

**A COMPENDIUM OF MATERIALS  
FOR THE CAMPAIGN AGAINST  
GENDER-BASED VIOLENCE  
IN THE PHILIPPINES**



# INTRODUCTION



The ITUC affiliates in the Philippines - Trade Union Congress of the Philippines (TUCP), Federation of Free Workers (FFW), and Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO) –is

implementing a joint campaign in support of worldwide action for the adoption of an ILO Convention on Gender-Based Violence (GBV) in the World of Work.

The ITUC campaign sought to contribute to curbing sexual or physical violence at home, in their communities or in the workplace, which reports say 35% of women - 818 million women globally - over the age of 15 have experienced.

The global record on GBV is highlighted in the Philippines where an ITUC-Asia Pacific (ITUC AP) survey on domestic violence (DV) in 2016 revealed: (i.) 75% of respondents reported that DV affected their work performance as they were unwell, distracted or injured as a result; (ii.) One in three respondents (34%) who had experienced domestic violence reported that their abuser was employed in the same workplace; (iii.) Nearly 74% of respondents who reported knowing someone at work who had experienced DV reported that their co-worker's DV experience affected them too – for example, through increased stress levels, increased

workloads or tensions and conflict; and (iv.) One in ten (10%) of respondents indicated they had lost their job as a result of DV, while one in five (21%) experienced discrimination from the employer as a result of discussing their DV experience.

**The series of activities by Philippine trade unions in Part 1 of the Campaign resulted in the Philippine government endorsing an ILO Convention accompanied by a Recommendation, from its original stance of only an ILO recommendation (non-binding).** The employers have yet to be formally engaged in the campaign.

This gain has to be strengthened. The current Administration needs to be held to its decision.

Employers have to be engaged, particularly in the enterprise-level activities which are important not only for ratification of the Convention but more importantly for practical application, programs and mechanisms in enterprises. The members of Congress have to be engaged: the Senate ratifies treaties and Conventions; Congress together with the Senate promulgates new laws to implement Conventions.

Philippine trade unions have to commence more serious work on the Agenda 2030 challenges for the achievement of the Sustainable Development Goals (SDGs). Goal 5 *Achieve Gender Equality and Empower all Women and Girls*, Goal 8 *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*, and Goal 16 *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* are of specific trade union interest related to GBV as a workplace concern. Only high-level

trade union people are conversant with SDGs. All other levels of trade unions, including individual members and their families, need awareness, appreciation, and commitment to action on SDGs for better engagement.

This Compendium, developed during Part 1 of the National Campaign, aims to support the **ITUC and ITUC-AP campaign**, the *“National Trade Union Campaign Towards the Adoption of an ILO Convention to Stop Gender-Based Violence at the Workplace(Part 2) and Building Enterprise Mechanisms Against GBV”* (16 July to 31 December 2018), and the continuing direct response by Philippine trade unions to ITUC-AP Resolution No. 2 *Stepping Up Joint Efforts to Curb Gender-Based Violence at the Workplace*, adopted at the 13<sup>th</sup> ITUC-AP Regional General Council in Singapore on 24-25 October 2015. which calls affiliates to: (1.) deepen the understanding of GBV, contribute to the international knowledge base and support evidence-informed union work on this issue...; (2.) continue to push the GBV agenda at the forefront of debates with employers and governments at various levels; (3.) continue to build and share knowledge and best practices; raise awareness among workers, employers and communities; collaborate on prevention and joint work to stop GBV at work and assist victims; (4.) intensify actions at every level to get more men involved as partners and advocates in advancing gender quality and GBV prevention and sustain dialogues within our own organisations and between men and women on these issues; and (5.) demonstrate and translate sustained leadership, commitment and support for gender equality, women’s empowerment and leadership into tangible concrete actions and resources to carry out this work.

This Compendium, by providing easy access to GBV information and materials, will contribute to the continuing national campaign to: (a.) strengthen convergence among ITUC-AP affiliates in the Philippines (and

their designated focal points) to lead the campaign for the adoption of an ILO Convention, accompanied by a Recommendation, on “Violence and Harassment in the world of work”, with strong focus on the gender dimensions of violence;(b.) continue to engage government, employers and other social partners in social dialogue to support the ILO Convention campaign and explore cooperation programs and activities for prospective ratification of the Convention and to mitigate incidence of GBV at the workplace and elsewhere; and (c.) mobilise and strengthen enterprise-based unions in the ILO Convention campaign and in eradicating gender based-violence from the world of work.

This Compendium also will be a reference material for trade unions planning and implementing enterprise-level activities to inform workers and their employers on GBV and for engaging targeted individual employers in developing company mechanisms for detecting/preventing/reducing violence and harassment and building a support system for victims. – NTUC Philippines/TUCP

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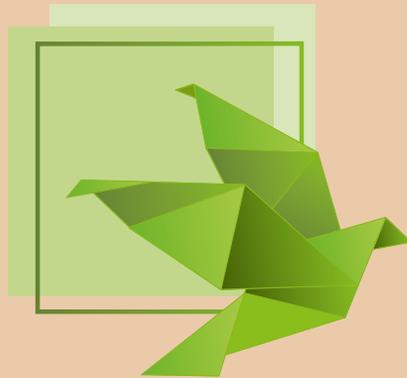


International  
Labour  
Organization



Report V (1)

# Ending violence and harassment in the world of work



International  
Labour  
Conference  
108th Session, 2019

#### ATTENTION

In accordance with Article 39 of the Standing Orders of the International Labour Conference, governments are invited to make comments on the present report, after consultation with the most representative organizations of employers and workers. The comments must reach the Office no later than 8 November 2018. They will form the basis of the background report for the 2019 ILC discussion.

International Labour Conference, 108th Session, 2019

Report V(1)

# Ending violence and harassment in the world of work

Fifth item on the agenda



International Labour Office, Geneva

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## INTRODUCTION

At its 325th Session (October–November 2015), the Governing Body of the International Labour Office decided to place a standard-setting item on “Violence against women and men in the world of work” on the agenda of the 107th Session (May–June 2018) of the International Labour Conference, with a view to a double discussion.<sup>1</sup> The term “violence” was later replaced by “violence and harassment” as suggested by the tripartite Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva from 3 to 6 October 2016, with the aim “to ensure the range of unacceptable behaviour is adequately understood and addressed”.<sup>2</sup>

In accordance with article 39(1) of the Standing Orders of the Conference, the Office prepared a preliminary report setting out the law and practice in different countries concerning the issue of violence and harassment in the world of work.<sup>3</sup> The report contained a questionnaire and was transmitted to member States in May 2017. Governments were invited to send their replies by 22 September 2017, after consultation with the most representative organizations of employers and workers. Based on the replies received, the Office prepared a second report on the item,<sup>4</sup> which was thereafter communicated to member States. These two reports formed the basis for the first discussion of the item by the Conference, at its 107th Session (May–June 2018).

On 8 June 2018, the International Labour Conference, meeting in Geneva at its 107th Session, adopted the following resolution:<sup>5</sup>

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention supplemented by a Recommendation concerning violence and harassment in the world of work,

Decides that an item entitled “Violence and harassment in the world of work” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention supplemented by a Recommendation.

<sup>1</sup> ILO: *Minutes of the 325th Session of the Governing Body of the International Labour Office*, GB.325/PV, para. 33(a).

<sup>2</sup> ILO: *Report of the Director-General: Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work*, GB.328/INS/17/5, Appendix I, point 33.

<sup>3</sup> ILO: *Ending violence and harassment against women and men in the world of work*, Report V(1), International Labour Conference, 107th Session, Geneva, 2018.

<sup>4</sup> ILO: *Ending violence and harassment in the world of work*, Report V(2), International Labour Conference, 107th Session, Geneva, 2018.

<sup>5</sup> ILO: *Reports of the Standard-Setting Committee: Resolution and proposed Conclusions submitted for adoption by the Conference*, in *Provisional Record* No. 8A, International Labour Conference, 107th Session, Geneva, 2018.



In the light of this resolution and in conformity with article 39(6) of the Standing Orders of the Conference, the Office has prepared the texts of a proposed Convention and Recommendation. The texts are formulated on the basis of the first discussion by the Conference and take into account the replies received to the questionnaire contained in the preliminary report. The purpose of this present report, which should reach governments no later than two months from the closing of the 107th Session of the Conference, is to transmit the proposed Convention supplemented by a Recommendation to governments in accordance with the Standing Orders.

Governments are hereby requested to inform the Office within three months from the publication of this report, and after consulting with the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make. Taking into account the first discussion, the Office has provided further clarifications and proposals, has suggested some changes to the text adopted at the 107th Session of the Conference and has included comments explaining the rationale for the suggested changes. Pursuant to article 39(6) of the Standing Orders of the Conference, the replies should be communicated to the Office at the earliest opportunity, and in any case not later than **8 November 2018** – preferably by email to [VIOLENCEHARASSMENT@ilo.org](mailto:VIOLENCEHARASSMENT@ilo.org). The comments received will be reflected in the fourth and final report on the item, which will be prepared by the Office for the consideration of the Conference at its 108th Session (June 2019).

Governments are further requested to communicate to the Office, by the same date, whether they consider that the proposed texts provide a satisfactory basis for the second discussion by the Conference in 2019. Governments are also asked to indicate which organizations of employers and workers they consulted before they finalized their replies, pursuant to article 39(6) of the Standing Orders. It should be noted that such consultations are required by Article 5(1)(a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), for countries that have ratified this Convention. The results of the consultations should be reflected in the governments' replies.



## OFFICE COMMENTARY ON THE PROPOSED TEXTS

The texts of a proposed Convention supplemented by a Recommendation concerning the elimination of violence and harassment in the world of work are based on the Conclusions adopted by the International Labour Conference following its first discussion of the item at its 107th Session, in May–June 2018 (the “Conclusions”).

In accordance with the practice established in 1988, the report of the Standard-Setting Committee on Violence and Harassment in the World of Work appointed by the Conference to consider this item (“the Committee”) was published and is available to member States in its entirety, as is the record of the discussion of the item in the plenary sitting of the 107th Session of the Conference.<sup>6</sup>

In this current report, the Office has incorporated a number of drafting changes to the text of the proposed instruments, in order to provide greater clarity and consistency, to harmonize certain provisions, to further align the two official language versions and to ensure coherence with the content of and standard drafting practice for international labour standards. The proposed changes and the rationale behind them are explained in the Office commentary. The Office also revised some of the headings in the proposed texts to better align them with the content of the provisions. This is with the objective of facilitating discussions and consensus at the second and final discussion of the item at the 108th Session (2019) of the International Labour Conference.

In proposing these modifications, the Office has fully taken into account the views expressed by the tripartite constituents and the agreements reached during the first discussion. The wording left in square brackets in the text after the first discussion remains in square brackets in the proposed Recommendation.

The Office wishes to draw the particular attention of member States to some issues arising in connection with some of the provisions adopted by the Conference, and to related proposals formulated in the Office commentary. The Office invites comments on these proposals, which are not integrated into the proposed texts, as the comments will inform the fourth and final report on the item, which the Office is required to prepare in accordance with article 39(7) of the Standing Orders of the Conference.

The first discussion of the Committee showed a clear agreement on the timeliness and necessity of a response to violence and harassment and an intention by all parties to reach an agreement. Language from point 1 to point 23(c) of the Conclusions, as amended, was carried by a clear majority, including that the instruments should take the form of a Convention supplemented by a Recommendation. Because of a lack of time, the Committee decided to place points 23(d) to 37 of the Conclusions in square brackets, on the understanding that the brackets indicated that those points had not been discussed, and had, thus, been neither rejected nor agreed to. Bracketing text has been used by the

<sup>6</sup> ILO: *Reports of the Standard-Setting Committee on Violence and Harassment in the World of Work: Summary of proceedings, Provisional Record* No. 8B(Rev.), and *Plenary sitting, Provisional Record* No. 8C, International Labour Conference, 107th Session, Geneva, 2018.



Conference on a number of occasions in recent years. It was further decided that the bracketed text would be reproduced in the proposed Recommendation. The Committee notes that, as a consequence, all the amendments referring to the bracketed text would fall, and that they would have to be resubmitted at the next session of the Conference, as appropriate.<sup>7</sup>

## PROPOSED CONVENTION

### *Preamble* (Point 6 of the Conclusions)

The Office has established a standard preambular text in line with usual drafting practice and based on point 6 of the Conclusions.

With regard to the sixth preambular paragraph (point 6(e) of the Conclusions), a majority agreed on language recalling that violence and harassment is “a form of human rights violation” after consideration of several proposals. The Office believes that there may be room for further improving and clarifying the preambular text in this regard and, therefore, invites comments on whether this issue could instead be addressed in the fourth preambular paragraph, drawing on the language in the Preamble of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). This alternative formulation of the fourth preambular paragraph would read as follows:

Considering that violence and harassment in the world of work constitutes a violation of human rights enunciated in relevant international instruments such as the Universal Declaration of Human Rights ...

### *Article 1(a)* (Point 3(a) of the Conclusions)

The Committee discussed the provision regarding the concept of “violence and harassment” extensively, revealing a diversity of perspectives concerning both the structure (whether to define “violence” and “harassment” separately or together) and the substance (regarding specific behaviours that constitute violence or harassment or specific categories or forms).

The result of the Committee’s deliberations was an agreement to maintain “violence and harassment” as a single concept. This was with the understanding that such formulation would be applicable to a variety of situations, providing greater flexibility to Members when designing a national response to violence and harassment. The Office recalls that the tripartite Meeting of Experts on Violence against Women and Men in the World of Work in 2016 had reached a similar conclusion. Furthermore, and following the logic of a single concept, the Office notes that the Committee agreed to refer to “gender-based violence and harassment” throughout the text.

The Committee further considered that this concept would be improved by replacing the word “continuum” with “range”. This change clarifies that violence and harassment can be understood to encompass different conducts, which can be either independent behaviours or a combination thereof, including escalating conduct. The Office highlights that this understanding allows for different responses to be taken depending on the conduct. As such, the term provides flexibility to accommodate national laws and

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<sup>7</sup> ILO: *Provisional Record* No. 8B(Rev.), op. cit, para. 1414.



regulations, enabling Members to implement a single definition of “violence and harassment” or to define each term separately at the national level.

The Committee discussed whether there was a need for further clarification of subparagraph (a). Bearing in mind the Committee’s extensive discussions on this matter, the Office invites comments on whether the inclusion of an indicative, non-exhaustive list of behaviours illustrating how violence and harassment can be manifested or setting out generally recognized categories or forms of violence and harassment would address the concerns of the Committee. If agreed to, this new provision would be included in the proposed text of a Recommendation with the aim of providing further guidance on how Article 1(a) can be understood, while, at the same time, preserving the flexibility and adaptability provided by the concept of violence and harassment.

*Article 1(c)*  
*(Point 3(c) of the Conclusions)*

Extensive and detailed discussions were held in relation to this subparagraph containing the concept of “worker”. While there was unanimity on the fact that no one in the world of work should be subject to violence and harassment, some concerns were raised regarding the inclusion of certain categories under the rubric of “worker”.

The Office would like to clarify in this respect that this wording ensures broad protection against violence and harassment in all aspects of employment and occupation, in line with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), including hiring, training, advancement, security of tenure and conditions of employment. This would include, as provided for in Article 1(c), persons in training, interns, apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants. The provision would also interact with the possible new Article after Article 4 of the proposed Convention, which clarifies that different actors in the world of work can have different and complementary responsibilities. These different responsibilities are set out in the operative provisions, and the obligations that different actors have towards certain categories of workers may vary. To further clarify this point, the Office has, for example, included the term “concerned” in Article 9(d) (see Office commentary on Article 9).

The Office, while being mindful not to reduce the scope of protection, has modified some categories in subparagraph (c). The reference to “laid-off workers” has been replaced with “workers whose employment has been terminated” to align it with the expression “*travailleurs licenciés*” in the French version of the proposed text. The reference to “suspended workers” has been deleted, as these are considered “workers” in so far as their employment relationship has not been terminated.

