



SAFETY AND DIGNITY AT WORK

A Guide to the 2019 ILO Violence and Harassment Convention

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Women farm workers in potato fields on small farms near Volcanos National Park , Rwanda.
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INTRODUCTION

The key challenge now is to build on the momentum of #MeToo and the new Violence and Harassment Convention adopted by the International Labor Conference. We can't afford for the voices of women to again be silenced....

We need to ensure that gender-based violence and harassment is prevented, and when it does occur, those affected can speak up in safety and security, and can obtain justice.

I dream that in the future ... violence and harassment has become unacceptable in the world of work, and that the power structures and dynamics that sustain and even encourage gender-based violence are unraveling.

The Violence and Harassment Convention and Recommendation have the potential to help bring about this transformative cultural shift.

—CHIDI KING, INTERNATIONAL TRADE UNION CONFEDERATION, OCTOBER 4, 2019

Violence and harassment in the world of work leave no sector untouched. From senior politicians facing death threats to apprentices and volunteers subject to verbal abuse and humiliating treatment, from factory workers forced to endure sexual harassment to keep their jobs to street vendors facing harassment from police, and from journalists facing intimidation for their reporting to civil society activists subject to attacks—workers across all sectors may be subject to psychological, physical, sexual, and economic harm.

Human Rights Watch has documented violence and harassment in the world of work in many countries.¹ We have conducted research across sectors including agriculture, domestic work, education, fishing, the garment sector, the health sector, journalism, mining, public office, and the military.²

Protesters gather at the Grand Park for a Women's March on January 20, 2018 against sexual violence and harassment in Los Angeles.

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Many countries do not have adequate laws to prevent and respond to violence and harassment in the world of work. For example, roughly one-third of countries have no laws prohibiting sexual harassment, and countries that do often have significant gaps in their coverage.³ Around the world, avenues for support and redress have been limited, and workers often face insurmountable barriers in making complaints or getting help.

These legal gaps reinforce harmful social norms making violence and harassment an unwanted but normalized feature of work for many—especially workers marginalized due to their poverty, migration status, nationality, race, gender identity, sexual orientation, ethnicity, disability, or age. Violence and harassment also erect formidable barriers for individuals to obtain and maintain paid work.

Building upon the decades of activism by workers’ organizations and women’s rights groups, there is a powerful groundswell of momentum to change this and ensure dignity and safety for all workers.

After years of sustained awareness-raising, advocacy, and negotiations to generate support for and elaborate new international standards, on June 21, 2019, members of the International Labour Organization (ILO)—governments, trade unions, and employers’ associations—voted overwhelmingly to adopt the ILO Convention on Violence and Harassment in the World of Work (Violence and Harassment Convention, No. 190).

This groundbreaking treaty sets international standards for preventing and responding to violence and harassment in the world of work. It is accompanied by a non-binding recommendation that provides additional guidance on the convention’s obligations (Recommendation No. 206).

The treaty sets out minimum obligations for how governments should prevent and protect people from violence at work and ensure access to remedies. This includes ensuring robust national laws against harassment and violence at work and adopting a gender-responsive, inclusive, and integrated strategy. The treaty requires prevention measures, including special attention to sectors with heightened risk of violence and harassment. It obligates governments to require employers to have workplace policies against violence and harassment and sets out standards for complaints mechanisms, monitoring, enforcement, and support for survivors.

The guidance in the treaty and the accompanying recommendation are a groundbreaking advance in stan-



The ILO Committee, comprised of delegates from governments, employers, and workers, that negotiated the text of the ILO Violence and Harassment Convention and Recommendation, 2019, pictured upon the adoption of the text, 2019, ILO, Geneva.
© 2019 International Labour Organization

dards, providing a comprehensive definition of violence and harassment and understanding of the world of work where these protections should apply. These include not only protections in the physical workplace, but also on commutes to and from work, at off-site work-related events, and with third parties. The scope of the treaty encompasses both the private and public sectors, and both formal and informal work. It provides protections not only for workers, but also for interns, apprentices, workers who have been terminated, volunteers, jobseekers, and individuals exercising the authority, duties or responsibilities of employers.

