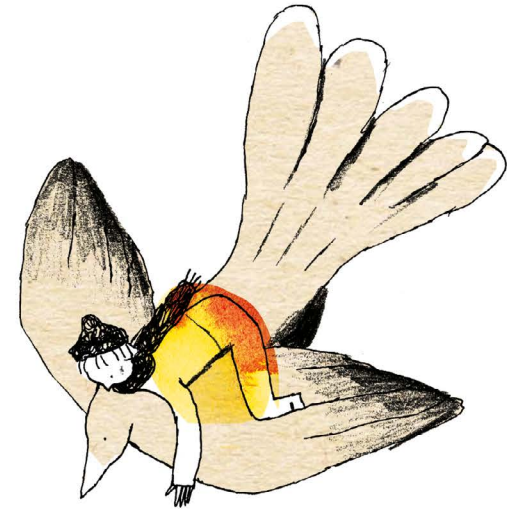


Mini Guide C190 & R206





What is ILO Convention 190 (C190) and why is it important?

C190 is the “[Violence and Harassment](#)” Convention, adopted on 21 June 2019 by the [International Labour Conference](#). It establishes the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. It is the first international law to do so. C190 is supplemented by [Recommendation 206](#) (R206), which gives further, more detailed guidance on how the Convention should be implemented at national level.

Is violence and harassment only about physical acts?

No. The Convention defines violence and harassment as “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”.

This can therefore include physical and verbal abuse, bullying and mobbing, sexual harassment, threats and intimidation, belittling and humiliating, stalking – as well as abusive work practices giving rise to physical, psychological, sexual or eco-

nomical harm. An example of such a practice could be unreasonable production line speeds and targets that routinely result in pain and injury to the workers.

The intended, likely or actual **impact** of the behaviour(s) or practice(s) is an important part of the definition.

What is gender-based violence and harassment in the world of work?

The Convention defines this as violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

Violence and harassment against women because they are women (for example, bullying of pregnant women, sexist and belittling insults) would be gender-based violence and harassment. Violence and harassment against people who are, or who are perceived to be, gender non-conforming or gender non-binary would also be gender-based violence and harassment.

Who is covered?

All individuals in the world of work are covered, including:

- employees as defined by national law and practice;
- persons working irrespective of their contractual status (including, for example, temporary agency workers, freelance workers, workers hired through platform businesses);
- persons in training, including interns and apprentices;
- workers whose employment has been terminated;
- volunteers;
- jobseekers and job applicants; and
- individuals exercising the authority, duties or responsibilities of an employer.

The Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

It requires governments to recognise the important role of public authorities in the case of informal economy workers when adopting measures to prevent violence and harassment in the world of work. Further, governments should provide resources and assistance for informal economy workers and employers, and their associations, to prevent and address violence and harassment in the informal economy.

Does the world of work mean the physical place of work, such as an office or factory?

The world of work is a broader concept than just the physical workplace.

The workplace can be a public space, as it often is for workers in the informal economy, such as street vendors, market traders and waste pickers, as well as other workers such as park wardens. It can also be a private space as it is for domestic and home-care workers, home-based workers and individuals who are teleworking.

Violence and harassment in the “world of work” can occur during work-related events and activities, including off-site meetings and training, work-related trips and travel and social activities, such as office parties or outings.

It can also occur:

- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- through work-related communications, including those enabled by information and communication technologies (for example, “cyberbullying” and “on-line trolling”, threatening or humiliating emails);

- in employer-provided accommodation (for example, for live-in domestic workers or dormitories provided for seasonal agricultural workers); and
- when commuting to and from work: for example, employers could provide safe transport to and from remote work locations and enhance safety arrangements for those working unsocial hours (very late or very early shifts), and governments could also take action to improve safety on public transport – for example, through laws that effectively penalise violence and harassment and through public awareness-raising campaigns.