*Article 2*  
*(Point 4 of the Conclusions)*

This provision, as approved by the Committee, tailors the scope of the instrument to the “world of work”, including situations listed in subparagraphs (a) to (f) which go beyond the physical workplace. This comprehensive understanding reflects the Committee’s agreement on the need to address violence and harassment with a forward-looking approach that takes into consideration the evolving nature of work. Furthermore, it may be recalled that the term “world of work” was introduced throughout the Conclusions following the amendment process, and that the use of this concept is coherent with existing ILO instruments related to occupational safety and health, as well as with the HIV and AIDS Recommendation, 2010 (No. 200), the Employment Policy



(Supplementary Provisions) Recommendation, 1984 (No. 169), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

That being said, the Office recalls that some concerns were expressed during the first discussion that subparagraphs (a) to (f) include situations over which employers might have little or no control and that, when interpreted together with concepts in point 3 of the Conclusions, this provision could possibly result in an undue burden on employers.

In response to this concern, the Office clarifies that, in line with the deliberations of the Committee, not all aspects of the list included in this provision are intended to be applied in every circumstance to each and every actor. Rather, it is meant to encompass a broad scope of application in which governments, employers and workers, and their respective organizations, have responsibilities of varying reach. To provide further clarity, the Office invites comments on the inclusion of a possible new provision after Article 4 of the proposed Convention (see Office commentary on a possible new Article after Article 4). The Office also refers to the Office commentary under Article 9 regarding the specific responsibilities of employers, where further clarification has also been included.

Following standard drafting practice, the chapeau of this provision has been redrafted to include the words “This Convention applies to”. With respect to subparagraph (a) of the provision, some specific concerns were raised regarding the reference to “public and private spaces where they are a place of work”. The Office notes that this reference is intended to cover the situation in particular of those in the informal economy, such as street vendors, as well as domestic or home-based workers. As regards subparagraph (b) of this provision, it may be recalled that a reference to sanitary and washing facilities was introduced through the amendment process to encompass those situations in which the lack of adequate sanitary and washing facilities increases the risk of violence and harassment. In this light, the Office has also included a reference to “changing facilities”, in accordance with the Occupational Safety and Health Recommendation, 1981 (No. 164).

*Article 3  
(Point 5 of the Conclusions)*

Following standard drafting practice, the phrase “For the purposes of this Convention” has been introduced at the beginning of this provision.

*Article 4  
(Point 7 of the Conclusions)*

In this provision, the content of point 7 of the Conclusions has been divided into two separate paragraphs, to improve clarity and readability; the consequential drafting changes have also been made.

In paragraph 2(h), the Office has replaced “labour inspection” with “labour inspectorates”, to ensure coherence with the subsequent reference to “other competent bodies” and to align the wording more closely with point 13(g) of the Conclusions, as amended (now Article 10(h)). Along the same lines, the Office has removed the term “workplace” for greater consistency with subparagraphs (a) and (b) of this provision.

*Possible new Article after Article 4  
(not included in the proposed text)*

During the first discussion of the Committee, concerns were raised by some delegates that the concepts of “violence and harassment”, “worker” and “world of work”,



and their interaction, could result in the instrument having a particularly wide scope and overly expanding the rights and obligations of the relevant actors, in particular the obligations of the employers.

The Office recalls that the response to violence and harassment encompasses multiple actors and is dependent on the context in which it occurs. The Office further recalls that, during the first discussion, it was agreed that the aim of the instruments is to ensure the protection of all persons in the world of work. A broad scope of application takes this into account and is compatible with the notion that different measures taken by different actors can address different situations, with a view to ensuring the desired protection.

Taking into account the deliberations of the Committee, the Office invites comments on a possible new Article to be included between Articles 4 and 5 clarifying that responsibility may vary, and that coordination and cooperation among those involved is important to maximize the impact of their respective actions. The new provision would read as follows:

In adopting and implementing an inclusive, integrated and gender-responsive approach for the elimination of violence and harassment in the world of work, Members shall:

- (a) recognize that governments, and employers and workers and their respective representatives, have different and complementary roles and responsibilities in preventing and addressing violence and harassment in the world of work; and
- (b) promote coordination and cooperation between them.

*Article 6*  
*(Point 10 of the Conclusions)*

The Office has replaced the term “for all workers” with “in employment and occupation”. This change is consistent with the principles set out in Articles 1 and 5 and with the broad approach adopted in Article 7, and clarifies that all human beings are entitled to the right to equality and non-discrimination. This is in conformity with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in which the words “employment and occupation” were considered as protecting “not only persons whose status [is] that of employee but also those whose status [is] that of ‘worker on own account’, ‘employer’ or ‘unpaid family worker’”.<sup>8</sup>

It may be recalled that Article 6 is the outcome of lengthy discussions by the Committee on point 10 of the Conclusions. As foreseen in the proposed Conclusions of Report V(2), this provision included a list containing specific groups of workers disproportionately affected by violence and harassment. Divergent opinions emerged during the first discussion as to whether the list should be maintained. While some Committee members considered that listing these specific groups provided them with necessary visibility, concerns were expressed regarding the risk that an enumeration including some groups could exclude or neglect other groups, and would render the provision less adaptable to national contexts.

Following extensive discussions and informal consultations, an agreement was reached to substitute the list with a general reference to “vulnerable groups or groups in situations of vulnerability”. It was acknowledged that, while all persons should be protected, specific attention needed to be drawn to the fact that some groups of workers are disproportionately affected by violence and harassment. This wording was, therefore,

<sup>8</sup> ILO: *Discrimination in the field of employment and occupation*, Report IV(1), International Labour Conference, 42nd Session, 1958, Appendix.



adopted to ensure that the essence of point 10 was maintained, while facilitating application in different national contexts. Some Committee members proposed to reintroduce the list originally set out in point 10 of the proposed Conclusions of Report V(2) during the discussion of point 26 (see Office commentary on Paragraph 12 of the proposed Recommendation). This was with a view to ensuring that these groups were afforded visibility.

Bearing in mind the extensive discussions of the Committee, and with a view to improving precision in the text, the Office observes that the reference to “vulnerable groups”, per se, may be read as characterizing these groups as inherently vulnerable and, therefore, could be inadvertently stigmatizing. As such, the Office would like to suggest that deleting the reference to “vulnerable groups” while maintaining the reference to “groups in situations of vulnerability” would best preserve the intent of the Committee and would not restrict the scope of protection of this provision. At the same time, it would avoid any potential stigmatization, making it clear that any group is not inherently vulnerable to violence and harassment, but rather can be placed in a situation of vulnerability given certain circumstances. In considering this provision, Members may wish to comment as to whether they would like to reconsider the use of “vulnerable groups” and, instead, to simply refer to “groups in situations of vulnerability”.

*Article 7*  
*(Point 9 of the Conclusions)*

In this provision, the term “national” has been removed to acknowledge that laws and regulations to address violence and harassment may need to be adopted at a number of levels. The provision needs to be read in conjunction with Article 12, which highlights that laws should also be adopted at the highest normative level of the country.

During the first discussion, concerns were expressed as to whether this provision implied the obligation for all Members to adopt laws and regulations, including for those Members that already had them in place. It may be recalled that the Office clarified in Report V(2), as well as during the discussions, that in ILO Conventions and Recommendations the expression “adopt laws and regulations” covers a number of national situations in addition to that of adopting new laws and regulations. For example, where provisions giving full effect to the relevant instrument have already been adopted, the member State would be in compliance. Where existing laws and regulations do not meet the level of protection of the relevant standard, the member State would need to amend its laws and regulations or adopt new ones. The expression “adopt laws and regulations” should be construed as providing the necessary flexibility to accommodate the situation where no laws and regulations may need to be adopted, but existing ones need to be amended.

*Article 8*  
*(Point 11 of the Conclusions)*

The Office notes that point 11(c) of the Conclusions concerns the privacy of individuals involved in situations of violence and harassment in the world of work and the confidentiality thereof. In this regard, the Office considers that, as this provision relates to situations involving alleged acts of violence and harassment, it would be better integrated into Article 10, which addresses enforcement and remedies. The Office has, therefore, moved this subparagraph from this provision to Article 10.



*Article 9*  
(Point 12 of the Conclusions)

In line with changes introduced in Article 7, the term “national” has been deleted in this provision to avoid redundancy (see Office commentary to Article 7).

During the first discussion, concerns were expressed on the implementation of measures encompassed in point 12 of the Conclusions, particularly when these are considered in the light of points 1 to 4 of the Conclusions, and when taking into account the size of the enterprise.

It may be recalled that, to address such concerns, an amendment had been accepted to include the wording “as far as it is reasonably practicable” in the chapeau. The Office has made a minor drafting change to align the language with the Occupational Safety and Health Convention, 1981 (No. 155), so that it would read “so far as is reasonably practicable”.

In relation to the sequence of subparagraphs of this provision, the Office considers that workplace policies, foreseen in point 12(b) of the Conclusions, are the main tool through which employers can undertake actions referred to in points 12(a), 12(c) and 12(d) of the Conclusions. Therefore, the Office has rearranged the order, so that the reference to workplace policies appears in the first subparagraph of Article 9. The subsequent subparagraphs have been renumbered accordingly.

In relation to subparagraph (a) of this provision, the Office has modified the language to replace “a policy on all forms of violence and harassment” with “a workplace policy on violence and harassment”. This aims to address concerns expressed during the first discussion as to whether the definition of “world of work” would require employers to take action in instances outside their control. The Office has proposed this wording to enhance clarity on the scope of employers’ obligations and on the understanding that, while employers may be able to take steps to prevent violence and harassment occurring in the course of, linked with or arising out of work, beyond the physical workplace, such measures would be taken within the framework of a workplace policy. The Office has also modified the beginning of subparagraph (a) to read “adopt and implement” to increase clarity, and has deleted the words “all forms of” for consistency with other amendments adopted in the first discussion.

In subparagraph (b), the Office has replaced “organization” with “management”, to align the language with the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197).

Changes have also been made to subparagraph (d) so that it reads “provide to workers concerned information and training”, to clarify that the obligation of employers to provide information and training does not necessarily apply to all categories of workers set out in Article 1(c).

*Article 10*  
(Point 13 of the Conclusions)

Clauses of subparagraph (b) of this provision have been slightly amended by the Office:

- In subparagraph (i), the replacement of “mechanisms” with “procedures” aims to take into account the diverse ways in which enforcement and monitoring may be undertaken depending, for example, on the size of the enterprise. Likewise, a reference has been included to dispute resolution mechanisms at the workplace level



“where appropriate”, to acknowledge the importance of establishing institutionalized mechanisms where appropriate.

- In subparagraph (iii), the words “access to” have been deleted for language coherence.
- In subparagraphs (iv) and (v), a reference to “victims” has been included to ensure that, in cases where victims are not the complainants, they have access to protection against victimization or retaliation and to legal, social, medical and administrative support measures.

The Office has added a new subparagraph (c) to this provision, introducing the content of point 11(c) of the Conclusions (see Office commentary to Article 8). The Office has also modified the text to clarify that privacy is to be respected in relation to “individuals”, while confidentiality may concern, for example, data, procedures or information. The subsequent subparagraphs have been renumbered accordingly.

In relation to subparagraph (e), the Office has made minor language amendments to improve readability and has added “and harassment” after “gender-based violence”, in line with Article 1(b).

The Office invites comments on whether any further remedial action should be specified in this provision.

*Article 11*  
*(Point 14 of the Conclusions)*

With the aim of improving clarity and readability, the Office has divided point 14(b) of the Conclusions into two subparagraphs in Article 11 of the proposed Convention, which now read:

- (b) guidance, resources, training or other tools are provided to employers and workers and their organizations, and to relevant authorities; and
- (c) initiatives, including awareness-raising campaigns, are undertaken.

*Article 12*  
*(Point 15 of the Conclusions)*

The term “national” has been inserted in this provision to clarify that violence and harassment in the world of work should be regulated at the highest normative level possible while respecting the constitutional system of every country. The phrase “The provisions of this Convention” has been included according to standard drafting practice.

PROPOSED RECOMMENDATION

The Office has made minor changes throughout the text of the proposed Recommendation, including the bracketed provisions.

The Office has updated all cross-references to points of the Conclusions, with the corresponding Articles of the proposed Convention.

Relevant drafting changes have also been included to ensure that the content of the proposed Recommendation is coherent with the proposed Convention:

- The term “workplace” has been added before “policy” in Paragraph 8, to align it with the wording of Article 9(a) of the proposed Convention.



- The expression “in the world of work” has been inserted in Paragraph 14, to align it with similar language in Article 3 of the proposed Convention.
- The terms “expedited processes” in Paragraph 15(b) have been replaced by “expedited procedures”, in accordance with the language in Article 10(b) of the proposed Convention.
- A reference to “victims” has been included in Paragraph 15(c), to align it with Article 10(e) of the proposed Convention, which refers to victims of gender-based violence and harassment.
- The term “specialized” in the chapeau of Paragraphs 15 and 16 has been removed to align more closely with Article 10(e) of the proposed Convention.
- References to “gender-based violence” have been replaced with “gender-based violence and harassment” in Paragraphs 15, 16, 19 and 22, in accordance with Article 1(b) of the proposed Convention.
- The reference to “disproportionately affected workers” in Paragraph 22(c) has been replaced with “workers belonging to groups that are disproportionately affected by violence and harassment in the world of work”, to align more closely with Article 6 of the proposed Convention.

The Office also recalls that, as set out in the Office commentary to Article 1(a) of the proposed Convention, Members may wish to consider the possibility of inserting a new provision in the Recommendation containing an indicative, non-exhaustive list of behaviours illustrating how violence and harassment can be manifested or setting out generally recognized categories or forms of violence and harassment, supplementing Article 1(a).

#### *Preamble*

The Office has established a standard preambular text for the proposed Recommendation, in line with usual drafting practice.

#### *Paragraph 2 (Point 17 of the Conclusions)*

The Office has added a reference to “and implementing” after “adopting” for further clarity. The Office has also included the phrase “gender-responsive” before “approach”. This is to ensure coherence with the text of the proposed Convention, considering that such a reference was widely accepted by the Committee and introduced elsewhere in the Conclusions through several amendments. A cross-reference to Article 4(2) of the proposed Convention has been introduced in order to avoid repetition.

#### *Paragraph 4 (Point 19 of the Conclusions)*

In subparagraph (a) of this provision, the word “encourage” has been replaced by “promote”, in order to align the language with the Collective Bargaining Convention, 1981 (No. 154).

The Office recalls that some concerns were raised during the first discussion regarding the phrase “at all levels”. The Office clarifies that the intention of this expression is not to require that collective bargaining take place at each and every level, but rather to ensure that collective bargaining is possible at any level whatsoever, so that the parties may determine the relevant level or levels at which bargaining takes place.



*Paragraph 5  
(Point 20 of the Conclusions)*

In this Paragraph, content has been restructured to ensure coherence between different language versions.

The Office also notes that, considering its content, this provision would be more appropriate under “Protection and prevention”, after Paragraph 10 of the proposed Recommendation, and therefore invites comments in this regard.

*Paragraph 8  
(Point 23 of the Conclusions)*

For greater clarity, the Office has added the phrase “in laws and regulations” after “specify”. The Office has also aligned the language with Article 9(a) of the proposed Convention and has removed the reference to employers to avoid redundancy.

*Paragraph 9  
(Point 24 of the Conclusions)*

To improve readability, the content of point 24 of the Conclusions, now placed under Paragraph 9 of the proposed Recommendation, has been divided into subparagraphs (a) and (b).

*Paragraph 11  
(Point 37 of the Conclusions)*

The Office notes that this Paragraph, which was originally included under “Support and guidance” of the Conclusions, is more appropriate under “Protection and prevention”, and has consequently placed it after Paragraph 10.

In relation to the content of this provision, Members may wish to comment as to whether specific reference should also be made to resources and assistance for other actors in the informal economy.

*Paragraph 12  
(Point 26 of the Conclusions)*

The Office notes that the Committee did not discuss this provision due to lack of time and, therefore, placed it in square brackets.

In relation to the current wording of this provision, it may be recalled that the Committee included a reference to “vulnerable groups” and a non-exhaustive list of such groups (subparagraphs (a) to (i)) through the amendment process. The list stems from language that had been previously deleted from point 10 of the Conclusions. Hence, its inclusion in this provision is closely related to the Committee’s deliberations on point 10 (now Article 6), and the Office refers to the corresponding Office commentary in this regard.

The Office suggests that there is a need to examine this provision with a view to its original intent. It may be recalled that, as proposed by the Office in Report V(2), point 26 read:

Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation of women or the other groups of workers referred to in point 10 in specific jobs, sectors or occupations, or their exclusion therefrom.