The treaty specifically recognizes that gender-based violence disproportionately affects women and girls, and that efforts to end such violence must be gender-responsive. This includes recognizing the impact of domestic violence on work, and the role that government, trade unions, and employers can play to help keep workers safe and connect them with support services.

Ratification of the ILO Violence and Harassment Convention is a historic opportunity for countries to pledge their commitment to ending violence and harassment at work. Implementation can help change a culture of impunity and bring about new assurances for workers’ safety and dignity, no matter who they are or where they work.

For example, in less than a decade, advocacy by domestic workers’ groups and labor unions around the 2011 ILO Domestic Workers Convention has bolstered national campaigns and helped spur reforms in dozens of countries, including standard contracts, weekly rest days, access to labor courts, minimum wages, and inclusion in social security programs.⁴ While a great deal of work remains to end exploitation of domestic workers, advocacy around the convention has played an important role in these advances.⁵

This document summarizes the provisions of the ILO Violence and Harassment Convention and parts of the accompanying recommendation, and elaborates on aspects that represent important advances. It draws from Human Rights Watch research to illustrate these issues and includes examples of promising government practices.

CONVENTION 190 AT A GLANCE

The ILO Violence and Harassment Convention requires governments to respect, promote, and realize the right of everyone to work free from violence and harassment.⁶

The ILO Violence and Harassment Recommendation (no. 206) supplements the Violence and Harassment Convention and provides additional guidance to states.⁷

The following summary briefly describes provisions of the convention:

- Article 1 **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”;
- Article 2 outlines **the scope of the convention** to cover workers, interns, apprentices, workers who have been terminated, volunteers, jobseekers, and individuals exercising the authority, duties or responsibilities of employers. It applies to all sectors, whether private or public, formal or informal.
- Article 3 outlines coverage of the convention to **violence and harassment taking place:**
 - in the workplace, including public and private spaces;
 - in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
 - during work-related trips, travel, training, events or social activities;
 - through work-related communications;
 - in employer-provided accommodation; and
 - when commuting to and from work.

- Article 4 requires governments to “respect, promote and realize the right of everyone to a world of work free from violence and harassment.” It requires governments to take **an inclusive, integrated, and gender-responsive approach** to ending violence and harassment at work, and specifically cites inclusion of violence and harassment involving third parties. Measures include: laws and policies prohibiting and addressing violence and harassment, a comprehensive strategy, strong enforcement and monitoring, access to remedies and support for victims, sanctions, developing guidance, education and training, and ensuring inspection and investigation of cases.
- Article 5 requires governments to “respect, promote and realize the **fundamental principles and rights at work,**” namely to protect freedom of association and the right to collective bargaining, elimination of forced labor and child labor, and the elimination of discrimination in respect to employment and occupation.
- Article 6 obliges states to adopt laws and policies ensuring the **right to equality and non-discrimination in employment and occupation**, including for women workers, and for workers from groups in situations of vulnerability disproportionately affected by violence and harassment in the world of work.
- Article 7 requires governments to adopt “**laws and regulations that define and prohibit violence and harassment** at work, including gender-based violence and harassment.”
- Article 8 focuses on **prevention**, including the role of public authorities in the case of informal sector workers, **identifying and addressing sectors and work arrangements that leave workers and others at high risk of violence**, and **taking measures to protect them**.
- Article 9 obliges governments to **require employers, as appropriate, to take steps to prevent violence and harassment**, including a workplace policy, integrate violence into occupational safety and health measures, identify and take measures to prevent risks and hazards, and provide training on risks and prevention and protection measures.
- Article 10 requires governments to monitor laws on violence and harassment, ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms, including protection against retaliation. This includes support for victims, protection of privacy, sanctions, and specifically ensuring that victims of gender-based violence and harassment have effective access to gender-responsive complaint and dispute mechanisms, support, and remedies. It also includes recognizing and mitigating the impact of domestic violence at work. Article 10 provides workers the right to remove themselves from a dangerous situation at work and for labor inspectorates and other authorities to stop work that may cause danger to workers.
- Article 11 requires governments to **ensure violence and harassment is addressed in relevant national policies**, and that employers, workers, authorities have guidance and training, and awareness-raising is undertaken.



