

C190 - Violence and Harassment Convention 2019 (No. 190)



PUBLIC SERVICES
INTERNATIONAL

For the international trade union movement, the adoption of Convention 190 and Recommendation 206 on Violence and Harassment in the World of Work by the Centenary International Labour Conference in 2019 represents a milestone to celebrate and a challenge for its future work.

This agreement is essential for the labour force because it:



1

Why is the birth of this new law so important?

Because it recognizes the right of all people to be free from violence and harassment in the World of Work.

In addition, any Member State that ratifies the Convention undertakes to respect, promote and ensure the enjoyment of the right of every person to be free from gender-based harassment and violence in their workplace.

2

What is the international definition of Violence and Harassment?

The concept of violence and harassment are integrated into a single indivisible concept and includes:

Unacceptable behaviours and practices as well as threats are all considered as violence and harassment

Violence and harassment are not permitted, neither "once nor repeatedly"

Physical, psychological, sexual or economic harm

It is called gender-based violence when it is directed at a person because of their sex or gender including different gender identities and options.

It incorporates sexual harassment as a central theme.

3

Why is gender-based violence and harassment now a cross-cutting issue in the world of work?

Violence and harassment are cross-cutting elements because this Convention now:

Ensures that working women remain at work or progress professionally

Recognizes the need for an inclusive and integrated gender approach that takes into account the specific needs of different genders

Recognizes the risk factors and forms of discrimination that workers experience, such as:

- Gender stereotypes
- Multiple forms of discrimination
- Abuse in power relations based on gender
- The impact of domestic violence in the workplace.

Points out that violence and harassment can happen “during work, in relation to work or as a result of it”.


Uses the concept “world of work” instead of “workplace”; this has a very important impact on the gender dimension, especially in relation to violence and sexual harassment.

Demands that the Member States that sign the agreement must adopt, according to their national legislation, regulations and policies an approach that integrates gender considerations to:


- Prevent and eliminate violence and harassment in the world of work.
- Guarantee the right to equality and non-discrimination in employment and occupation




Also because this Convention states in its section
“Control of the Application and Routes of Appeal and Reparation”:



Members who adopt Convention 190 have the obligation to take measures to ensure that victims of gender-based violence and harassment have access to mechanisms for filing complaints and resolving conflicts, as well as assistance, service and access to appeal procedures and compensation.



The effects of domestic violence on the world of work are recognized and a commitment is made to mitigate them as much as possible.



It establishes the need to allocate resources to train on Awareness, Guidance and Training in the prevention of gender-based violence.

4

Why are freedom of association and collective bargaining important in the exercise of this new right?

Because they make it possible to respect, promote and implement the fundamental rights of working men and women.

5

How does Convention 190 protect vulnerable workers?

- It provides for the right to equality and non-discrimination in employment and occupation
- There are groups of vulnerable workers who suffer disproportionate violence and harassment. It is the duty of each Member State to adopt laws and regulations that guarantee compliance with the rights of all workers in the world of work.
- It promotes the elimination of discrimination in respect of employment and occupation in countries that adopt Convention 190.



6

How does the Convention incorporate the public sector?

It explicitly states the inclusion of the public sector in the scope of the Convention.

Although there is recognition that international labour standards apply to all workers, this instrument makes public sector workers visible.

The Convention protects all workers including public sector employees, regardless of contractual status:

- People in training, including interns and apprentices,
- All those whose employment has ended,
- Volunteers,
- Jobseekers and job applicants

7

How is « Occupational Health and Safety» included as an indivisible element to exercise this new Right?

The recognition that the result of the violation of this right can be physical, psychological, and sexual harm.

The principle that there must be corrective measures to support victims of violence and harassment in the world of work.

Making sure that workers have the right to leave a work situation without retaliation, if they have reasonable grounds to believe that they are in serious or imminent danger to their life, safety or health as a result of acts of violence and harassment.

The requirement that each Member State that has accepted the Convention undertakes to adopt Occupational Health and Safety policies in order to prevent violence and harassment in the world of work.



Language in the Convention

While the Employers' group achieved the introduction of several qualifying observations such as: "when appropriate", "according to national legislation", "when applicable", these do not dilute the language in the instruments.

From now on, our job will be to consolidate more strength and unity for the real ratification and subsequent implementation of these international instruments: Convention 190 and Recommendation 206.