The specific intent of point 26, under the section “Prevention measures” of the proposed Conclusions in Report V(2), was to avoid that measures aimed at preventing violence and harassment would result in the restriction or exclusion of women or groups disproportionately affected by violence and harassment from specific jobs, sectors or occupations. However, the original intent of point 10, under “Fundamental principles and rights at work and protection”, was to ensure that laws, regulations and policies on the right to equality and non-discrimination would address the situation of workers belonging to such groups.

Therefore, while both provisions deal with groups disproportionately affected by violence and harassment, their focus and intent are markedly different. The Office considers that a provision that focuses on avoiding the unintended consequences of excluding such groups from the labour market is essential to addressing violence and harassment, and that the inclusion of subparagraphs (a) to (i) in point 26 changes this focus. Furthermore, the Office invites Members to reconsider replacing the terminology “vulnerable groups” with alternative language that avoids stigmatization, and refers to the Office commentary on Article 6 in this regard.

Bearing in mind the extensive deliberations of the Committee on this issue, the Office has not modified the text of the Conclusions, despite the inconsistencies referred to above. However, the Office invites comments on whether an alternative wording in the Recommendation could better serve the original purpose of each point and provide a good basis for the second discussion. Should the Members wish to consider this alternative, the Office would, firstly, suggest restoring the original meaning of point 26 by deleting the list of groups. Secondly, should Members want to hold a discussion on a list of groups disproportionately affected by violence and harassment, the Office suggests that it could be included in a specific new provision of the Recommendation aimed at supplementing Article 6 of the proposed Convention.

*Paragraph 13  
(Point 27 of the Conclusions)*

With a view to further aligning subparagraph (c) of this provision with the Labour Inspection Convention, 1947 (No. 81), and to avoid overly prescriptive language, the Office has deleted the reference to the employer.

*Paragraph 19  
(Point 33 of the Conclusions)*

The Office has introduced the words “officials of” before “other competent authorities”, to make it clear that training is provided to people, rather than institutions, and to ensure language coherence with the previous reference to “labour inspectors” in the same provision.



## PROPOSED TEXTS

### PROPOSED CONVENTION CONCERNING THE ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

- The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International Labour  
Office, and having met in its 108th Session on ... June 2019, and
- Recalling that the Declaration of Philadelphia affirms that all human beings,  
irrespective of race, creed or sex, have the right to pursue both their material  
well-being and their spiritual development in conditions of freedom and  
dignity, of economic security and equal opportunity, and
- Reaffirming the relevance of the fundamental Conventions of the International  
Labour Organization, and
- Recalling other relevant international instruments such as the Universal Declaration  
of Human Rights, the International Covenant on Civil and Political Rights, the  
International Covenant on Economic, Social and Cultural Rights, the  
International Convention on the Elimination of All Forms of Racial  
Discrimination, the Convention on the Elimination of All Forms of  
Discrimination against Women, the International Convention on the Protection  
of the Rights of All Migrant Workers and Members of Their Families, and the  
Convention on the Rights of Persons with Disabilities, and
- Recognizing the right of everyone to a world of work free from violence and  
harassment, including gender-based violence and harassment, and
- Recalling that violence and harassment in the world of work is a form of human  
rights violation, is a threat to equal opportunities, is unacceptable and  
incompatible with decent work, and
- Recalling that Members have an important responsibility to promote a general  
environment of zero tolerance to violence and harassment in order to facilitate  
the prevention of such behaviours, and that all actors in the world of work must  
refrain from, prevent and address violence and harassment, and
- Acknowledging that violence and harassment in the world of work affects a person's  
psychological, physical and sexual health, dignity, and family and social  
environment, and
- Recognizing that violence and harassment also affects the quality of public and  
private services, and may prevent persons, particularly women, from accessing,  
and remaining and advancing in the labour market, and
- Noting that violence and harassment is incompatible with the promotion of  
sustainable enterprises and impacts negatively on the organization of work,  
workplace relations, worker engagement, enterprise reputation, and  
productivity, and



Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that 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, is essential to ending violence and harassment in the world of work, and

Noting that domestic violence can affect employment, productivity and health and safety, and that the world of work, its institutions and governments can help, as part of other national measures, to recognize, respond to and address domestic violence, and

Having decided upon the adoption of certain proposals concerning violence and harassment in the world of work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ... day of June of the year two thousand and nineteen the following Convention, which may be cited as the Violence and Harassment Convention, 2019.

## I. DEFINITIONS AND SCOPE

### *Article 1*

For the purposes of this Convention:

- (a) the term “violence and harassment” in the world of work refers to 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;
- (b) the term “gender-based violence and harassment” means 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;
- (c) the term “worker” covers persons in all sectors, both in the formal and informal economy, and whether in urban or rural areas, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants.

### *Article 2*

This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work:

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- (c) when commuting to and from work;
- (d) during work-related trips or travel, training, events or social activities;



- (e) through work-related communications enabled by information and communication technologies; and
- (f) in employer-provided accommodation.

#### *Article 3*

For the purposes of this Convention, victims and perpetrators of violence and harassment in the world of work can be employers and workers, and their respective representatives, and third parties, including clients, customers, service providers, users, patients and the public.

### II. CORE PRINCIPLES

#### *Article 4*

1. Each Member which ratifies this Convention shall recognize the right to a world of work free from violence and harassment.

2. Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the elimination of violence and harassment in the world of work that includes:

- (a) prohibiting in law all forms of violence and harassment;
- (b) ensuring that relevant policies address violence and harassment;
- (c) adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;
- (d) establishing and strengthening enforcement and monitoring mechanisms;
- (e) ensuring access to remedies and support for victims;
- (f) providing for sanctions;
- (g) developing tools, guidance, education and training, and raising awareness; and
- (h) ensuring effective means of inspection and investigation of cases of violence and harassment through labour inspectorates or other competent bodies.

#### *Article 5*

With a view to eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote safe and decent work.

#### *Article 6*

Each Member shall adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers as well as for workers belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.



### III. PROTECTION AND PREVENTION

#### *Article 7*

Each Member shall adopt laws and regulations to prohibit violence and harassment in the world of work, including gender-based violence and harassment.

#### *Article 8*

Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) identifying, in consultation with the employers' and workers' organizations concerned and through other applicable means, sectors, occupations and work arrangements in which workers are more exposed to violence and harassment; and
- (b) taking measures to effectively protect such workers.

#### *Article 9*

Each Member shall adopt laws and regulations requiring employers to take steps, so far as is reasonably practicable, to prevent violence and harassment in the world of work, and in particular 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 concerned information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

### IV. ENFORCEMENT AND REMEDIES

#### *Article 10*

Each Member shall take appropriate measures to:

- (a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
- (b) ensure that all persons concerned have easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms in cases of violence and harassment, including:
  - (i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;
  - (ii) dispute resolution mechanisms external to the workplace;
  - (iii) courts or tribunals;
  - (iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and



- (v) legal, social, medical and administrative support measures for complainants and victims;
- (c) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate;
- (d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;
- (e) provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective dispute resolution mechanisms, support, services and remedies;
- (f) recognize the effects of domestic violence on the world of work and take measures to address them;
- (g) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life or health due to violence and harassment, without suffering undue consequences; and
- (h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life or health.

#### V. GUIDANCE, TRAINING AND AWARENESS RAISING

##### *Article 11*

Each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination and migration;
- (b) guidance, resources, training or other tools are provided to employers and workers and their organizations, and to relevant authorities; and
- (c) initiatives, including awareness-raising campaigns, are undertaken.

#### VI. METHODS OF APPLICATION

##### *Article 12*

The provisions of this Convention shall be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary.



## PROPOSED RECOMMENDATION CONCERNING THE ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 108th Session on ... June 2019, and

Having adopted the Violence and Harassment Convention, 2019, and

Having decided upon the adoption of certain proposals concerning violence and harassment in the world of work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Violence and Harassment Convention, 2019,

adopts this ... day of June of the year two thousand and nineteen the following Recommendation, which may be cited as the Violence and Harassment Recommendation, 2019.

1. The provisions of this Recommendation supplement those of the Violence and Harassment Convention, 2019 (“the Convention”), and should be considered in conjunction with them.

### I. CORE PRINCIPLES

2. In adopting and implementing the inclusive, integrated and gender-responsive approach referred to in Article 4(2) of the Convention, Members should address violence and harassment in the world of work in labour and employment, occupational safety and health, and equality and non-discrimination law, as well as in criminal law where appropriate.

3. Members should ensure that all workers, including those in sectors, occupations and work arrangements in which they are more exposed to violence and harassment, fully enjoy freedom of association and the right to collective bargaining in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

4. Members should take appropriate measures to:

- (a) promote collective bargaining at all levels as a means of preventing and addressing violence and harassment in the world of work and dealing with the effects of domestic violence on the world of work; and
- (b) support such collective bargaining through the collection and dissemination of information on related trends and good practices regarding the negotiation process and the content of collective agreements.

5. Members should 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.

6. Members should ensure that provisions on violence and harassment in national laws, regulations and policies take into account the equality and non-discrimination instruments of the International Labour Organization, including the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination



(Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, and other relevant instruments.

## II. PROTECTION AND PREVENTION

7. Occupational safety and health provisions on violence and harassment in national laws, regulations and policies should take into account relevant occupational safety and health instruments of the International Labour Organization.

8. Members should, as appropriate, specify in laws and regulations that workers and their representatives should take part in the design, implementation and monitoring of the workplace policy on violence and harassment referred to in Article 9(a) of the Convention, and such policy should:

- (a) state that violence and harassment will not be tolerated;
- (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
- (c) specify the rights and responsibilities of the workers and the employer;
- [(d) contain information on complaint and investigation procedures; and*
- (e) provide that all internal and external communications related to violence and harassment are to be duly considered and acted upon.*

9. *The workplace risk assessment referred to in Article 9(c) of the Convention should take into account factors that increase the likelihood of violence and harassment, in particular psychosocial hazards and risks, including those arising from:*

- (a) third parties such as clients, customers, service providers, users, patients and the public; and*
- (b) discrimination, the presence of unequal power relations, and gender, cultural and social norms that support violence and harassment.*

10. *Members should adopt specific measures for sectors, occupations and work arrangements in which workers are more exposed to violence and harassment, such as night work, work in isolation, services, health care, emergency services, domestic work, transport, education and entertainment.*

11. *In facilitating the transition from the informal to the formal economy, Members should provide resources and assistance for informal economy workers and their associations to prevent and address violence and harassment in the informal economy.*

12. *Members should ensure that measures to prevent violence and harassment do not result in the restriction of the participation in specific jobs, sectors or occupations, or their exclusion therefrom, of women and vulnerable groups, including:*

- (a) younger and older workers;*
- (b) pregnant and breastfeeding workers, and workers with family responsibilities;*
- (c) workers with disabilities;*
- (d) workers living with HIV;*
- (e) migrant workers;*
- (f) workers from indigenous and tribal peoples;*
- (g) workers who are members of ethnic or religious minorities;*



- (h) *caste-affected workers; and*
- (i) *lesbian, gay, bisexual, transgender, intersex and gender-nonconforming workers.*

### III. ENFORCEMENT, REMEDIES AND ASSISTANCE

13. *The appropriate and effective remedies referred to in Article 10(b) of the Convention in cases of violence and harassment should not be limited to the right to resign with compensation and should include:*

- (a) *reinstatement;*
- (b) *compensation for material and non-material damages;*
- (c) *orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices be changed; and*
- (d) *legal fees and costs.*

14. *Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial or physical disability leading to incapacity to work.*

15. *The dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include:*

- (a) *courts with expertise in cases of gender-based violence and harassment;*
- (b) *expedited procedures;*
- (c) *legal advice and assistance for complainants and victims;*
- (d) *guides and other information resources available in the widely spoken languages of the country; and*
- (e) *shifting of the burden of proof.*

16. *The support, services and remedies for victims of gender-based violence and harassment referred to in Article 10(e) of the Convention should include:*

- (a) *support to help victims re-enter the labour market;*
- (b) *counselling and information services, including at the workplace;*
- (c) *24-hour hotlines;*
- (d) *emergency services;*
- (e) *medical care and treatment;*
- (f) *crisis centres, including shelters; and*
- (g) *specialized police units to support victims.*

17. *The measures to address the effects of domestic violence on the world of work referred to in Article 10(f) of the Convention should include:*

- (a) *paid leave for victims of domestic violence;*
- (b) *flexible working hours for victims of stalking and domestic violence;*
- (c) *temporary or permanent transfer of victims of domestic violence to other workplaces;*
- (d) *temporary protection from dismissal for victims of domestic violence;*
- (e) *workplace risk assessments specific to domestic violence;*



- (f) *a referral system to public mitigation measures for domestic violence, where they exist; and*
- (g) *awareness raising about the effects of domestic violence.*

18. *Perpetrators of violence and harassment in the world of work should be assisted through counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment and facilitating their reintegration into work.*

19. *Labour inspectors and officials of other competent authorities should undergo gender-responsive training with a view to identifying and addressing violence and harassment, psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers.*

20. *The mandate of national bodies responsible for occupational safety and health and equality and non-discrimination, including gender equality, should cover violence and harassment in the world of work.*

21. *Members should collect and publish statistics on violence and harassment in the world of work disaggregated by sex, form of violence and harassment, and sector of economic activity, in particular in respect of the groups of workers referred to in Article 6 of the Convention.*

#### IV. GUIDANCE, TRAINING AND AWARENESS RAISING

22. *Members should develop, implement and disseminate:*

- (a) *programmes aimed at addressing factors that increase the likelihood of violence and harassment, including discrimination, unequal power relations, and gender, cultural and social norms that support violence and harassment;*
- (b) *gender-responsive guidelines and training programmes to assist judges, labour inspectors, police officers, prosecutors and other public officials in fulfilling their mandate regarding violence and harassment, as well as to assist employers and workers and their organizations in preventing and addressing violence and harassment;*
- (c) *model codes of practice, workplace policies and risk assessment tools, either general or sector-specific, for all forms of violence and harassment, taking into account the specific situations of workers belonging to groups that are disproportionately affected by violence and harassment in the world of work;*
- (d) *awareness-raising campaigns in the various languages of the country, including those of the migrant workers residing in the country, that convey the unacceptability of violence and harassment, in particular gender-based violence and harassment, address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistle-blowers;*
- (e) *gender-responsive curricula at all levels of education and vocational training;*
- (f) *training programmes and materials for journalists and other media personnel on gender-based violence and harassment, including its underlying causes and risk factors; and*
- (g) *campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment.]*



## **ITUC Comments on the Proposed Texts for a Convention and a Recommendation**

### **Report V(1): Ending violence and harassment in the world of work - Deadline 8 November 2018**

[https://www.ilo.org/ilc/ILCSessions/108/reports/reports-to-the-conference/WCMS\\_637108/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/108/reports/reports-to-the-conference/WCMS_637108/lang--en/index.htm)

Available in English – Spanish – French – Arabic

### **Report of the Standard Setting Committee on Violence and Harassment in the World of Work: Resolution and proposed Conclusions submitted for adoption by the Conference**

which contains the draft conclusions in the form of a Convention and Recommendation as adopted in June 2018

[https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS\\_631787/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS_631787/lang--en/index.htm)

Available in English – Spanish – French – Arabic

### **Report of the Standard-Setting Committee on Violence and Harassment in the World of Work: Summary of proceedings**

which provides information on the position of your government and/or region

[https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS\\_631807/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS_631807/lang--en/index.htm)

Available in English – Spanish – French

For your reference, the reports published before the ILC in June 2018:

### **Report V(1): Ending violence and harassment in the world of work**

[https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_553577/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_553577/lang--en/index.htm)

Available in English – Spanish – French – Arabic

## **Report V(2): Ending violence and harassment in the world of work**

[https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_619730/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_619730/lang--en/index.htm)

Available in English – Spanish – French – Arabic

Report V (1) on Ending violence and harassment in the world of work (the brown report) contains the first draft text of a proposed Convention and Recommendation and includes proposals from the ILO Office (office commentary) for adjustments to the Conclusions that were adopted in June 2018. Governments are asked to inform the ILO by **8 November 2018** whether they have any amendments to suggest or comments to make after consulting the most representative organisations of employers and workers. Governments are further asked to state whether they consider that the proposed texts provide a satisfactory basis for the second discussion in 2019.