AN INCLUSIVE, INTEGRATED, AND GENDER-RESPONSIVE APPROACH

The convention requires governments to develop a comprehensive strategy that takes an inclusive, integrated, and gender-responsive approach to ending violence and harassment at work (article 4). Governments that ratify the treaty must adopt laws and policies specifically prohibiting and addressing violence and harassment in the world of work. Governments should have a holistic approach toward protecting workers against violence and harassment that integrates criminal law and civil laws, including labor laws, occupational safety and health laws, and equality and nondiscrimination laws. Civil laws can promote prevention, monitoring, and remedies while criminal laws impose punishment for more severe forms of workplace abuse.

The convention requires governments to be inclusive and adopt legal protections on equality and nondiscrimination at work. Workers may be at heightened risk of violence and harassment because of their race, ethnicity, gender identity, sexual orientation, migration status, disability, and age among other characteristics. For example, women workers are disproportionately affected by sexual harassment and violence. Human Rights Watch research on migrants has shown how restrictive immigration laws foster abuse. An example is the kafala (visa sponsorship) system in countries across the Middle East that tie a worker's migration status to her employer.⁸

There are many promising examples of how the provisions of the convention can be implemented, including through a combination of regional standards. For example, several European Union directives reflect the elements discussed above. EU occupational safety and health and equality directives prohibit both violence and harassment at work and require prevention measures. Directive 89/391/EEC requires employers to ensure the health and safety of workers, including by providing protection against external violence and

Burmese port workers sort fish in Ranong city, Thailand, March 13, 2016.

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Garment workers making shirts at a factory in Karachi, Pakistan, February 2015.
© 2015 Rizwan Tabassum/AFP/Getty Images

bullying.⁹ EU equal treatment directives prohibit harassment based on the grounds of racial or ethnic origin, religion, belief, disability, age or sexual orientation.¹⁰ Another directive prohibits both harassment and sexual harassment as forms of discrimination, both in the form of hostile work environment and of quid pro quo and makes specific reference to both hostile work environments and quid pro quo demands, where workers are forced to endure abuse to secure or keep a job, promotion, or pay raise.¹¹

The Violence and Harassment Convention also recognizes that the effective respect, promotion and realization of the ILO fundamental principles and rights at work is key to preventing violence and implementing an effective response. This includes protection of freedom of association and the right to collective bargaining, the elimination of all forms of forced labor and child labor, and ending discrimination with respect to employment and occupation.¹²

When governments protect workers’ rights to organize and to collectively bargain, it enables greater circulation of information about rights and where to turn for help. Through collective power, organized workers are better able to push for improvements in working conditions, and also to monitor and report when abuses exist. For example, the Worker Rights Consortium, an international labor rights group, uncovered sexual harassment in three factories in Lesotho. Unions and two prominent local women’s rights organizations played a key role in pushing for better protections. Factory management signed legally binding agreements with the unions and three brands.¹³ These agreements include creating an independent investigation body to look into complaints of sexual harassment, anti-retaliation protections, and ensure that factories’ policies against gender-based violence and harassment also apply to its suppliers and third-party contractors.¹⁴

DEFINITION

Article 1 **defines violence and harassment** as a “range of unacceptable behaviors 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.”

Verbal and psychological abuse has been a regular feature of the violence that Human Rights Watch has documented against domestic workers in more than a dozen countries. Workers describe being shouted at, being called degrading names, being belittled, threatened, humiliated, and intimidated.¹⁵ For example, Rahela C., a Bangladeshi domestic worker, said her employer in Oman threatened to kill her when she asked for three months of unpaid salary. She said her employer told her, “I will kill you and throw you in the sea.”¹⁶

Human Rights Watch has interviewed garment workers in Bangladesh who said they experienced physical violence at their job. One worker said, “Whenever someone missed the [production] target, the bosses started shouting at them. Sometimes they also beat the workers. One of the supervisors once kicked me on the back just because I was talking to a fellow worker.”¹⁷ Others described being beaten with iron bars or attacked by locally-hired thugs because of their union activity.¹⁸ Human Rights Watch has documented how senior crew members beat and humiliated workers aboard Thai fishing vessels who did not work fast enough or to their expectations.¹⁹

Human Rights Watch interviewed female farmworkers in the United States who described unwanted touching, sexually explicit verbal abuse, and rape. In some cases, these were situations of quid pro quo in which a worker was raped as a condition for securing or keeping her job.²⁰ Domestic workers in more than a dozen countries have told Human Rights Watch about instances when their male employers or recruiters groped them, exposed themselves, forcibly kissed them, attempted to rape, and raped them.²¹

Violence and harassment at work includes economic harm. Many garment workers across different countries told Human Rights Watch that when they complained about working conditions including violence and harassment, their managers or supervisors applied “pressure” on them through what they perceived as deliberate strategies used to demoralize and harass them. Workers described how their employers denied them overtime work; forced them to work longer hours

with higher production targets; or transferred them to a different department or to a different manufacturing site further away from home. Such measures often forced them to quit their jobs.