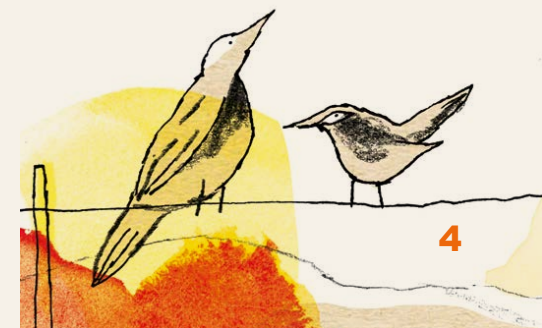
Is everybody affected in the same way by violence and harassment?

Everyone can be affected by violence and harassment in the world of work. However, some workers may be more at risk of experiencing violence and harassment.

The Convention recognises that women workers and workers who experience discrimination and inequality, and who belong to one or more vulnerable groups or groups in situations of vulnerability, are disproportionately affected by violence and harassment in the world of work.

It therefore requires governments to adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation as part of the measures to prevent and eliminate violence and harassment in the world of work.

The Convention further recognises that certain sectors or occupations and work arrangements may expose workers and other persons concerned to a higher risk of violence and harassment and requires governments to identify those sectors, occupations and work arrangements in consultation with workers' and employers' organisations, and to take effective protection measures. Examples of such sectors, occupations and work arrangements include night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education and entertainment. Importantly, measures to prevent violence and harassment should not result in excluding or restricting participation of women and vulnerable groups in specific jobs, sectors or occupations.



What is a vulnerable group or a group in a vulnerable situation?

The Convention does not define these terms. However, its accompanying Recommendation 206 states that reference to vulnerable groups and groups in situations of vulnerability should be interpreted in accordance with applicable international labour standards and international instruments on human rights.

This is an evolving concept, but such groups, according to existing international laws, would include indigenous peoples, disabled persons, lesbian, gay and transgender persons, persons discriminated against on the grounds of race, colour, descent, national or ethnic origin and migrant workers. Governments are specifically urged to take legislative or other measures to protect migrant workers, particularly women migrant workers, regardless of migrant status, in origin, transit and destination countries as appropriate, from violence and harassment in the world of work.

What does an inclusive, integrated and gender-responsive approach involve?

C190 requires governments to adopt laws and regulations to

define, prohibit and prevent violence and harassment in the world of work, including gender-based violence and harassment.

To effectively address violence and harassment, governments need to take action through several areas including laws and policies on labour and employment, equality and non-discrimination, migration, occupational health and safety, and crime.

C190 acknowledges that gender-based violence and harassment **disproportionately affects women and girls**, and requires an inclusive, integrated and gender-responsive approach which tackles underlying causes and risk factors, including **gender stereotypes**, multiple and intersecting forms of discrimination, and **unequal gender-based power relations**.

Victims of gender-based violence and harassment in the world of work should have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, including courts with expertise in cases of gender-based violence and harassment.

They should also be able to access support, services and remedies, such as counselling, information and emergency services, medical care and treatment and psychological support, shelters and other crisis centres and specialised police units or specially trained officers.

Those responsible for enforcement and remedy, including labour inspectors, the police and the judiciary, should receive gender-responsive training and guidelines to be able to identify and address gender-based violence and harassment and discrimination against particular groups of workers.

Employers, workers and their organisations should receive and /or develop such training and guidelines to assist them in preventing and addressing violence and harassment in the world of work.

An integrated approach also requires the following:

- establishing or strengthening enforcement and monitoring mechanisms;
- ensuring access to remedies and support for victims;
- providing for sanctions;
- developing tools, guidance, education and training,

and raising awareness, in accessible formats; and

- ensuring inspection and investigation of cases of violence and harassment.

What is third-party violence and how does the Convention address this?

Third-party violence is violence committed by or against groups or individuals such as clients, customers, service providers, users, patients and members of the public. Governments should take account of this as part of an integrated approach to laws, policies and measures to address violence and harassment. This could be through, amongst other things, requiring employers to protect workers from third-party violence.

Employers could take measures to prevent violence by and against third parties through, for example, carrying out appropriate risk assessments, taking measures to reduce stress levels in public-facing jobs, and providing training to staff to assist them in dealing with and defusing tense situations.

Do employers have specific responsibilities under the Convention?