Mindful of the fact that consultations with workers' organisations may not always take place, trade unions are hereby urged also to submit their comments by the deadline, directly by email, to [VIOLENCEHARASSMENT@ilo.org](mailto:VIOLENCEHARASSMENT@ilo.org), with copy to [equality@ituc-csi.org](mailto:equality@ituc-csi.org) and [genevaoffice@ituc-csi.org](mailto:genevaoffice@ituc-csi.org). The comments received will be reflected in the fourth and final report, which will be prepared by the Office for the consideration of the Conference at its 108th Session (June 2019).

### **General comments:**

The ITUC considers the proposed texts for a Convention and Recommendation as a satisfactory basis on which to resume the negotiations next June.

In Report V(1) the Office is mainly proposing changes which aim to provide greater clarity and consistency, align the French and

coherence with terminology used in other ILO instruments. A few changes, however, are more substantial and require our attention. These are listed below.

Where no specific comments are provided on issues raised in the brown report, it indicates that the changes proposed by the Office can be supported.

Beyond the changes proposed by the Office, governments can make comments or suggest amendments. It is expected that several governments will argue that the proposed texts are too prescriptive or would require too many substantial changes in national legislation. A strategy they may pursue is to propose the removal of articles from the draft Convention and their inclusion in the draft Recommendation. Generally, trade unions should oppose these changes on the basis that the right to a work environment free from violence and harassment should never be a lottery. In order to create a level playing field, the basic rights and principles should therefore be properly addressed in a Convention.

The conclusions referred to below can be found here:

[https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS\\_631787/lang--en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS_631787/lang--en/index.htm)

## **PROPOSED CONVENTION**

### **Preamble (point 6 of the Conclusions)**

The ITUC supports the Office proposal, provided that the remainder of paragraph 6 of the Preamble is retained. The right to

life and security of person, the right to equality, and the prohibition against torture are recognised in several international human rights treaties, including the Universal Declaration on Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966. Article 3 of Council of Europe Convention on preventing and combating violence against women and domestic violence describes violence against women as “a violation of human rights and a form of discrimination against women”. Further references to violence against women as a human rights violation can be found in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention).

## **Definitions and scope**

### **Article 1 (a)**

#### **Point 3 (a) of the Conclusions**

Definition of “violence and harassment”

The ITUC supports maintaining a single definition of violence and harassment. The original title for the proposed standard-setting discussion referred only to violence. However, the Meeting of Experts held 3-6 October 2016 in Geneva in order to inform the standard-setting discussion proposed that the word “violence” be replaced with “violence and harassment” in order to capture the full range of behaviours that should be proscribed. Recognising that an unacceptable behaviour or practice could contain elements of both harassment and violence, the Experts suggested the usefulness of thinking of them as points along a continuum, where elements could overlap. The word “continuum” was

fully capture the notion of a continuum, the workers' group deemed it an acceptable compromise.

Treating violence and harassment in this way is consistent with several instances of national law and practice. A relevant example can be found in the Ontario Occupational Health and Safety Act. Whilst that Act provides for a definition of "workplace violence" and one for "workplace harassment", the [official guidance](#) to the Act states that *"A continuum of inappropriate or unacceptable behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time. Where harassment, including sexual harassment, in the workplace involves threats, attempts or acts of physical force, this would be considered to be workplace violence under the Act."*

An illustrative, non-exhaustive list in the Recommendation could provide useful guidance. However, care should be taken that this does not become a definitive list in practice. Such an illustrative list should include examples of practices, as well as behaviours.

## **Article 1 (c)**

### **Point 3 (c) of the Conclusions**

#### Definition of "worker"

The ITUC can support the modifications to the definition of "worker" proposed by the Office. The ITUC, however, does not agree that there is a useful correlation between the definition of "worker" and the proposed new Article after Article 4 (see below for further comments relating to this point).

A broad definition of "worker" is essential to ensuring that "no one is left behind" in eliminating violence and harassment from the world of work. As stated in Article 3, all workers can become vulnerable to violence and harassment. There is therefore no

justification for exemptions. The ITUC recalls that under Convention 181 on Private Employment Agencies, the term “worker” includes jobseekers. Further, Recommendation 200 on HIV and AIDS covers all workers working under all forms or arrangements, and at all workplaces, including (i) persons in any employment or occupation; (ii) those in training, including interns and apprentices; (iii) volunteers; (iv) jobseekers and job applicants; and (v) laid-off and suspended workers in all sectors of economic activity, including the private and public sectors and the formal and informal economies, and armed forces and uniformed services.

The ITUC concurs with the findings of a recent United Kingdom Parliamentary inquiry into sexual harassment and violence<sup>1</sup>, which concluded that *“Everyone in the workplace should be protected from sexual harassment, regardless of whether they have a contract of employment or similar contract for services or who the harasser is”*. The inquiry recommended that protection should be extended *“to interns and volunteers so that they are entitled to the same protections as the wide range of individuals in the workplace who are already protected”*.

It is vital that prevention measures to protect workers include workers in the informal economy, who may not have an employer, but for whom violence and harassment might be a regular occurrence. Such workers should also have effective access to remedy. ILO Recommendation 204 of 2014 urges member States to ensure that an integrated policy framework to facilitate the transition from the informal to the formal economy includes measures to promote equality and the elimination of all forms of discrimination and violence, including gender-based

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<sup>1</sup><https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/725/72502.htm>

violence, but that Recommendation does not outline what such measures might be.

#### **Possible new Article after Article 4 (Point 7 of the Conclusions)**

The ITUC views the introduction of the proposed Article as problematic and cannot support it. The proposed new Article appears to draw on Article 8 of the Occupational Health Services Convention, 1985 (No. 161), which states, *"The employer, the workers and their representatives, where they exist, shall cooperate and participate in the implementation of the organisational and other measures relating to occupational health services on an equitable basis."*

The ITUC is mindful that the proposed new Article would interact not only with Articles 1 (c) and 2 as the Office suggests, but would interact closely with Article 3 (point 5 of the Conclusions). Additionally, paragraph 7 of the preambular text reads *"Recalling that Members have an important responsibility to promote a general environment of zero tolerance to violence and harassment in order to facilitate the prevention of such behaviours, and that all actors in the world of work must refrain from, prevent and address violence and harassment...."*

In this regard, the new Article could result in the instrument overly and inequitably expanding the obligations of individual workers to prevent and address violence and harassment. Further, the preventive measures necessary at the level of the enterprise under Article 9 do not lie within the competence of the individual worker. The new article is therefore an unhelpful contortion. Whilst employers, managers, co-workers or third parties can all be perpetrators or victims of violence and

harassment, this does not suggest that all are exposed to violence and harassment on the same scale or in equal measures– nor that all have an equal, if different, responsibility for preventing violence and harassment. **Ultimately, the primary responsibility for creating a work environment where violence and harassment is prevented rests with employers.** It is for employers, in consultation with workers’ representatives, to put in place the necessary codes of conducts, risk assessments, practices, policies, procedures, training schemes, etc. to prevent and redress violence and harassment. Workers have a responsibility to cooperate and comply.

The ITUC recalls and concurs with the findings of the recent UK parliamentary inquiry into sexual harassment:

- Mandatory requirements, sanctions for breaches and proactive enforcement reflect the importance of an issue, its impact on society and how seriously employers are expected to take it.
- In the absence of comprehensive action by employers and of a stringent regulatory regime, the burden of tackling sexual harassment at work rests with individual workers.
- Employers must have greater and clearer responsibilities for protecting workers from sexual harassment.
- We support the recommendation of the Equality and Human Rights Commission that the Government should place a mandatory duty on employers to protect workers from harassment and victimisation in the workplace.

The same inquiry also concluded (with the support of the Confederation of British Industry) that it was necessary to place a clear duty on employers to protect workers from third-party harassment.

Such an approach is by no means clear in the suggested new Article when read together with other provisions. Should it be deemed necessary for the sake of clarity and equity to introduce a new Article, the ITUC suggests that Article 8 of the Occupational Health Services Convention, 1985 (No. 161) be reproduced so that the new Article would read *“The employer, the workers and their representatives shall cooperate and participate in the implementation of the organisational and other measures relating to violence and harassment on an equitable basis.”*

**Article 6**  
**(Point 10 of the Conclusions)**

Connection between inequality, discrimination and violence and harassment

The Office proposal to replace “for all workers” with “in employment and occupation” is supported by the ITUC. The ITUC equally supports the proposal to delete the reference to “vulnerable groups”, for the reasons given by the Office.

The discussion on point 10 of the Conclusions was extremely difficult, with the Worker’s Group expressing a strong preference to keep the list of categories of workers. Extremely reluctantly, the Worker’s Group eventually agreed to the compromise language that appears in Article 6.

The ITUC would suggest that the language could be further improved and the intent behind this Article made clearer by adding “to discrimination and inequality” immediately after “groups in situations of vulnerability”.

## **Article 9** **(Point 12 of the Conclusions)**

### Workplace policy

The Office proposes to replace “a policy on all forms of violence and harassment” with “a workplace policy on violence and harassment”. This would be consistent, for example, with the approach in the HIV and AIDS Recommendation, 2010 (No. 200). Recommendation 200 uses the concept of the “world of work” throughout, but refers to “measures taken to implement workplace policies and programmes related to HIV and AIDS”. A similar approach can be found in the ILO’s Occupational Safety and Health instruments. The ITUC therefore supports the proposal.

## **Article 10** **(Point 13 of the Conclusions)**

### Privacy and confidentiality – new subparagraph (c)

The ITUC agrees with the office proposal to move this subparagraph from Article 8 (point 11 (c) of the Conclusions) to Article 10. We note the Office proposal to modify the text in order to clarify that privacy is to be respected in relation to “individuals”, while confidentiality may concern, for example, data, procedures or information. The ITUC is, however, concerned that the proposed modification does not go far enough.

During the 2018 discussion, the Workers’ Group expressed concern that measures to protect privacy and confidentiality should not amount to the misuse of “gagging” clauses or non-disclosure agreements, as this can have a chilling effect on reporting and addressing violence and harassment. In other words, such measures should not be used for the purpose of

silencing victims of violence and harassment and preventing cases being brought into the public eye for fear of bad publicity. The ITUC would suggest adding a new sub-point to this effect under Article 10(b) or adding a new subparagraph (c).

## **Article 11**

### **(Point 14 of the Conclusions)**

The ITUC supports the modification made by the Office. The ITUC suggests that language should be added to Article 11 (b), or as a new Article 11 (c), to include guidance, resources, training, etc., *specifically on gender based violence and harassment*. This would better align the text with Article 10 (e), which recognises the need for “effective access to gender-responsive [...] dispute resolution mechanisms support, services and remedies”. A lack of such targeted training, etc., can be a significant barrier to obtaining remedy for gender-based violence. It would also align with the relevant provisions in paragraph 22 of the Recommendation (e.g.,22(b)).

## **PROPOSED RECOMMENDATION**

The Office has mainly made minor changes throughout the text of the proposed Recommendation, with some drafting changes aimed at ensuring coherence and consistency with the proposed Convention.

### **Paragraph 4 (Point 17 of the Conclusions)**

The ITUC supports the change from “encourage’ to “promote”. The ITUC concurs with the explanation given by the Office with reference to “collective bargaining at all levels”.

### **Paragraph 5 (Point 20 of the Conclusions)**

The ITUC could support moving this paragraph to sit within the section dealing with “Protection and prevention”.

### **Paragraph 9 (Point 24 of the Conclusions)**

The ITUC welcomes the division into subparagraphs (a) and (b), as this improves both readability and comprehensibility. The ITUC strongly supports the language in paragraph 9 in its entirety.

### **Paragraph 11 (Point 37 of the Conclusions)**

The ITUC strongly agrees with the Office proposal to place this paragraph under “Protection and prevention”.

### **Paragraph 12 (Point 26 of the Conclusions)**

The ITUC strongly supports the suggestion from the Office to restore the original meaning of point 26 by deleting the list of groups and agrees with the explanation provided by the Office. Point 26 contained provisions aimed at ensuring that specific measures to prevent violence and harassment in sectors, occupations and work arrangements where there is a greater risk do not further penalise or stigmatise groups that are already disproportionately affected by discrimination and inequality (for example, by prohibiting women from working at night, or by further excluding women from already male-dominated sectors). Adding the list to the end of point 26 renders the text incoherent. The ITUC agrees with the view that “a provision that focuses on avoiding the unintended consequences of excluding such groups from the labour market is essential to addressing violence and harassment, and that the inclusion of subparagraphs (a) to (i) in point 26 changes this focus”. Indeed, the ITUC considers this issue sufficiently critical to warrant inclusion within the text of the Convention – for example, by including it immediately after Article 6.

As concerns a specific new provision of the Recommendation aimed at supplementing Article 6 of the proposed Convention, the ITUC is mindful that re-opening the discussion on the list could again risk polarising the discussion. Prior to and during the 2108 discussion, the ITUC and the Workers' Group have expressed their strong support for an indicative and non-exhaustive list that would explicitly recognise that certain factors or characteristics can lead to heightened risk of – or exposure to – violence and harassment. The Workers' Group was highly disappointed and disheartened that controversy arose over the inclusion of LGBT workers in this list. Indeed this controversy seriously disrupted the work of the Committee. LGBTI+ workers rank amongst the most discriminated and amongst the most exposed to bullying, assault and other forms of violence and harassment. They count amongst workers most in need of protection from and remedy against violence and harassment. The ITUC is therefore not prepared to countenance a list, albeit non-exhaustive, which would not include LGBTI+ workers. Extremely reluctantly, the Workers' Group agreed to work towards compromise language that would not list specific categories of workers but would nonetheless go to the crux of the matter, by acknowledging that some groups of workers are disproportionately affected by inequality, discrimination and violence and harassment.

The ITUC considers that the crucial issue is to ensure that the instruments cover all workers, without distinction or discrimination, and the instruments recognise that particular efforts may be needed in the case of certain groups

## ITUC and NTUC Philippines Comments on the ILO Brown Report on GBV in the World of Work

Report V (1) on Ending violence and harassment in the world of work (the brown report) contains the first draft text of a proposed Convention and Recommendation and includes proposals from the ILO Office (office commentary) for adjustments to the Conclusions that were adopted in June 2018. Governments are asked to inform the ILO by **8 November 2018** whether they have any amendments to suggest or comments to make after consulting the most representative organisations of employers and workers. Governments are further asked to state whether they consider that the proposed texts provide a satisfactory basis for the second discussion in 2019.