Some promising legal standards addressing elements of a comprehensive definition at the national and sub-national level include:

- The Gender Equality Law in Bosnia and Herzegovina defines gender-based violence as “any act causing physical, mental, sexual or economic damage or suffering, as well as threats of such actions, which interfere with the enjoyment of rights and freedoms based on gender equality, in public and private life, including trafficking in human beings for the purpose of forced labor, and any restriction or arbitrary deprivation of liberty, for persons exposed to such acts;”²²
- The law addressing workplace violence in the public sector in the province of Buenos Aires, Argentina addresses third-party harassment and defines violence as: “the act of public officials and/or employees or third parties related directly or indirectly to them, who making use of their hierarchical position or of circumstances related to their function, engage in behaviors that violate the dignity, physical, sexual, psychological and/or social integrity of the worker, manifesting an abuse of power through the use of threats, intimidation, terrorization, wage inequality, harassment, physical, psychological and/or social maltreatment.”²³

SCOPE

The ILO found that existing laws against violence and harassment at work often exclude categories of workers most exposed to abuse, for example, informal sector workers, and have an overly narrow definition of “workplace.”²⁴ The convention provides important guidance to address these gaps.

Article 2 outlines **the scope of the convention** to cover all workers irrespective of their contractual status, including interns, apprentices, workers who have been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties, or responsibilities of employers. It applies to all sectors, whether private or public, or whether formal or informal.

Article 3 outlines coverage of the convention to **violence and harassment taking place:**

- in the workplace, including public and private spaces;
- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- during work-related trips, travel, training, events or social activities;
- through work-related communications;
- in employer-provided accommodation; and when commuting to and from work.

A critical feature of the convention is an approach that includes violence and harassment committed by or against **third parties**. The recommendation elaborates that third parties include, for example, clients, customers, service providers, users, patients, and members of the public. Third parties are not limited to this list, they could include, for instance, students.

Human Rights Watch research has documented violence and harassment against workers often excluded from workplace sexual harassment laws, such as domestic workers. Other research has included violence against jobseekers and job applicants. For example, Human Rights Watch found that female recruits to the Indonesian armed forces must undergo a “virginity test,” a discriminatory and degrading practice that has no scientific validity. Female recruits to all branches of the Indonesian military must also undergo this practice. All of the women Human Rights Watch spoke to described the process as painful and traumatic.²⁵

Teresa G., a woman in North Carolina in the US who works on a tobacco farm, told Human Rights Watch

that in 2011 a supervisor told two of her coworkers they had to have sex with him in order to get the job. When Teresa found one of the women crying, she asked why she had done it, and she replied, “My husband doesn’t have work. I don’t have work.”²⁶

Employers, workers, and governments have begun to innovate to address violence and harassment outside the physical workplace, including commutes to and from work. The Indian National Trade Union Congress described employers collaborating with the government and nongovernmental organizations to improve street lighting near the workplace and to hire women cab drivers to help transport female workers home at night.²⁷ Other employers shifted work schedules so that larger groups of workers could travel home together.²⁸

The following are examples of legislation that address elements of the comprehensive scope required by the convention:

- Belgium prohibits “violence, harassment and sexual harassment” against workers including apprentices, interns and non-employees performing work under the authority of another person.²⁹ Examples of sexual harassment at work in Belgian case law include an employer requiring the employee to wear “sexy” clothes, saying that he will pay a salary on condition of certain sexual favors, or using inappropriate terms about female coworkers.³⁰
- India’s law governing sexual harassment extends workplace protection to students, third parties visiting a workplace such as customers or clients, and those directly or indirectly employed (including trainees, apprentices, volunteers, employed through an agent). The law applies both to the organized and unorganized sectors.³¹
- Several US states have extended protections from sexual harassment to independent contractors, interns, volunteers, and graduate students.³²
- In the Philippines, the sexual harassment law covers job applicants.³³
- In Zambia, the definition of the workplace extends beyond formal worksites and is defined to include “any place where the employees work or are likely to work, or which they frequent or are likely to frequent in the course of their employment or incidental to it.”³⁴