The Convention requires governments to enact laws that obli-

ge 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:

- (a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- (b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and
- (d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection

measures, including on the rights and responsibilities of workers and other persons concerned in relation to the workplace policy.

Why does a Convention dealing with the world of work include domestic violence?

This was a key demand of trade unions. Perpetrators of domestic violence can be colleagues, where the partners work for the same employer, and perpetrators can follow or stalk their partners at their workplace. Workers experiencing domestic violence can lose their jobs and incomes as a result of frequent absenteeism, loss of concentration and loss of motivation. The Convention recognises that domestic violence can impact the world of work. It can affect employment, productivity and health and safety, and the world of work can be a key point of intervention in mitigating or reducing the impacts of domestic violence. The Convention therefore requires governments to take appropriate measures to recognise the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work.

Further, governments should promote the effective recognition of the right to collective bargaining at all levels as a means

of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work.

Employers and trade unions can assist workers

experiencing domestic violence by negotiating:

- paid leave for victims of domestic violence;
- flexible work arrangements and protection; and
- temporary protection against dismissal for victims of domestic violence.

Employers and trade unions should also ensure that domestic violence is included in workplace risk assessments; provide a referral system to public mitigation measures for domestic violence, where they exist; and raise awareness about the effects of domestic violence.

What can I do if I experience violence and harassment at work?

There may be a situation or situations where you are subjected to violence and harassment, or where you witness someone else being subjected to violence and harassment.

In either case it is important to take action:

- Tell someone. If you have a trade union representative, speak to them. Your workplace policy should contain information on complaint and investigation procedures, as well as measures to protect your confidentiality and the privacy of any individuals involved.
- If you believe that you are at risk of imminent and serious danger to life, health or safety due to violence and harassment, you have the right to remove yourself from the situation. You will also need to inform your management. Again, a trade union representative can assist you with this.
- Blow the whistle: if you have witnessed violence and harassment, tell your trade union representative and/or your employer. Your workplace policy should include measures to protect complainants, victims, witnesses and whistleblowers against victimization or retaliation.

Victims of violence and harassment should have access to one or more of the following remedies:

- the right to resign with compensation;
- reinstatement;
- appropriate compensation for damages;

- a court order requiring that certain conduct is stopped immediately or that policies or practices are changed.

Victims of violence and harassment in the world of work should also have access to compensation in cases of psychosocial, physical or any other injury or illness which leaves them unable to work.

What can trade unions do to make the protections in C190 and R206 a reality?

Violence and harassment is incompatible with any notion of decent work. It affects people's ability to obtain work and to stay in work, as well as their physical and mental well-being. It affects workplace culture, dignity at work and productivity. It is therefore a key issue for trade unions to organise around.

Trade unions can, amongst other actions:

- join the campaign for the ratification of C190: [#Ratify C190!](#);
- engage in dialogue and policy setting with government representatives and politicians to prevent, address and remedy violence and harassment in the world of work;
- ensure that measures to prevent, address and remedy violence and harassment, in line with C190 and R206, are included in collective bargaining agreements;
- negotiate workplace policies and procedures on violence and harassment in the world of work;
- provide gender-responsive training to trade union representatives and shop stewards to participate in risk assessments on violence and harassment in the world of work;
- provide gender-responsive training and guidelines to trade union representatives and shop stewards on handling complaints and providing support to victims of violence and harassment in the world of work;
- raise awareness and provide information and education, in accessible formats, to workers on violence and harassment in the world of work, including specific information on gender-based violence and harassment;
- ensure that violence and harassment, including attendant psychosocial risks and hazards, are part of occupational health and safety measures;
- negotiate workplace policies and procedures addressing equality and non-discrimination; and
- provide training to trade union representatives and shop stewards on equality and non-discrimination, including on handling complaints of discrimination.

C190 and R206, of course, also apply to trade unions. Trade unions should take steps to ensure that their organisations and operations are free from violence and harassment, in line with C190 and R206, including through risk assessments, workplace policies, training, information and awareness-raising.

Disclaimer: this miniguide does not and is not intended to constitute legal advice. Nor is it intended to provide an authoritative or definitive interpretation of Convention 190 and Recommendation 206.

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