ITUC Comments	NTUC Philippines Comments
<p><b>General comments:</b></p> <p>The ITUC considers the proposed texts for a Convention and Recommendation as a satisfactory basis on which to resume the negotiations next June.</p> <p>In Report V(1) the Office is mainly proposing changes which aim to provide greater clarity and consistency, align the French and English versions, harmonise certain provisions and ensure coherence with terminology used in other ILO instruments. A few changes, however, are more substantial and require our attention. These are</p>	<p><b>General Comments:</b></p> <p>The proposed texts for a Convention and Recommendation as reflected in the Brown Report is substantial and would make a good starting point in the resumption of the negotiations next year 2019. NTUC Philippines, however, suggests that the terminologies used should be consistent and in harmony with the other ILO instruments. This would help and assure legislators at national levels that the existing terminologies used in this ILO Convention is in harmony with previous laws passed as a result of</p>

<p>listed below.</p> <p>Where no specific comments are provided on issues raised in the brown report, it indicates that the changes proposed by the Office can be supported.</p> <p>Beyond the changes proposed by the Office, governments can make comments or suggest amendments. It is expected that several governments will argue that the proposed texts are too prescriptive or would require too many substantial changes in national legislation. A strategy they may pursue is to propose the removal of articles from the draft Convention and their inclusion in the draft Recommendation. Generally, trade unions should oppose these changes on the basis that the right to a work environment free from violence and harassment should never be a lottery. In order to create a level playing field, the basic rights and principles should therefore be properly addressed in a Convention.</p> <p>The conclusions referred to below can be found here:  <a href="https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS_631787/lang-en/index.htm">https://www.ilo.org/ilc/ILCSessions/107/committees/violence-harassment/WCMS_631787/lang-en/index.htm</a></p>	<p>ratifying the ILO Convention.</p> <p>NTUC Philippines would like to manifest that the proposed texts should be clear and precise to do away with country legislative tendencies of diluting the targeted objective of the convention. The worker’s basic right to a healthy and productive work environment would mean NO VIOLENCE, NO HARASSMENT AND NO DISCRIMINATION.</p>
<p><b>Preamble (point 6 of the Conclusions)</b></p> <p>The ITUC supports the Office</p>	<p><b>Preamble (point 6 of the Conclusions)</b></p> <p>NTUC Philippines supports the Office proposal that the Preamble should make</p>

<p>proposal, provided that the remainder of paragraph 6 of the Preamble is retained. The right to life and security of person, the right to equality, and the prohibition against torture are recognised in several international human rights treaties, including the Universal Declaration on Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966. Article 3 of Council of Europe Convention on preventing and combating violence against women and domestic violence describes violence against women as “a violation of human rights and a form of discrimination against women”. Further references to violence against women as a human rights violation can be found in the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention).</p>	<p>reference to other international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination and Violence Against Women, etc. These international instruments embodies the right to life and security of person, the right to equality and the prohibition against torture. These are all needed guarantees to decent work and the future of work.</p>
<p><b>Definitions and scope</b>  <b>Article 1 (a)</b>  <b>Point 3 (a) of the Conclusions</b>  Definition of “violence and harassment”</p> <p>The ITUC supports maintaining a single definition of violence and harassment. The original title for the proposed standard-setting discussion referred only to violence.</p>	<p><b>Definitions and scope</b>  <b>Article 1 (a)</b>  <b>Point 3 (a) of the Conclusions</b>  Definition of “violence and harassment”</p> <p>NTUC Philippines support the single definition of “violence and harassment” that will capture the whole range of behaviors that should be prescribed for the proposed standard setting convention.</p>

However, the Meeting of Experts held 3-6 October 2016 in Geneva in order to inform the standard-setting discussion proposed that the word “violence” be replaced with “violence and harassment” in order to capture the full range of behaviours that should be proscribed. Recognising that an unacceptable behaviour or practice could contain elements of both harassment and violence, the Experts suggested the usefulness of thinking of them as points along a continuum, where elements could overlap. The word “continuum” was replaced by “range” during the discussion. Whilst this does not fully capture the notion of a continuum, the workers’ group deemed it an acceptable compromise.

Treating violence and harassment in this way is consistent with several instances of national law and practice. A relevant example can be found in the Ontario Occupational Health and Safety Act. Whilst that Act provides for a definition of “workplace violence” and one for “workplace harassment”, the [official guidance](#) to the Act states that *“A continuum of inappropriate or unacceptable behaviours can occur at the workplace. This can range from offensive remarks to violence. Workplace harassment may escalate over time. Where harassment, including sexual harassment, in the workplace involves threats, attempts or acts of physical force, this would be*

The Philippine law on workplace violence only covers acts done between the worker and the management/employer and does not cover other workplace violence such as those done by customer/client/patient/etc who are also actors in the world of work.

<p><i>considered to be workplace violence under the Act.”</i></p> <p>An illustrative, non-exhaustive list in the Recommendation could provide useful guidance. However, care should be taken that this does not become a definitive list in practice. Such an illustrative list should include examples of practices, as well as behaviours.</p>	
<p><b>Article 1 (c) Point 3 (c) of the Conclusions</b> Definition of “worker”</p> <p>The ITUC can support the modifications to the definition of “worker” proposed by the Office. The ITUC, however, does not agree that there is a useful correlation between the definition of “worker” and the proposed new Article after Article 4 (see below for further comments relating to this point).</p> <p>A broad definition of “worker” is essential to ensuring that “no one is left behind” in eliminating violence and harassment from the world of work. As stated in Article 3, all workers can become vulnerable to violence and harassment. There is therefore no justification for exemptions. The ITUC recalls that under Convention 181 on Private Employment Agencies, the term “worker” includes jobseekers. Further, Recommendation 200 on HIV and AIDS covers all workers working under all forms or arrangements, and at all</p>	<p><b>Article 1 (c) Point 3 (c) of the Conclusions</b> Definition of “worker”</p> <p>NTUC Philippines support the modification of the definition of “worker” proposed by the Office. This would take cognizance of the different types of work and work arrangement now practiced in the present world of work, The broad definition of a worker would ensure that all types of workers and work arrangements practiced in the present times would be taken into consideration in the crafting of the national legislations .... an assurance that no one is left behind. Likewise, the introduction of technology (cellphones, computers) and virtual offices poses a different work scenario that changes the whole concept of workplace and employer-employee relations. This should be discussed and considered</p> <p>Since all workers, in whatever profession or industry, is vulnerable to violence and harassment, the broad definition would also justify that NO EXEMPTION should be allowed – whether formal or informal workers, whether private or public</p>

workplaces, including (i) persons in any employment or occupation; (ii) those in training, including interns and apprentices; (iii) volunteers; (iv) jobseekers and job applicants; and (v) laid-off and suspended workers in all sectors of economic activity, including the private and public sectors and the formal and informal economies, and armed forces and uniformed services.

The ITUC concurs with the findings of a recent United Kingdom Parliamentary inquiry into sexual harassment and violence<sup>1</sup>, which concluded that *“Everyone in the workplace should be protected from sexual harassment, regardless of whether they have a contract of employment or similar contract for services or who the harasser is”*. The inquiry recommended that protection should be extended *“to interns and volunteers so that they are entitled to the same protections as the wide range of individuals in the workplace who are already protected”*.

It is vital that prevention measures to protect workers include workers in the informal economy, who may not have an employer, but for whom violence and harassment might be a regular occurrence. Such workers should also have effective access to remedy. ILO Recommendation 204 of 2014 urges member States to

employees, whether regular or contractual workers. Thus, it is also important that the transition process envisioned by ILO from informal to formal economy workers should take all these--- violence, harassment, discrimination --- into consideration.

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<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/725/72502.htm>

<p>ensure that an integrated policy framework to facilitate the transition from the informal to the formal economy includes measures to promote equality and the elimination of all forms of discrimination and violence, including gender-based violence, but that Recommendation does not outline what such measures might be.</p>	
<p><b>Possible new Article after Article 4 (Point 7 of the Conclusions)</b></p> <p>The ITUC views the introduction of the proposed Article as problematic and cannot support it. The proposed new Article appears to draw on Article 8 of the Occupational Health Services Convention, 1985 (No. 161), which states, <i>“The employer, the workers and their representatives, where they exist, shall cooperate and participate in the implementation of the organisational and other measures relating to occupational health services on an equitable basis.”</i></p> <p>The ITUC is mindful that the proposed new Article would interact not only with Articles 1 (c) and 2 as the Office suggests, but would interact closely with Article 3 (point 5 of the Conclusions). Additionally, paragraph 7 of the preambular text reads <i>“Recalling that Members have an important responsibility to promote a general environment of zero tolerance to</i></p>	<p><b>Possible new Article after Article 4 (Point 7 of the Conclusions)</b></p> <p>The introduction of the proposed article is taken from the 1985 OHS Convention stating “The employer, the workers and their representatives, where they exist shall cooperate and participate in the implementation of the organizational and other measures relating to occupational health services on an equitable basis.”</p> <p>NTUC Philippines is apprehensive that the introduction of this proposed article would distribute the responsibility and obligation of the tripartite actors and would take out the primary responsibility of the EMPLOYER to provide a work environment that is free from violence and harassment and pass the burden to the workers by expanding the role of the workers to prevent and address violence and harassment at the workplace.</p> <p>We are, therefore, NOT SUPPORTING this new article after Article 4 (Point 7 of the Conclusion). However, we are amenable to changing this to a more appropriate wordings that would take into consideration the equitable basis of</p>

*violence and harassment in order to facilitate the prevention of such behaviours, and that all actors in the world of work must refrain from, prevent and address violence and harassment....”*

In this regard, the new Article could result in the instrument overly and inequitably expanding the obligations of individual workers to prevent and address violence and harassment. Further, the preventive measures necessary at the level of the enterprise under Article 9 do not lie within the competence of the individual worker. The new article is therefore an unhelpful contortion. Whilst employers, managers, co-workers or third parties can all be perpetrators or victims of violence and harassment, this does not suggest that all are exposed to violence and harassment on the same scale or in equal measures – nor that all have an equal, if different, responsibility for preventing violence and harassment. **Ultimately, the primary responsibility for creating a work environment where violence and harassment is prevented rests with employers.** It is for employers, in consultation with workers’ representatives, to put in place the necessary codes of conducts, risk assessments, practices, policies, procedures, training schemes, etc. to prevent and redress violence and harassment. Workers have a responsibility to cooperate and comply.

assigning roles and responsibilities to workers in the implementation of the program to address GBV at the workplace. The primary responsibility of providing a work environment free from violence and harassments should rest with the employer.

The ITUC recalls and concurs with the findings of the recent UK parliamentary inquiry into sexual harassment:

- Mandatory requirements, sanctions for breaches and proactive enforcement reflect the importance of an issue, its impact on society and how seriously employers are expected to take it.
- In the absence of comprehensive action by employers and of a stringent regulatory regime, the burden of tackling sexual harassment at work rests with individual workers.
- Employers must have greater and clearer responsibilities for protecting workers from sexual harassment.
- We support the recommendation of the Equality and Human Rights Commission that the Government should place a mandatory duty on employers to protect workers from harassment and victimisation in the workplace.

The same inquiry also concluded (with the support of the Confederation of British Industry) that it was necessary to place a clear

<p>duty on employers to protect workers from third-party harassment.</p> <p>Such an approach is by no means clear in the suggested new Article when read together with other provisions. Should it be deemed necessary for the sake of clarity and equity to introduce a new Article, the ITUC suggests that Article 8 of the Occupational Health Services Convention, 1985 (No. 161) be reproduced so that the new Article would read <i>“The employer, the workers and their representatives shall cooperate and participate in the implementation of the organisational and other measures relating to violence and harassment on an equitable basis.”</i></p>	
<p><b>Article 6 (Point 10 of the Conclusions)</b> Connection between inequality, discrimination and violence and harassment</p> <p>The Office proposal to replace “for all workers” with “in employment and occupation” is supported by the ITUC. The ITUC equally supports the proposal to delete the reference to “vulnerable groups”, for the reasons given by the Office.</p> <p>The discussion on point 10 of the Conclusions was extremely difficult, with the Worker’s Group expressing a strong preference to keep the list of categories of</p>	<p><b>Article 6 (Point 10 of the Conclusions)</b> Connection between inequality, discrimination and violence and harassment</p> <p>NTUC Philippines agree to the proposal of the Office to delete reference to “vulnerable groups” for the reasons provided. We are still reluctant to the compromise language “groups in situations of vulnerability” thus, we proposed to add the phrase “to discrimination and inequality” right after the phrase to make the intent clearer.</p> <p>We also agree to the Office proposal of changing “for all workers” with “in employment and occupation.”</p>

<p>workers. Extremely reluctantly, the Worker’s Group eventually agreed to the compromise language that appears in Article 6.</p> <p>The ITUC would suggest that the language could be further improved and the intent behind this Article made clearer by adding “to discrimination and inequality” immediately after “groups in situations of vulnerability”.</p>	
<p><b>Article 9 (Point 12 of the Conclusions)</b> Workplace policy</p> <p>The Office proposes to replace “a policy on all forms of violence and harassment” with “a workplace policy on violence and harassment”. This would be consistent, for example, with the approach in the HIV and AIDS Recommendation, 2010 (No. 200). Recommendation 200 uses the concept of the “world of work” throughout, but refers to “measures taken to implement workplace policies and programmes related to HIV and AIDS”. A similar approach can be found in the ILO’s Occupational Safety and Health instruments. The ITUC therefore supports the proposal.</p>	<p><b>Article 9 (Point 12 of the Conclusions)</b> Workplace policy</p> <p>NTUC Philippines also supports the proposal of the Office to replace “a policy on all forms of violence and harassment” with “a workplace policy on violence and harassment” which would narrow the policy formulation and implementation at the workplace level.</p>
<p><b>Article 10 (Point 13 of the Conclusions)</b> Privacy and confidentiality – new subparagraph (c)</p> <p>The ITUC agrees with the office</p>	<p><b>Article 10 (Point 13 of the Conclusions)</b> Privacy and confidentiality – new subparagraph (c)</p> <p>NTUC Philippines is apprehensive that</p>

<p>proposal to move this subparagraph from Article 8 (point 11 (c) of the Conclusions) to Article 10. We note the Office proposal to modify the text in order to clarify that privacy is to be respected in relation to “individuals”, while confidentiality may concern, for example, data, procedures or information. The ITUC is, however, concerned that the proposed modification does not go far enough.</p> <p>During the 2018 discussion, the Workers’ Group expressed concern that measures to protect privacy and confidentiality should not amount to the misuse of “gagging” clauses or non-disclosure agreements, as this can have a chilling effect on reporting and addressing violence and harassment. In other words, such measures should not be used for the purpose of silencing victims of violence and harassment and preventing cases being brought into the public eye for fear of bad publicity. The ITUC would suggest adding a new sub-point to this effect under Article 10(b) or adding a new subparagraph (c).</p>	<p>the issue of Privacy and Confidentiality in relation to “individuals” may be used as an excuse in order to silence victims to prevent cases to be brought into public or making a non-disclosure agreements for fear of bad company publicity. We believe otherwise – that making these issues public would result in a more wholesome image for the Company that will show to the public their efforts in providing a productive work environment free from violence and harassment.</p> <p>The Philippines have already existing laws on Anti-Sexual Harassment Law, Anti-VAWC (Anti-Violence Against Women and Children), and Anti-Rape Law which provides for filing of administrative and criminal cases against the offending party or the employer and their management representatives.</p>
<p><b>Article 11 (Point 14 of the Conclusions)</b></p> <p>The ITUC supports the modification made by the Office. The ITUC suggests that language should be added to Article 11 (b), or as a new Article 11 (c), to include guidance, resources, training, etc., <i>specifically on gender based violence and harassment</i>. This</p>	<p><b>Article 11 (Point 14 of the Conclusions)</b></p> <p>TUCP/NTUC supports the inclusion of the phrase “specifically on gender based violence and harassment” after Article 11 (b) to include guidance, resources, training, etc. Such inclusion would assure that the necessary orientation is provided on how to effectively obtain justice for</p>

<p>would better align the text with Article 10 (e), which recognises the need for “effective access to gender-responsive [...] dispute resolution mechanisms support, services and remedies”. A lack of such targeted training, etc., can be a significant barrier to obtaining remedy for gender-based violence. It would also align with the relevant provisions in paragraph 22 of the Recommendation (e.g., 22(b)).</p>	<p>gender=based violence.</p>
<p><b>PROPOSED RECOMMENDATION</b></p> <p>The Office has mainly made minor changes throughout the text of the proposed Recommendation, with some drafting changes aimed at ensuring coherence and consistency with the proposed Convention.</p> <p><b>Paragraph 4 (Point 17 of the Conclusions)</b> The ITUC supports the change from “encourage” to “promote”. The ITUC concurs with the explanation given by the Office with reference to “collective bargaining at all levels”.</p>	<p><b>PROPOSED RECOMMENDATION</b></p> <p><b>Paragraph 4 (Point 17 of the Conclusions)</b> We support the change from “encourage” to “promote”</p>
<p><b>Paragraph 5 (Point 20 of the Conclusions)</b> The ITUC could support moving this paragraph to sit within the section dealing with “Protection and prevention”.</p>	<p><b>Paragraph 5 (Point 20 of the Conclusions)</b> This should be included in the section dealing with Protection and Prevention</p>
<p><b>Paragraph 9 (Point 24 of the</b></p>	<p><b>Paragraph 9 (Point 24 of the Conclusions)</b></p>

<p><b>Conclusions)</b> The ITUC welcomes the division into subparagraphs (a) and (b), as this improves both readability and comprehensibility. The ITUC strongly supports the language in paragraph 9 in its entirety.</p>	<p>NTUC fully agrees with the entire paragraph 9 of the Conclusion.</p>
<p><b>Paragraph 11 (Point 37 of the Conclusions)</b> The ITUC strongly agrees with the Office proposal to place this paragraph under “Protection and prevention”.</p>	<p><b>Paragraph 11 (Point 37 of the Conclusions)</b> NTUC supports the proposal of the Office to place this paragraph under “Protection and Prevention”</p>
<p><b>Paragraph 12 (Point 26 of the Conclusions)</b> The ITUC strongly supports the suggestion from the Office to restore the original meaning of point 26 by deleting the list of groups and agrees with the explanation provided by the Office. Point 26 contained provisions aimed at ensuring that specific measures to prevent violence and harassment in sectors, occupations and work arrangements where there is a greater risk do not further penalise or stigmatise groups that are already disproportionately affected by discrimination and inequality (for example, by prohibiting women from working at night, or by further excluding women from already male-dominated sectors). Adding the list to the end of point 26 renders the text incoherent. The ITUC agrees with the view that “a provision that focuses on avoiding the unintended</p>	<p><b>Paragraph 12 (Point 26 of the Conclusions)</b> We support the Office proposal to restore the original meaning of point 26 which contained provisions that take cognizance of the fact that some sectors, occupations and work arrangements have greater risk to violence and harassment aside from the fact that they are already stigmatise and disproportionately affected by discrimination and inequality (LGBT). These are realities that should be acknowledged and discussed openly .... SO THAT SOMETHING COULD BE DONE TO ADDRESS THIS ISSUE.</p>

consequences of excluding such groups from the labour market is essential to addressing violence and harassment, and that the inclusion of subparagraphs (a) to (i) in point 26 changes this focus". Indeed, the ITUC considers this issue sufficiently critical to warrant inclusion within the text of the Convention – for example, by including it immediately after Article 6.