Cambodian garment workers traveling to work at 6:30 a.m.
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Domestic Violence

An important feature of the convention is the recognition of the impact that domestic violence may have on the world of work, and the critical role that governments and employers can play to support and protect workers experiencing domestic violence.

The recommendation provides additional guidance on the types of measures that governments and employers can take, including leave for domestic violence victims, flexible work arrangements and protection for victims of domestic violence. For example, leave and flexible work arrangements could be made to seek counseling and accommodate court hearings the victim is attending and protection may include an employer implementing security measures to assist a worker trying to keep an abuser away from her workplace. Another key measure is temporary protection against dismissal for challenges arising from a worker facing domestic violence. Employers should not retali-

ate against survivors who take time off to recover, come to work with visible injuries, or who have had a perpetrator come to the workplace and be disruptive. Positive measures employers can take include conducting awareness-raising and providing referrals.

These measures are gaining increasing relevance with a shift toward remote work, including due to public health measures to contain the Covid-19 pandemic. As people increasingly were effectively confined at home and worked from home, reports of domestic violence spiked.³⁵ The role that employers can play has also grown, in awareness-raising, facilitating access to support services, and taking steps to prevent the abuse from resulting in job loss.

An increasing number of governments have adopted laws to prohibit employers from dismissing victims of domestic violence due to the impacts of the violence, or have introduced specific leave provisions. Trade unions have helped advocate for and secure these



laws, and in several countries have pushed for the inclusion of domestic violence leave provisions in collective bargaining agreements, for example in Australia.

The Philippines was the first to legislate specific leave for domestic violence survivors, providing for 10 days paid leave.³⁶ In 2018, New Zealand passed a law granting victims of domestic violence 10 days of paid leave to leave their partners, find new homes and protect themselves and their children.³⁷ Brazil authorizes judges to order employers to maintain the employment relationship of victims of domestic violence and, when necessary, to grant victims leave from work for a maximum of six months.³⁸

Other examples of promising government practices related to the intersection of domestic violence and work include:

- Australia requires employers to accommodate requests for changes in working arrangements to protect domestic violence or gender-based violence victims.³⁹
- Puerto Rico allows an employer to request a protection order in favor of an employee against visitors if the employee has been a victim of domestic violence in the workplace.⁴⁰ In 2019, it enacted a law providing for reasonable accommodation, flexible work conditions, and 15 days of unpaid leave to deal with abuse, including domestic violence and sexual harassment in employment.⁴¹
- Spain provides women workers who are victims of gender-based violence the right to a reduction and reorganization of working time, to move their location, and to suspend the employment contract.⁴²

Women in the sewing division of a factory in Phnom Penh, Cambodia's capital. Women constitute about 90 percent of the workforce in Cambodia's garment industry.

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A health worker in protective gear meets with a woman during the coronavirus pandemic in Kawangware, Kenya.
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PREVENTION AND IDENTIFICATION OF HIGH-RISK SECTORS

Prevention efforts are essential to end violence and harassment in the world of work.

The Violence and Harassment Convention requires governments to identify sectors or work arrangements that expose workers to a higher risk of violence. These could include, for example, occupations or work arrangements characterized by night work or physical isolation, as well as work engaged with the public, such as health, transport, social services, education, and hospitality.

For example, Human Rights Watch research on domestic workers and fishers showed how isolation and inability to leave the workplace, combined with a significant power imbalance, created environments where violence could flourish.

The recommendation outlines ways for governments to prevent violence and harassment. These include funding and implementing programs that address root causes—such as discrimination and harmful norms—through measures like gender-responsive training for government officials who monitor and enforce the laws, including judges, labor inspectors, police, and prosecutors. It suggests model codes of practice and risk assessment tools as well as public awareness-raising campaigns.

