwa@akinamamawaafrika.org](mailto:amwa@akinamamawaafrika.org)

**Website:** [www.akinamamawaafrika.org](http://www.akinamamawaafrika.org)

**Facebook:** Akina Mama wa Afrika, **Twitter:** @amwaafrika