As concerns a specific new provision of the Recommendation aimed at supplementing Article 6 of the proposed Convention, the ITUC is mindful that re-opening the discussion on the list could again risk polarising the discussion. Prior to and during the 2108 discussion, the ITUC and the Workers' Group have expressed their strong support for an indicative and non-exhaustive list that would explicitly recognise that certain factors or characteristics can lead to heightened risk of – or exposure to – violence and harassment. The Workers' Group was highly disappointed and disheartened that controversy arose over the inclusion of LGBT workers in this list. Indeed this controversy seriously disrupted the work of the Committee. LGBTI+ workers rank amongst the most discriminated and amongst the most exposed to bullying, assault and other forms of violence and harassment. They count amongst workers most in need of protection from and remedy against violence and harassment.

<p>The ITUC is therefore not prepared to countenance a list, albeit non-exhaustive, which would not include LGBTI+ workers.</p> <p>Extremely reluctantly, the Workers' Group agreed to work towards compromise language that would not list specific categories of workers but would nonetheless go to the crux of the matter, by acknowledging that some groups of workers are disproportionately affected by inequality, discrimination and violence and harassment.</p> <p>The ITUC considers that the crucial issue is to ensure that the instruments cover all workers, without distinction or discrimination, and the instruments recognise that particular efforts may be needed in the case of certain groups disproportionately affected by violence and harassment due to prevailing inequality and discriminatory attitudes. The ITUC does not consider that attempts to reinsert a list would be helpful</p>	
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Mindful of the fact that consultations with workers' organisations may not always take place, trade unions are hereby urged also to submit their comments by the deadline, directly by email, to [VIOLENCEHARASSMENT@ilo.org](mailto:VIOLENCEHARASSMENT@ilo.org), with copy to [equality@ituc-csi.org](mailto:equality@ituc-csi.org) and [genevaoffice@ituc-csi.org](mailto:genevaoffice@ituc-csi.org). The comments received will be reflected in the fourth and final report, which will be prepared by the Office for the consideration of the Conference at its 108th Session (June 2019).

# ITUC CAMPAIGN TOOLKIT

UPDATED VERSION - APRIL 2018

SUPPORT AN ILO CONVENTION  
**STOP**  
GENDER-BASED  
VIOLENCE  
AT WORK!

**STOP VIOLENCE AND HARASSMENT IN THE WORLD OF WORK  
SUPPORT AN ILO CONVENTION AND RECOMMENDATION**

**This campaign toolkit aims to support unions and their allies in the following:**

- Understanding the ILO process;
- Lobbying governments and employers to support the adoption of a comprehensive ILO Convention and Recommendation on violence and harassment in the world of work;
- Developing key actions in campaigning for an ILO Convention; and
- Building a broad cross-movement alliance to eradicate gender-based violence from the world of work.

**For campaign information and updates:**

- Visit the ITUC campaign page and Facebook page – see our 23 days of action in 2018.
- Sign up to our email list (on the ITUC campaign webpage or contact us).
- Share your campaign updates with us: stories, materials, events and photographs.
- Contact us to share information and to sign up to the email list: [equality@ituc-ct.org](mailto:equality@ituc-ct.org).

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# 1. WHY THIS CAMPAIGN

There can be no decent work with violence at work.

"All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". ILO Declaration of Philadelphia, 1944.



Whilst both women and men experience violence and harassment in the world of work, unequal status and power relations in society and at work often result in women being far more exposed to violence and harassment. Gender-based violence remains one of the most tolerated violations of workers' human rights. According to statistics, 35 per cent of women – 818 million women globally – over the age of 15 have experienced sexual or physical violence at home, in their communities or in the workplace.

BOX 1

## GENDER-BASED VIOLENCE AND VIOLENCE AGAINST WOMEN

Violence against women is defined by the UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly on 20 December 1993, as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".

Gender-based violence (GBV) is violence that is directed against an individual or group of individuals based on their gender identity. GBV encompasses violence against women and girls as well as against men and boys, people who are lesbian, gay, bisexual, transgender and intersex (LGBTI), and other individuals who do not conform to dominant perceptions of gender.

Yet there is still no law at the international level that sets a baseline for taking action to eradicate violence and harassment, including gender-based violence and harassment, in the world of work.

The International Labour Organization (ILO) is working towards such a law, through what is known as a "standard-setting" process. The eventual standard(s) adopted by the ILO may be a **binding instrument**, known as a **Convention**; **non-binding guidance**, known as a **Recommendation**; or a **Convention accompanied by a Recommendation**.

<sup>1</sup> The only tripartite UN agency which brings together governments, employers and trade unions to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

## WHAT WORKERS WANT:

BOX 2

### A SET OF ILO INSTRUMENTS WHICH COVER THE FOLLOWING:

- A broad definition of violence and harassment in the world of work in its diverse and multiple forms, including: physical abuse and assault; sexual violence, including rape and sexual assault; verbal abuse; bullying; psychological abuse and intimidation; sexual harassment; and threats of violence and stalking;
- A strong focus on gender-based violence and harassment in the world of work;
- Provisions to prevent violence and harassment in the world of work;
- Measures to protect and support workers affected by violence and harassment in the world of work, without discrimination as to race, ethnicity, language, religion, political or other opinion, gender identity, sexual orientation, HIV/AIDS status, migrant or refugee status, age or disability, or place of work – whether in the formal or informal economy;
- A description of the workers disproportionately affected by violence and harassment in the world of work such as women, LGBTI workers, indigenous workers, migrant workers, racialised workers, workers living with HIV/AIDS and disabilities, workers in the informal economy and people trapped in forced and child labour;
- Inclusion of jobseekers and applicants, volunteers, laid-off and suspended workers, interns and apprentices;
- Measures to address the impact of domestic violence in the world of work;
- A broad definition of the "world of work", which could include, for example, public and private spaces where they are a place of work; the commute to and from work; and work-related travel, training or social events;
- Provision of various employment and social security rights for complainants, including the right to reduce or reorganise working hours; and
- Specific provision for the appropriate and sensitive treatment of complainants of violence and harassment, including protection from reprisals or penalties for making the complaint.



**THE DIFFERENCE BETWEEN AN ILO CONVENTION AND RECOMMENDATION**

A Convention is a legally binding international treaty. When ILO member states ratify a Convention:

- » they commit themselves to applying the Convention in national law and practice and reporting its application at regular intervals;
- » in addition, complaints can be made against countries for violations of a Convention they have ratified, through the ILO's supervisory procedures.

A Recommendation is a non-binding guideline which either:

- » supplements a Convention by providing more detailed guidelines on how it could be applied; or
- » stands on its own (i.e. not linked to any Convention).

A Convention accompanied by a Recommendation form a strong set of international instruments.

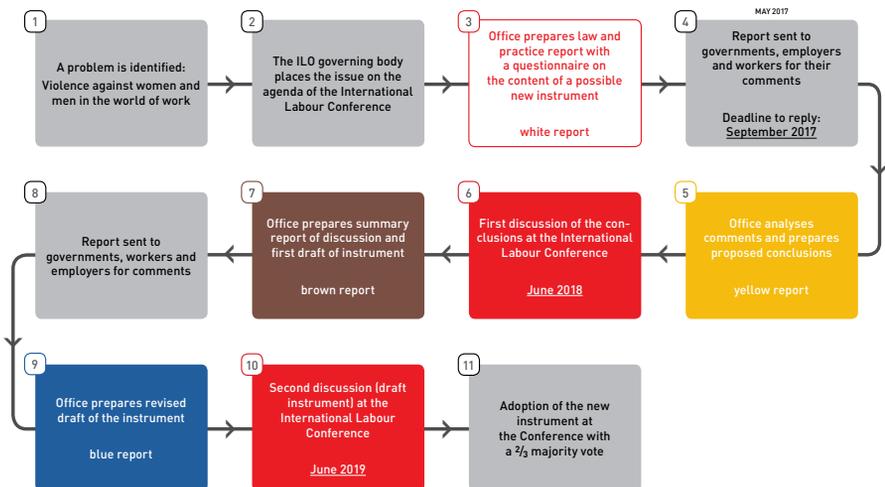
Conventions and Recommendations are negotiated by representatives of governments, employers and workers and are adopted at the ILO's annual International Labour Conference.

Once a standard is adopted, member States are required under the ILO Constitution to submit them to their competent authority (normally the parliament) for consideration. In the case of Conventions, this means consideration for ratification. If it is ratified, a Convention generally comes into force for that country one year after the date of ratification.

1. build critical support for the adoption of an **ILO Convention, accompanied by a Recommendation**, on violence and harassment in the world of work, with a strong focus on the gender dimension of violence; and
2. mobilise and strengthen trade union action in eradicating gender based-violence from the world of work.

Trade unions have been lobbying for an ILO Convention on gender-based violence for many years. At the end of 2015, the ILO announced the launch of a standard-setting process on violence against women and men in the world of work. A first discussion will take place at the 107th Session of the ILO Conference in June 2018. In preparation of the discussion, the ILO held a [Meeting of Experts on violence against women and men in the world of work](#).

## 2. ILO STANDARD-SETTING PROCESS EXPLAINED



# 3. WHAT HAPPENS NOW?

In March 2018 the ILO published the [yellow report](#) (see ILO standard-setting process explained). The yellow report will form the basis for the **first discussion at the International Labour Conference (ILC) in June 2018**. It contains a summary and analysis of the responses to the [ILO questionnaire](#) issued to governments in 2017, as well as the **draft instruments**, also known as the **Proposed Conclusions**, prepared on the basis of responses to the questionnaire.

The proposed conclusions are in the form of a draft Convention and Recommendation (see [box 3](#), Chapter 1). But governments – and employers – still need to be convinced that the ILC should negotiate and adopt a Convention and Recommendation. Some governments – and many employers – still believe that a stand-alone Recommendation will be sufficient.

**The challenge to ILO constituents is to seize the moment. We cannot simply recommend or advise governments, employers and trade unions to act to stop gender-based violence. To tackle this issue with the seriousness and urgency needed, to break the cycle of violence and silence, we need the rule of law. In ILO terms this means a Convention, backed up by a Recommendation.**

The 107th session of the ILO Conference will be held from 28 May to 8 June in Geneva (See [advance information](#)).

## WE NEED TO ACT NOW

### Within your union

- » Continue with your activities to lobby and campaign for an ILO Convention, supplemented by a Recommendation).
- » Get familiar with the [yellow report](#).
- » Include experts on violence and harassment in the world of work among the trade union delegates who will attend at the ILO Conference in June 2018.
- » Keep informed by visiting the [ITUC campaign webpages](#).
- » Sign up to the campaign and share information about your lobby and campaign work by sending an email to [equality@ituc-csi.org](mailto:equality@ituc-csi.org), or post it on the campaign [Facebook page](#).
- » Hold sessions with your members about the efforts at the ILO to achieve international labour standards to address violence and harassment.
- » Explain to your members how these ILO standards could help them in their work to organise around this issue.
- » Ensure that your union has also taken/is taking measures to address violence and harassment, with a focus on the gender dimension.
- » Continue to build support for an ILO Convention among women and men within your union and across unions. Ask potential allies to support your campaign. **If we are to win the ILO Convention we want, we must do this together!**

<sup>2</sup> In May 2017 the ILO sent out the law and practice report (white report), which contains a legal analysis of law and practice in 90 countries and a questionnaire seeking views on the content of a possible new instrument or instruments.

### With your government

- » Seek a meeting with relevant government representatives to discuss the government's position concerning the ILO instrument(s).
- » Find out whether your government will participate in the standard-setting committee at the ILC in June 2018.
- » Encourage your government to include experts on the issue in the **delegation**<sup>3</sup> to the ILC.
- » Find out the views of your government on the proposed conclusions in the yellow report, e.g.
  - o Is your government generally satisfied with the proposed conclusions?
  - o Are there particular aspects of the proposed conclusions that your government finds problematic – if so, what are those, and why?
  - o What aspects of the proposed conclusions does your government strongly support?
  - o What will be your government's approach to the standard-setting discussion?
- » Explain to your government why it is important to support an ILO Convention supplemented by a Recommendation, with a focus on gender-based violence:
  - o Use the tips presented in [section 2](#) of this toolkit.
  - o Present your own union experience of dealing with violence and harassment in the world of work and how an international binding standard would help address this issue.
  - o Visit the [ITUC GBV webpage](#) to see how unions and their allies are campaigning together.
  - o Be prepared – read the following ILO reports:
    - o the [yellow report and proposed conclusions](#)
    - o the [law and practice report \(white report\)](#)
    - o the [report of the ILO Tripartite Meeting of Experts](#). It contains valuable arguments as to why an international instrument(s) is needed and what such an instrument(s) could cover.

### With your employer

- » Find out (e.g., through your employer or by contacting them directly) whether your national employers' federation supports an ILO Convention and Recommendation on violence and harassment in the world of work.
- » Use the [ITUC flyer](#) to explain why it is in employers' interests to support such an instrument.
- » If your employer is supportive, publicise this fact.
- » If your national employers' federation supports a Convention, ask them to communicate their support to the International Organisation of Employers (IOE)<sup>4</sup>.

**PLEASE SHARE WITH US YOUR MATERIALS, TOOLS AND TIPS BY SENDING AN EMAIL TO:**

[equality@ituc-csi.org](mailto:equality@ituc-csi.org)



<sup>3</sup> Delegations to the International Labour Conferences must be tripartite (i.e., composed of representatives from government and from workers' and employers' organisations, able to act in full independence of each other). At a minimum, delegations must contain two government representatives, one workers' representative and one employer's representative.

<sup>4</sup> The IOE is the counterpart of the ITUC at the ILO: <http://www.ioe-emp.org/>.