Promising examples of legislation, policy, and practices include:

- In Finland, the 2002 Occupational Safety and Health Act requires work to be arranged so that, “the threat of violence and incidents of violence are prevented as far as possible.” This includes providing appropriate safety equipment and arrangements, ensuring employees have ways to summon help, and to avoid hazards or risks when employees are working alone.⁴³
- In Singapore, all new employers applying for work permits to employ migrant domestic workers must undergo a training to learn about the relevant laws and policies governing the employment relationship, and about common situations that generate conflict between workers and employers.⁴⁴
- The state of New York in the US requires public employers to develop and implement programs to prevent and minimize workplace violence, including through written policy statements, conducting risk evaluations, creating a prevention program, providing training for employees, documenting incidents, and reviewing all cases annually.⁴⁵
- In 2018, the UK government introduced the first National Health Service (NHS) violence reduction strategy to protect NHS workers from “deliberate violence and aggression from patients, their families and the public, and to ensure offenders are punished quickly and effectively.”⁴⁶ The strategy also includes training for health workers to deal with patients acting aggressively and prompt access to psychosocial services if they experience violence.⁴⁷

- In the UK, Transport for London began a poster campaign in 2012 to make clear to members of members of the public and transport users, that they will not tolerate abuse of their transport staff and will take action against any such violence.⁴⁸
- The state of Tamil Nadu in India has adopted a law specifically addressing violence against health workers, including requirements for employers to take preventive measures.⁴⁹

ENFORCEMENT AND ACCESS TO REMEDIES AND SUPPORT

The recommendation provides guidance on the steps that governments can take to monitor and enforce their laws against violence and harassment in the world of work.

Monitoring and Enforcement

14. The remedies referred to in Article 10(b) of the convention could include:

- (a) the right to resign with compensation;
- (b) reinstatement;
- (c) appropriate compensation for damages;
- (d) orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed; and
- (e) legal fees and costs according to national law and practice.

15. Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work.

Complaints Mechanisms

16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the convention should include measures such as:

- (a) courts with expertise in cases of gender-based violence and harassment;
- (b) timely and efficient processing;
- (c) legal advice and assistance for complainants and victims;
- (d) guides and other information resources available and accessible in the languages that are widely spoken in the country; and
- (e) shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings.

Access to Support and Services

17. The support, services and remedies for victims of gender-based violence and harassment referred to in Article 10(e) of the convention should include measures such as:

- (a) support to help victims re-enter the labour market;
- (b) counselling and information services, in an accessible manner as appropriate;
- (c) 24-hour hotlines;
- (d) emergency services;
- (e) medical care and treatment and psychological support;
- (f) crisis centres, including shelters; and
- (g) specialized police units or specially trained officers to support victims.

Examples of Good National Practices

- Colombia and Costa Rica have laws and directives addressing workplace violence that instruct labor inspectors on how to handle victim complaints in cases of workplace harassment.⁵⁰
- Ireland, Germany, and the UK provide for a doctrine of vicarious liability that results in the employer being held liable for harassment or mobbing (collective harassment) perpetrated by employees, unless the employer proves it has taken reasonable prevention measures.⁵¹
- In India, the sexual harassment at the workplace law carries penalties for employers who do not comply, including fines and, for repeated violations, cancelation of license.⁵²
- In Finland, employers can be required to pay compensation for abuses committed by third parties, if the employer did not take appropriate steps to mitigate risks.⁵³
- Courts in Spain and Canada have interpreted laws to provide compensation for work-related injuries resulting from violence and harassment.⁵⁴
- Several countries, including South Africa, have laws protecting workers from retaliation or reprisals by employers or co-workers in response to the worker filing or participating in a workplace violence complaint.⁵⁵
- German law permits employees to refuse to work



In the United States, New Jersey Governor Phil Murphy signs legislation that mandates hotels provide panic buttons for housekeepers to protect them against violence, sexual assault and harassment in the workplace, June 11, 2019. The bill was pushed by hotel workers from Unite Here Local 54.
© 2019 Edward Lea/The Press of Atlantic City via AP

without losing pay if the employer does not take appropriate steps to stop harassment in the workplace.⁵⁶

- EU laws, applicable in all member states, shift the burden of proof to the defendant once facts are established supporting a presumption that there has been discrimination, including harassment.⁵⁷
- Peru allows an employer to take preventative measures, including moving the harasser or the victim, if the latter so requests, temporarily suspending the harasser, providing psychological assistance to the victim, and seeking restraining orders against the harasser.⁵⁸



THE ROLE OF EMPLOYERS

The convention provides guidance to governments on oversight of employers and on prevention and monitoring measures. It obliges governments to require that employers have workplace policies addressing violence and harassment, risk assessments, prevention measures, and training.

