

**INSTRUMENTS ADOPTED BY THE ANNUAL LABOUR CONFERENCE OF THE
INTERNATIONAL LABOUR ORGANISATION, 2019**

1. BACKGROUND

Member States of the International Labour Organisation (ILO) are obliged under Article 19 of the ILO Constitution to inform their competent legislative authority of the Instruments adopted at the Annual Labour Conference, to bring the Instrument before the Parliament for the enactment of legislation or other action.

The Centenary session of the International Labour Conference, which was held in Geneva during the period June 10 to 21, 2019, the Convention concerning the Elimination of Violence and Harassment in the World of Work, 2019 (No. 190), and the Recommendation concerning the Elimination of Violence and Harassment in the World of Work, 2019 (No. 206), were adopted.

**2. CONVENTION ON THE ELIMINATION OF VIOLENCE AND HARRASSMENT IN THE
WORLD OF WORK (C190)**

The adoption of the Convention on the Elimination of Violence and Harassment in the World of Work (C190), buttressed by Recommendation 206, is the first to be adopted in the ILO's second century, as well as the first legally binding international standard, which deals solely with the issue of violence at work and recognises gender-based violence. The Convention, is comprised of twenty (20) Articles, for the following purposes:

Article 1

Defines *violence and harassment* under one definition. It is defined 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*". terms "*violence and harassment*" and "*gender-based violence and harassment*". In this regard, violence and harassment is conceptualised broadly so as to cover physical abuse, *inter alia*, verbal abuse, bullying and sexual harassment. Also, *gender-based violence and harassment* is defined.

Article 2

Outlines the Scope of the Convention, by specifying those who are protected. It is inclusive, as it protects, inter alia, workers, contractors, interns, volunteers and jobseekers. It applies to all sectors whether private or public, both in the formal and the informal sector. Consequently, vulnerable workers such as domestic workers will benefit from the Convention as it “private spaces” are considered as a place of work in the Convention.

Importantly, the standard covers violence and harassment occurring in the workplace; places where a worker is paid, takes a rest or mental break, or uses sanitary, washing or changing facilities; during work-related trips, travel, training, events or social activities; work related communications, in employer-provided accommodation; and when commuting to and from work. The Convention covers violence and harassment broadly, due to the changing nature of work and that fact that in this globalised economy, work does not always take place at a physical workplace.

Articles 4 to 6

Speaks to the Core Principles of the Convention.

Addresses the need for the establishment of tripartite mechanisms that are inclusive, integrated and gender-responsive that will prevent and eliminate the occurrences of violence and harassment. Additionally, it directs that the fundamental principles and the rights at work and decent work should be promoted, as well as, the effective abolition of all forms of child labour.

Articles 7 to 9

Provides for the Protection and Prevention of violence and harassment for workers, especially vulnerable workers in the informal economy, through the adoption of laws and regulations, training and public education campaigns. It requires that employers actively institute measures within their control to prevent and control violence and harassment, in particular, gender-based violence.

Article 10

Prescribes that Member States should institute appropriate legislative and administrative framework to enforce and remedy instances of violence and harassment at work.

Article 11

Prescribes that through tripartite consultation, Member states should ensure that national policies and programmes provides adequate guidance, training and awareness-raising, especially in areas of occupational safety and health, equality and non-discrimination, gender-based violence and harassment and migration.

Article 12

Prescribes that the provisions of the Convention should be applied via legislation, collective agreements and other appropriate administrative measures.

Articles 13 to 20

These final provisions explain the process by which Member States should give full effect to the provisions of the Convention.

3. RECOMMENDATION ON THE ELIMINATION OF VIOLENCE AND HARRASSMENT IN THE WORLD OF WORK (No. 206)

Convention 190 is buttressed by Recommendation 206 and as such, the Convention is to be read in conjunction with the Recommendation. The Recommendation has twenty-three paragraphs, which is broken into *Core Principles, Protection and Prevention, Enforcement, Remedies and Assistance* and *Guidance, Training and Awareness-raising*.

Paragraph 1

Provides the rationale for the Recommendation.

Paragraphs 2 to 5: Core Principles

Encourages Members States to safeguard the rights of all workers and employers, especially those who are prone to violence and harassment, enjoy freedom of association and effective recognition of the right of collective bargaining.

Paragraphs 6 to 13: Protection and Prevention

Provides that administrative systems should be instituted to provide for occupational safety and health, especially migrant workers, domestic workers, health workers and those in transport, education and the entertainment sectors.

Paragraphs 14 to 22: Enforcement, Remedies and Assistance

Prescribes that administrative systems should be strengthened through effective tripartite collaboration to ensure that adequate remedies are in place to address the instances of violence and harassment in the world of work.

Paragraph 23: Guidance, Training & Awareness-Raising

Provides that through tripartite collaboration, programmes and training should be created to stimulate public awareness and sensitisation on violence and harassment. Additionally, it mandates that there should be a model code of practice and risk management tools that are tailored to deter the practice of violence and harassment in the world of work.

4. RATIFICATION & EFFECT OF THE CONVENTION AND RECOMMENDATION IN NATIONAL LEGISLATION

In accordance with Article 19, of the ILO Constitution, the Parliament is being asked to note that the Convention is communicated for ratification and the Recommendation communicated for consideration with a view to effect being given to it by national legislation or otherwise.



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MINISTER OF LABOUR & SOCIAL SECURITY
March 4, 2020