

Ilo Violence and Harassment Convention, 2019 (No. 190)



On 21 June 2019, the International Labour Organization (“ILO”) adopted Convention No.190 concerning the elimination of violence and harassment in the world of work (hereafter the “Convention”) and the associated recommendation No. 206 (hereafter the “Recommendation”).

CONTENT

The Convention recognises the right of everyone to a world of work free from violence and harassment. Any such conduct that may constitute a “human rights violation or abuse is a threat to equal opportunities and is unacceptable and incompatible with decent work”. It is the first time that the right of everyone to a world of work free from violence and harassment is clearly recognised in an international treaty.

The Recommendation is not legally binding but provides indications about how the Convention should be applied.

DEFINITION

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”. Gender-based violence and harassment is defined as “violence and harassment directed at persons because of their sex and gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment”.

SCOPE OF PROTECTION

The Convention takes an inclusive approach and extends the protection to all workers irrespective of their contractual status, including trainees, interns, apprentices, workers whose employment has been terminated, volunteers, jobseekers and persons exercising the authority of an employer. The protection applies to the public and private sectors, the formal and informal economy, and urban and rural areas.

The scope of protection established by the Convention is particularly broad as it not only covers violence and harassment occurring in the workplace but also in the course of linked with, or arising out of, work.

The Convention also recognizes that violence and harassment may involve third parties.

Finally, domestic workers will also benefit from the protection established by the Convention, as it includes “public and private spaces where they are a place of work”. Indeed, the Convention notes that domestic violence has an impact on workers and their livelihoods and lays out measures that governments, employers and workers organizations can take to support survivors of domestic violence.

POLICY FOR PREVENTING AND ELIMINATING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

Each member of the ILO who ratifies the Convention (each a “Member”) shall adopt, in accordance with national law and in consultation with representative employers’ and workers’ organizations an “inclusive, integrated and gender-responsive approach” to prevent and eliminate violence and harassment in the world of work. The Convention elaborates on what may be included in such an approach.

PROTECTION AND PREVENTION

Each Member shall adopt laws and regulations requiring employers to take appropriate steps to prevent violence and harassment in the world of work, including gender based violence and harassment by:

- adopting and implementing, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- taking into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- identifying 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
- providing 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.

ENTRY INTO FORCE

The Convention is an international legally binding instrument and will enter into force 12 months after the first two Members have ratified it. We will provide further updates if, and/or when, Luxembourg opts to ratify the Convention.