## 4. THE CAMPAIGN IN BRIEF: TIMELINE AND ACTIONS

2017		2018	
ILO PROCESS	TRADE UNION ACTIONS	ILO PROCESS	TRADE UNION ACTIONS
<p><b>May</b></p> <p>» The ILO sent the <b>white report</b> with a <b>questionnaire</b> (see chapter 2 and 3) to governments, trade union national centres and employers' organisations to seek their views on the form and scope of the possible new instrument(s). The report contains a legal analysis of law and practice in 80 countries.</p> <p><b>October</b></p> <p>The ILO received responses to the questionnaire from 85 governments, 29 employers' organisations and 179 trade unions</p>	<p><b>Unions lobbied their governments</b> to respond to the ILO questionnaire and to <b>express their support for an ILO Convention, supplemented by a Recommendation.</b></p> <p>The ITUC provided <b>campaign tools and updates</b> (see resource pages) and <b>Global Union Federations (GUFs)</b> and other <b>allies</b> participated in the campaign.</p>	<p><b>7 March</b></p> <p>The ILO published the <b>yellow report</b>, based on the replies received to the ILO questionnaire. The report contains:</p> <p>» the Proposed Conclusions (i.e. a draft of an ILO Convention and a Recommendation) that will form the basis for the first discussion at the ILO Conference in June 2018;</p> <p>» a summary and analysis of the responses to the ILO questionnaire.</p> <p><b>28 May – 8 June</b></p> <p>» <b>First discussion at the 107th session of the ILO Conference in Geneva.</b></p> <p><b>After June</b></p> <p>The ILO prepares the <b>brown report</b> with a summary of the first discussion at the draft instrument(s). The report will be sent to governments, trade unions and employers asking for their amendments and/or comments.</p>	<p><b>Trade unions to continue with their lobby and advocacy campaigns and prepare for the first discussion at the International Labour Conference (ILC)</b></p> <p>Trade unions to convene follow-up meetings to discuss the outcomes of the first discussion at the ILC.</p> <p><b>Included in this Guide:</b></p> <p><b>Tips:</b> to contact and lobby your government and a <b>sample letter</b> to call for a meeting with your government.</p> <p><b>For campaign information and updates</b></p> <ul style="list-style-type: none"> <li>Check the <b>ITUC campaign page</b> and <b>Facebook page</b>.</li> <li>Sign up to our email list, and on the ITUC campaign webpage share your <b>campaign updates/materials</b> with us: <a href="mailto:equality@ituc-csi.org">equality@ituc-csi.org</a>.</li> <li>Share your campaign updates on <b>Facebook</b> or send it to <a href="mailto:equality@ituc-csi.org">equality@ituc-csi.org</a>.</li> </ul>

2019	
ILO PROCESS	TRADE UNION ACTIONS
<p><b>January – March</b></p> <p>» The ILO sends the <b>final blue report</b> with the text of the draft instrument(s) to the governments.</p> <p><b>June</b></p> <p>» <b>Second discussion of draft instrument(s) at the International Labour Conference.</b> A 2/3 majority vote is required to adopt the instrument(s) at the Conference.</p> <p><b>Note:</b> The ILC will celebrate the centenary of the ILO.</p> <p><b>AFTER THE ADOPTION OF THE ILO INSTRUMENT(S) AT THE ILC:</b></p> <p>If we are successful in achieving an ILO Convention, supplemented by a Recommendation, unions will need to campaign strongly for its ratification!<sup>5</sup></p>	<p>Trade unions to continue with their lobby and advocacy campaigns and prepare for the second discussion at the International Labour Conference (ILC).</p>



<sup>5</sup> For an impression of what Global and national lobby and advocacy campaigns around the ratification of a Convention can accomplish, have a look at the ITUC-CSIW-ILO **Domestic Workers Union** publication which captures activities around the globe aimed at the ratification of ILO Convention 188, labour law reforms and organising of domestic workers.

# 5. HOW TO CONTACT AND LOBBY YOUR GOVERNMENT

It is crucial that unions lobby their governments to support an ILO Convention and Recommendation on violence and harassment in the world of work.

## HERE ARE A NUMBER OF ACTIONS YOU COULD TAKE

1. Write a letter and request a meeting with the minister(s) in charge of women's issues/ equality/human and labour rights to discuss the ILO standard and why it is important for the government to respond to the questionnaire and support an ILO Convention. [See a sample letter](#) which you can send to your government.
2. Contact local politicians who support trade unions and/or women's issues and talk to them about violence and harassment in the world of work. Request they lobby within their political party to support an ILO Convention and Recommendation, which includes the key trade union demands (see [Box 2](#)).
3. Encourage union members to write to their local politicians with a standard letter calling on them to support an ILO Convention and Recommendation on violence and harassment in the world of work.
4. Present findings of violence and harassment in the world of work, with a particular focus on gender-based violence, to government members. See the [ITUC fact sheet](#) which includes statistics from other countries in your region and workers' testimonies.
5. When meeting your government or local representative(s), include in your delegation workers disproportionately affected by violence and harassment in the world of work (e.g., women workers, racialised workers, LGBTI workers, migrant workers, disabled workers, young workers, informal economy workers, workers in precarious/casual jobs).
6. Encourage supportive members of the parliament and the government to ask a question in parliament on violence and harassment in the world of work, focusing on the gender dimension of violence. Ask them to make a public statement in support of an ILO Convention and Recommendation.
7. Encourage union members to call into radio programmes and ask questions publically to local politicians who are unresponsive or non-committal to the support of ILO instruments.
8. Form alliances with civil society organisations that deal with gender-based violence and lobby the government together.

# 6. SAMPLE LETTER TO SEND YOUR GOVERNMENT

[DOWNLOAD SAMPLE LETTER AS A WORD DOCUMENT](#)

[Date]

[Minister of Labour/Women's Affairs]  
[Address]

Dear [Name of Minister],

On behalf of [name of your union], I am writing to express our support for an International Labour Organization (ILO) Convention on violence and harassment in the world of work. [Name of union or an alliance of unions and/or civil society organisations] urges the government of [name of country] to support a new ILO Convention on violence and harassment at the ILO Conference in June 2018.

There is a need for a specific international legal instrument focusing on violence and harassment, including gender-based violence (GBV), in the world of work, as no such instrument currently exists. Whilst some existing ILO instruments refer to violence and/or harassment, these instruments do not define what is understood by violence or harassment, do not provide guidance on how to address its various forms and do not cover all workers. The social media storm expressed through #MeToo, #TimesUp, #BalanceforPerc, #QuellesVieilles and others, as well as mainstream media coverage of cases of sexual harassment and violence in the world of work, shows how urgently these instruments are needed.

Two-thirds of women around the world experiencing intimate partner violence are in employment. This means that their path to escape most likely affects their work life. They plan, they find accommodation, they seek police assistance, they attend court dates, they arrange counselling and medical attention for their children – they do all this while trying to navigate work. Lack of economic independence can also keep women trapped in violent relationships.

We believe that [name of country] can play an important role in establishing a new set of ILO standards on violence and harassment in the world of work.

By supporting a new ILO Standard in the form of both a Convention and Recommendation, the government will be signalling zero tolerance for violence and harassment, as well as contributing to Goals 5 and 8 of the UN 2030 agenda on Sustainable Development – on gender equality and decent work respectively.

We welcome the opportunity to meet with you to discuss this matter further at a time of your convenience.

Sincerely,

# 7. KEY TALKING POINTS YOU CAN USE WHEN ENGAGING WITH GOVERNMENT REPRESENTATIVES AND/OR UNION MEMBERS

01. Gender-based violence includes, but is not limited to, physical/sexual harassment. It needs to be addressed on an international level to ensure minimum standards *for all*.

- » It is important that a definition of violence and harassment in the world of work include both physical and psychological harassment and have a strong focus on gender-based violence.
- » Unequal power relations and discriminatory behaviours and attitudes are often at the root of violence and harassment in the world of work. Women, racialised people, indigenous workers, migrant workers, LGBTI workers and young workers are often at higher risk.
- » Gendered violence is violence perpetrated against women because they are women. It also includes violence perpetuated against those who do not conform to dominant gender stereotypes and those who do not conform to socially accepted gender roles.
- » Examples of violence and harassment, which is very often gendered, include bullying and intimidation, psychological abuse, verbal abuse and threats of violence, stalking, coercion, economic and financial abuse, rude gestures, and put-downs.
- » Workers in low-paid, precarious, informal and unorganised jobs are at greater risk of experiencing violence and harassment in the world of work. Women are over-represented in these jobs.<sup>6</sup>
- » Addressing violence and harassment through an international standard is key to the objectives of achieving decent work for all (Goal 8 of the SDGs), and women's rights and equality in the workplace (Goal 5 of the SDGs).
- » The economic impacts of violence and harassment are worth millions of dollars. Creating a mechanism to help identify and prevent violence and harassment in the world of work will help reduce the economic impacts on workers and their families, on business and on the public purse.

<sup>6</sup> See for example the report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in the workplace: <http://freemassembly.net/reports/workers-rights/>  
7 2030 Agenda on Sustainable Development: <http://www.un.org/sustainabledevelopment/development-agenda/>

02. The world of work is an important environment to address violence and harassment – especially gender-based violence.

The term “world of work” should refer to all its aspects, including the following:

- » the physical workplace (including when home is the workplace);
- » commuting to and from work;
- » attending work-related training or social events;
- » technology that connects the actors of the world of work; and
- » the impacts of domestic violence in the world of work.

03. Only an ILO Convention and Recommendation will adequately address the issue of violence and harassment in the world of work.

- » An ILO Convention will reinforce that violence and harassment, including gender-based violence, is not part of the job and is not acceptable in any circumstance.
- » It will create a consistent international approach to addressing violence and harassment in the world of work.
- » Only a few countries provide wide protection against violence and harassment in the world of work.
- » **Whilst some existing ILO instruments refer to violence and/or harassment, these instruments do not define what is understood by violence or harassment, do not provide guidance on how to address its various forms and do not cover all workers.**
- » An ILO Convention can address preventative measures in the workplace to reduce violence and harassment, including GBV.
- » An ILO Convention will help to improve health and safety at work and improve industrial relations.
- » A Recommendation attached to the Convention would give valuable guidance on the implementation of the Convention.
- » The world of work is an important point of intervention for dealing with violence and harassment.



## 8. TIPS FOR YOUR CAMPAIGN

Trade unions will need to work together, at the local, national, regional and global level, to secure new ILO instruments on violence and harassment in the world of work, with a particular focus on gender-based violence.

HERE ARE SOME TIPS AND SUGGESTIONS ON HOW UNIONS CAN CAMPAIGN EFFECTIVELY TO HELP ADVOCATE FOR THE NEW ILO STANDARDS.

- › **Spread the word!** Organise trade union meetings and events to inform and sensitise members, activists, organisers, members of collective bargaining teams, experts and activists on gender, migration, and youth and trade union decision makers within your union about the ILO discussion on the new standards.
- › Plan at or near work sites a lunch/meeting/morning tea where issues of violence and harassment in the world of work – with a focus on gender-based violence (GBV) – can be discussed and **agree on strategies for eliminating it in their workplace.**
- › Conduct a **survey** among union members to assess the nature and extent of GBV at your workplace.
- › **Collect and share stories from members around GBV**, anonymously if necessary. This will help to show why an ILO Convention is urgently needed.
- › **Create a petition calling for your government** to support an ILO Convention and Recommendation on violence and harassment in the world of work.
- › Ask **trade union leaders** to speak at key trade union events and in the media about the importance of eradicating GBV in the world of work and supporting an ILO Convention.
- › **Plan public events, public endorsements** of politicians, employers and trade union leaders.
- › Mobilise activists and members across unions to take action to demand government support for an ILO Convention and Recommendation, especially around the following **global days of action:**

1 May 2018	May Day
7 October 2018	World Day for Decent Work
25 November 2018	UN Day for the Elimination of Violence against Women
25 November – 10 December 2018	16 Days of Activism against Gender-Based Violence

Check the [ITUC campaign page](#) and [Facebook page](#) for updates or contact [equality@ituc-csi.org](mailto:equality@ituc-csi.org).

- › Create an online platform on social media or an email network to post and **circulate campaign updates and materials.**
- › Organise a **photoshoot** with trade union members, activists, leaders and allies showing their support for an ILO Convention and share it on social media.

## 9. BUILDING A CROSS MOVEMENT ALLIANCE TO ERADICATE GENDER-BASED VIOLENCE FROM THE WORLD OF WORK

Rallying support for an ILO Convention and Recommendation is a great opportunity to heighten awareness on gender-based violence, expose its harmful impacts, collectively empower women workers and end tolerance of gender-based violence in the world of work. Working together, unions, feminist movements, LGBTI organisations, labour support organisations, migrants associations, human rights organisations and other civil society allies can be a powerful force against gender-based violence in the world of work.

- › **Invite feminist** and other civil society allies to a briefing session; discuss each other's role(s) in building and strengthening the campaign and setting-up a national campaign alliance.
- › “Deep dive” into the systemic and structural causes of gender-based violence.
- › Organise **joint actions** like a march to the parliament, a workers’ hearing on the impacts of gender-based violence in the world of work, a public debate, an artistic/cultural event: e.g., street theatre, murals with messages and poems.
- › Develop **common messages** for (social) media to sensitise and engage a wide audience (see the social media infographics on the [23 days](#) webpage).



# 10. RESOURCES

## ITUC

- Webpage: <https://www.ituc-csi.org/gender-based-violence>
- 23 days of action in 2018: <https://www.ituc-csi.org/23days>
- Share your reports, events, updates and materials here: <http://polls.ituc-csi.org/index.php/2199167ang-en> or write to [equality@ituc-csi.org](mailto:equality@ituc-csi.org)
- Facebook page: <https://www.facebook.com/StopGBVatWork>
- ITUC Report - Gender (in)equality in the labour market - Part II: Who Bears the Costs? Domestic and workplace violence costs the economy millions of dollars in health care, court cases, lost wages, and sick pay. <https://www.ituc-csi.org/ituc-report-gender-in-equality-in>
- Equal Times articles on violence against women: <https://www.equaltimes.org/violence-against-women-2747>

## GLOBAL UNION FEDERATIONS

- Building and Wood Workers' International (BWI) <https://www.bwint.org/cms/interviews-324/making-a-difference-241/power-to-the-women-stop-gender-based-violence-971>
- Education International (EI) <https://e-ie.org/en/detail/15546/one-story-at-a-time-violence-against-women-is-thrust-into-the-spotlight>
- IndustriALL <http://www.industriall-union.org/why-unions-must-act-on-violence-and-harassment-against-women>
- International Domestic Workers Federation (IDWF) <http://idwfed.org/en/campaigns/stop-gender-based-violence-support-ilo-convention>
- International Federation of Journalists (IFJ) [https://www.ifj-stop-gender-based-violence.org/Campaign\\_documents](https://www.ifj-stop-gender-based-violence.org/Campaign_documents)
- International Transport Workers' Federation (ITF) <http://www.itfglobal.org/en/campaigns-solidarity/campaigns/end-violence-against-women-un-day-2017/>  
[Blog](#)  
[Toolkit](#)
- The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) <http://www.iuf.org/w/?q=node/6064>  
[IUF agreement with Chiquita](#)  
[IUF and IndustriALL agreement with Unilever](#)  
[IUF agreement with Sodexo](#)
- Public Services International (PSI) <http://www.world-psi.org/en/issue/vaw>
- UNI Global Union <http://en.breakingthecircle.org/Toolkit>
- European Trade Union Confederation (ETUC) <https://www.ituc-csi.org/safe-at-home-safe-at-work-trade>

## ILO

- Yellow report - Ending violence and harassment in the world of work – Report V(2): [http://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_619730/lang-en/index.htm](http://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_619730/lang-en/index.htm)
- White report - Ending violence and harassment against women and men in the world of work – Report VI(1): [http://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_553577/lang-en/index.htm](http://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_553577/lang-en/index.htm)
- Meeting of Experts on Violence against Women and Men in the World of Work – Final report: [http://www.ilo.org/gender/informationresources/Publications/WCMS\\_546303/lang-en/index.htm](http://www.ilo.org/gender/informationresources/Publications/WCMS_546303/lang-en/index.htm)
- Violence and Harassment against Women and Men in the World of Work-Trade Union Perspective and Action - ILO/ACTRAV report: [http://www.ilo.org/actrav/info/pubs/WCMS\\_546645/lang-en/index.htm](http://www.ilo.org/actrav/info/pubs/WCMS_546645/lang-en/index.htm)
- Gender-based violence in global supply chains: Resource Kit – ILO/FPW Resource kit: <https://gbv.itcilo.org/>
- Violence and Harassment in the Workplace – Podcast: [http://www.ilo.org/global/about-the-ilo/multimedia/audio/WCMS\\_603281/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/multimedia/audio/WCMS_603281/lang-en/index.htm)

## OTHER RESOURCES

- The ILO's Decent Work objectives <http://www.ilo.org/global/topics/decent-work/lang-en/index.htm>
- The **2030 Agenda** (Sustainable Development Goals), which calls for the achievement of full and productive employment and decent work for all women and men and the reduction of inequalities and the elimination of "all forms of violence against all women and girls in the public and private spheres" (Target 8.5, Goal 10 and Target 5.2) "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation." <http://www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality#sthash.gBRdGIET.dpuf>
- **Agreed Conclusions of the United Nations Commission on the Status of Women (UNCSW)** including:
  - 11. The agreed conclusions of the 61st session of the UNSCW (2017): "Enact or strengthen and enforce laws and policies to eliminate all forms of violence and harassment against women of all ages in the world of work, in public and private spheres, and provide means of effective redress in cases of non-compliance; ensure safety for women in the workplace; address the multiple consequences of violence and harassment, considering that violence against women and girls is an obstacle to gender equality and women's economic empowerment; encourage awareness-raising activities, including through publicizing the societal and economic costs of such violence; and develop measures to promote re-entry of victims and survivors of violence into the labour market" – (g) <http://undocs.org/E/CN.6/2017/L.5>
  - 12. The agreed conclusions of the 57th session of the UNSCW (2013) call on governments to: "take measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment and bullying, and that they address discrimination and violence against women and girls, as appropriate, through measures such as regulatory and oversight frameworks and reforms, collective agreements, codes of conduct, including appropriate disciplinary measures, protocols and procedures, referral of cases of violence to health services for treatment and police for investigation; as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including workplace services and flexibility for victims and survivors" – (yy) [http://www.un.org/womenwatch/daw/csw/csw57/RCWSW7\\_Agreed\\_Conclusions\\_\(CSW\\_report\\_excerpt\).pdf](http://www.un.org/womenwatch/daw/csw/csw57/RCWSW7_Agreed_Conclusions_(CSW_report_excerpt).pdf)
- The second report of the **UN Secretary General's High Level Panel on Women's Economic Empowerment** explicitly recommends support for international labour standards on violence and harassment against women and men in the world of work: <http://www.womenseconomicempowerment.org/reports/>



## Stop gender-based violence in the world of work – Support an ILO Convention



Newsletter 3 - August 2018

\*ILO brown report published\*

The ILO has just published the so-called [brown report](#). The report contains the first draft text of a proposed Convention and Recommendation and includes proposals from the ILO Office (office commentary) for adjustments to the [Conclusions](#) that were adopted in June 2018. Governments are asked to inform the ILO by **8 November** whether they have any amendments to suggest or comments to make, after consulting the most representative organisations of employers and workers. Governments are also asked to state whether they consider that the proposed texts provide a satisfactory basis for the second discussion in 2019.