Employers should take on these responsibilities regardless of whether their government ratifies or implements the convention.

The recommendation sets out the measures that governments should require of employers, including collaborating with workers in the design, implementation, and monitoring of workplace policies. These include policies that prohibit violence and harassment, create prevention programs, and provide information and complaint and investigation procedures. Such policies should include protections against retaliation for those making complaints, witnesses, and whistleblowers.

- In Argentina, labor courts have found employers may be held responsible for their own acts and/or those of others and have a duty to repair the harm caused.⁵⁹
- The 2006 Colombian Law on Harassment in the Workplace mandates the prevention of workplace harassment. The employer's duty of care for employees extends to violence and psychological injuries.⁶⁰
- Uruguay adopted a national policy in 2013, revised in 2016, through the National Women's Institute, called "Quality Management Model with Gender Equity" that certifies companies that put in place policies to end the gender gap at work, including through complaints mechanisms and monitoring cases of sexual harassment.⁶¹
- Some states in the US have passed laws requiring employers to introduce mandatory anti-harassment trainings, anti-harassment workplace policies, climate surveys that assess employee knowledge and attitudes, and notices of employee rights.⁶²

Trans women at an International Women's Day march in Montevideo, Uruguay. Thousands gathered to demand an end to gender-based violence and to demand gender equality.
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RATIFICATION AND IMPLEMENTATION

ILO members adopted the Violence and Harassment Convention with overwhelming support. These members should now work actively to promote ratification and implementation, so that these new global standards result in change on the ground.

Human Rights Watch urges all ILO member states to act promptly to develop the domestic legal framework required by the Violence and Harassment Convention, ratify the convention, and implement its provisions and those of its accompanying Recommendation 206. Specifically, governments should:

- Submit the convention and recommendation to the national parliament or other national authorities in accordance with article 19 of the ILO Constitution;
- Consult with social partners—representatives of employers and workers—regarding the submission, ratification, and implementation of the convention;
- Review national laws and bring them into alignment with the convention and recommendation by adopting new legislation or reforming existing laws;
- Make a public commitment to ratify the convention and implement the recommendation and inform the International Labour Office of this intention;
- Ratify the convention and take appropriate measures to ensure the convention and recommendation's prompt and effective implementation.

Marcelina Bautista, leader of Centro de Apoyo y Capacitación para Empleadas del Hogar, a domestic workers organization, celebrates the beginning of a pilot program extending access to social security and healthcare benefits for domestic workers, Mexico City, Mexico.

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Looming municipal elections in Barcelona revitalized police efforts to clear vendors from the street. The new police policy consists of concentrating vendors in a single area of the port. May 5, 2019.

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Travis Carr, Grace Choi, and Rafael Jiménez produced the report.

Many of the examples of promising practices of national legislation were first compiled in a 2016 background paper compiled for the International Labor Organization Meeting of Experts on Violence against Women and Men in the World of Work.

¹ A non-exhaustive list of countries where Human Rights Watch has conducted in-depth investigations and published reports on work-related violence and harassment include Bangladesh, Bahrain, Cambodia, China, Guinea, India, Indonesia, Iran, Jordan, Kuwait, Lebanon, Morocco, Oman, Pakistan, Saudi Arabia, Sudan, the United Arab Emirates, the United Kingdom, the United States, and Yemen.

² See, for example, Human Rights Watch, “Gender-based Violence in the Workplace,” undated, <https://www.hrw.org/tag/genderbased-violence-workplace> (accessed May 13, 2020).

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(front cover) Luzmila Elba Rojas Morales is a food vendor in Lima, Peru and part of a national network of self-employed workers RENATTA (Red Nacional de Trabajadoras/es Autoempleadas) that works closely with WIEGO (Women in Informal Employment: Globalizing and Organizing) including on occupational health and safety and social inclusion campaigns.

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