Trade unions should also prepare and send their responses to the brown report. Please read the report carefully and lobby your government for a strong and inclusive ILO Convention, supplemented by a Recommendation. **Watch out for the ITUC's lobbying brief on the brown report, to be published shortly.** For more information about the ILO standard setting process, check out the ITUC's [Campaign toolkit](#) or contact us: [equality@ituc-csi.org](mailto:equality@ituc-csi.org)

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### International Labour Conference - 2018 discussion

- [The first standard setting discussion on violence and harassment in the world of work](#) delivered a majority support among governments for an ILO Convention, supplemented by a Recommendation. To maintain this support at the International Labour Conference in 2019, your continued lobbying and [campaigning](#) is vital!
- [Resolution and Conclusions adopted by the 2018 International Labour Conference](#)
- [Report of the first discussion - 'Summary of proceedings'](#) - includes the opening statements, the general discussion and considerations to the [Proposed Conclusions](#) of governments, employers and workers and [the adopted Resolution and proposed Conclusions at the ILC](#)
- 'World parliament of labour heads for ground-breaking new standards on violence at work and supports renewed push for gender equality.' [ILC Press release](#) and 'International Labour Conference opens with call to address workplace violence and harassment' [ILC Video](#) and [photo gallery](#)
- Media coverage of the first discussion from around the Globe including from [Japan](#), [Nigeria](#), [UK](#) to [Trinidad & Tabago](#) and [Switzerland](#)

Outcome of first discussion at the ILO Conference (ILC) 2018

Report of the Committee

ILC (social) media coverage

Employer  
reaction

### Employers:

- 📌 **B Team** Public letter to the ILO in support of an ILO Convention – Business leaders invited to join the B Team Leaders in expressing support for an ILO standard >> [Read more](#)
- 📌 “Smoke and mirrors” campaign by employers’ group gives misleading impression of outcomes of 2018 discussion >> [Read more here](#) and [here](#) (in English)

### Campaign Agenda 2018

- 📌 **September:** the ‘solidarity through diversity’ campaign aims to give voice and visibility to workers who may be more at risk of experiencing violence and harassment because of discriminatory attitudes towards personal characteristics or identities – for example, women workers, racialised workers, disabled workers, workers from indigenous peoples, workers from LGBTI+ communities, pregnant workers and young or older workers. Please join the campaign. More information about this campaign including social media tools with key messages from the workers will be available in September on the ITUC [campaign webpage](#).
- 📌 **7 October:** World Day for Decent work and **25 November – 10 December:** 16 Days of activism/ from 25 November: International Day for the Elimination of Violence against Women, to 10 December, International Human Rights Day.

### Campaign updates from the Unions

- 📌 **US/ Solidarity Center:** ‘Workers, unions and activists are meeting in Geneva to push for strong global protections against gender-based violence at work’ >> [Read More](#) (in English), **US/ AFL-CIO:** ‘From #MeToo to a global Convention on sexual harassment at work’ >> [Read more](#)
- 📌 **US/ Solidarity Center, AFL-CIO:** ‘Not part of the job! Video explores gender-based violence’ >> [Watch here](#) (in English)
- 📌 **France/ CGT :** ‘Lutte contre les violences sexuelles et sexistes au ministère du travail : où en sommes-nous ? >> [Read more](#); ‘En direct de de l’OIT bataille pour une Convention contre les violences sexistes et sexuelles’ >> [Read more](#); ‘Une première étape pour gagner une convention contre les violences at le harcèlement’ >> [Read more](#) (en français)
- 📌 **US/ AFL-CIO:** UNITE HERE Calls on Marriott to Use Its Clout to Combat Sexual Harassment in Global Hospitality Industry >> [Read more](#) (in English - picture: [Unite Here](#))
- 📌 **Finland/Finish Trade Union Confederations:** ‘A new international Convention on violence and harassment will be an important measure to finally develop legislation to protect workers from violence and harassment and to promote gender equality in the world of work’ >> [Read more](#) (in English)
- 📌 **Germany/ DGB:** ‘Gewalt und sexuelle Belästigung am Arbeitsplatz Thema bei der UNO’ >> [Read more](#) (auf Deutsch)



Solidarity  
through  
diversity  
campaign

More  
campaign key  
dates



- New Zealand/ NZCTU:** 'Victims' protection law shows the difference this government can make for women' >> [Read More](#); 'A huge win: New Zealand brings in paid domestic violence leave' >> [Read more](#) (in English)



CS, Panama

Rengo, Japan

- Australia/ ACTU:** 'Sexual harassment inquiry to shed light on broken workplace rules' >> [Read more](#)
- Canada/ CUPE:** 'A significant first step towards the right direction' >> [Read more](#) (in English)
- ITUC/ International Youth Day:** 'Young workers are speaking out against **violence and harassment** in the world of work and beyond. We raise our voices in unity and solidarity with older workers, women, migrant, LGBTI+, disabled, indigenous, racialised and marginalised workers, who are often exposed to the worst forms of discrimination, violence and harassment. When we find solutions for the most exposed, we find solutions for the majority'. >> [Read more](#) (ENG, ESP, FR)
- TUCA – CSA:** La CSA y su Comité de Mujeres (CMTA) en la CIT 2018 >> [Read more](#)
- Public Services International:** Committee on violence and harassment >> [Read more](#) (in English)
- Barbados/ PSI:** Pilot study on gender-based violence in the Public Sector >> [Read more](#) (in English)
- PSI/ International Youth Day:** 'The vulnerability of young workers and especially young women is exacerbated by the increasing number of precarious contracts, pushing them into accepting intimidation, bullying and harassment at the workplace in order to keep their jobs and have a chance at building a career' >> [Read more](#) (ENG, ESP, FR)
- International Domestic Workers Federation:** ILC delegates agreed the future instrument should be a Convention, supplemented by a Recommendation >> [Read more](#) (in English)



ZCTU, Zambia

Sadsawu, South Africa

### Campaign updates from Allies

- 📢 **Human Rights Watch:** 'International effort to end 'Me Too' abuses' >> [Read more](#) 'Ending violence and harassment at work: the Case for Global Standards' >> [Read more](#) (in English)
- 📢 **International Labor Rights Forum (ILRF):** 'Time for Change, advancing legal protections on gender-based violence at work' >> [Read more](#); 'Stopping Violence at Work: A Victory, and a Call to Action' >> [Read more](#) (both in English)
- 📢 **National Women's Law Center:** Gender Based Violence is a Global Problem & We Need International Tools to Fight Back >> [Read more](#) (in English)
- 📢 **FEMNET:** STOP Violence at Work. Fullstop. >> [Read more](#)
- 📢 **Global Labour Justice:** Gender based violence in garment supply chains: [H&M](#) and [GAP](#) and related: The Guardian: Abuse is daily reality for female garment workers for Gap and H&M, says report >> [Read more](#) (in English); Big brands: the missing voice in the fight to end gender-based violence at work >> [Read more](#) (in English)

### In the News

- 📢 **UK/Independent:** Women's and Equalities Committee calls for legal duty on employers to prevent and protect workers from sexual harassment and victimisation >> [Read more](#) (in English)
- 📢 **UK/The Guardian:** The fight for trans equality must be recognised as a class struggle >> [Read more](#) (in English)
- 📢 **France/L'express :** Harceleur sexuel, le patron d'une salariée handicapée condamné >> [Read more](#) (en français)
- 📢 **Spain/El País:** Fresas sin explotación ni acoso sexual >> [Read more](#) (en español)
- 📢 **Chile/La Tercera:** 'La historia del primer acoso sexual sancionado en Chile' >> [Read more](#) (en español)
- 📢 **ABC Galicia:** «El acoso laboral también es violencia de género» >> [Read more](#) (en español)
- 📢 **France/Liberation:** Harcèlement sexuel : «Il est impossible pour moi de retourner travailler chez BNP Paribas» >> [Read more](#) ( en français)
- 📢 **European Parliament:** 'MEPs propose measures to combat mobbing and sexual harassment' >> [Read more](#) (in English, en français)
- 📢 **Canada/CNW:** Canadians invited to have their say on proposed regulations against harassment and violence in the workplace >> [Read more](#) (in English; français)
- 📢 **US/Chicago Sun-Times:** 'Hotel workers 'claim our space' as panic button ordinance takes effect' >> [Read more](#) (in English)
- 📢 **US/CNN:** 'The sexual harassment we don't talk about' >> [Read more](#) (in English)
- 📢 **US/The Nation:** What's next for #MeToo? >> [Read more](#) (in English)
- 📢 **Japan/Japan Times:** Taking workplace bullying in Japan by the horns with power harassment prevention education >> [Read more](#) (in English)



Connect and share

- Japan/Japan Times: **Companies across Japan take action to protect employees from unruly customers >> [Read more](#)** (in English)
- India/The Hindu: **Domestic violence, harassment at work top complaints before panel >> [Read more](#)** (in English)
- Mexico/La Jornada Aguascalientes: **Mobbing, crímenes en silencio >> [Read more](#)** (en español)

#### Join the Campaign

- Your support adds strength and visibility to the campaign. Please **share your campaign updates**, send to [equality@ituc-csi.org](mailto:equality@ituc-csi.org) or post on the campaign [Facebook page](#).
- Share campaign updates (and this newsletter) with your colleagues, allies and friends, invite them to **sign up to the campaign email list** (see box on the campaign webpage) and to **'like' the campaign Facebookpage**.



#### ITUC 's Global campaign:

Aims at securing the adoption of a Convention and Recommendation, with a strong focus on the gender dimension of violence and harassment in the world of work and eliminating gender based violence from our world of work.

- [ITUC campaign webpage](#)
- [Campaign toolkit](#)
- [Facebookpage](#)

Contact: [equality@ituc-csi.org](mailto:equality@ituc-csi.org)



# National Trade Union Campaign Towards the Adoption of an ILO Convention to Stop Gender-Based Violence at the Workplace (Part 1)– A Project Brief

Title of campaign: *National Trade Union Campaign Towards the Adoption of an ILO Convention to Stop Gender-Based Violence at the Workplace*  
*(In support of the ITUC 23 Days of Action)*

Program format: A joint-campaign by ITUC AP affiliates in the Philippines, i.e. Trade Union Congress of the Philippines (TUCP), Federation of Free Workers (FFW), and Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO).

Target dates: 14 February – 8 March 2018

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## 1. Background and Rationale



The ITUC noted that “gender-based violence remains one of the most tolerated violations of workers’ human rights.”

While both women and men experience violence and harassment in the world of work, unequal status and power relations in society and at work often result in women being far more exposed to violence and harassment. Report show that 35% of women - 818 million women globally - over the

age of 15 have experienced sexual or physical violence at home, in their communities or in the workplace (ITUC).

An ITUC-AP survey on domestic violence in the Philippines pointed out some painful facts: (i.) 75% of respondents reported that DV affected their work performance as they were unwell, distracted or injured as a result; (ii.) One in three respondents (34%) who had experienced domestic violence reported that their abuser was employed in the same workplace; (iii.) Nearly 74% of respondents who reported knowing someone at work who had experienced DV reported that their co-worker's DV experience affected them too – for example, through increased stress levels, increased workloads or tensions and conflict; and (iv.) One in ten (10%) of respondents indicated they had lost their job as a result of DV, while one in five (21%) experienced discrimination from the employer as a result of discussing their DV experience.

Concrete action and support, particularly from trade unions towards the adoption of an international instrument and local programs to address GBV is imperative. Philippine trade union action is urgently needed to convince government to reconsider its official position of adopting an ILO recommendation (non-binding), instead of convention which, when ratified, binds ratifying ILO member states to take action.

Furthermore, the Agenda 2030 challenges stakeholders, including organized labor to contribute to the achievement of the Sustainable Development Goals (SDGs). Goal 5 *Achieve Gender Equality and Empower all Women and Girls*, Goal 8 *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*, and Goal 16 *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels* are of specific trade union interest related to GBV as a workplace concern.

This proposal is in support of the **ITUC 23 Days of Action** and a direct response to ITUC-AP Resolution No. 2 *Stepping Up Joint Efforts to Curb Gender-Based Violence at the Workplace*, adopted at the 13<sup>th</sup> ITUC-AP Regional General Council in Singapore on 24 - 25 October 2015 which calls affiliates to: (1.) deepen the understanding of GBV, contribute to the international knowledge base and support evidence-informed union work on this issue...; (2.) continue to push the GBV agenda at the forefront of debates with employers and governments at various levels; (3.) continue to build and share knowledge and best practices; raise awareness among workers, employers and communities; collaborate on prevention and joint work to stop GBV at work and assist victims; (4.) intensify actions at every level to get more men involved as partners and advocates in advancing gender equality and GBV prevention and sustain dialogues within our own organisations and between men and women on these issues; and (5.) demonstrate and translate sustained leadership, commitment and support for gender equality, women’s empowerment and leadership into tangible concrete actions and resources to carry out this work.

## 2. Objectives

This campaign hopes to contribute to the achievement of decent work and the sustainable Development Goals (SDGs), including gender equality, non-discrimination, and elimination of GBV at the workplace in the Philippines.

Consistent with the ITUC campaign objectives, this national campaign will: (a.) build convergence among ITUC affiliates in the Philippines (and their designated focal points) to be at the forefront in the campaign towards the adoption of an ILO Convention, accompanied by a Recommendation on “Violence and Harassment against women and men in the world of work”, with strong focus on the gender dimensions of violence; (b.)

engage government and employers in social dialogue to support the campaign and explore cooperation programs and activities to mitigate incidence of GBV at the workplace and elsewhere; and (c.) mobilise and strengthen enterprise-based unions in eradicating gender based-violence from the world of work.

### 3. *Components of the Campaign*

Using the ITUC “**Stop GVB at Work; Support and ILO Convention**” Tool Kit, this proposed campaign will have the following components:

- a) ***Lobbying for government (executive and legislative branch) and employers’ organization to support*** an ILO Convention and Recommendation on violence and harassment against women and men in the world of work.

Affiliates will send letters and request for meetings with the (i.) Secretary of the Department of Labor and Employment (DOLE), (ii.) Speaker and Women and Gender Equality Committee Chair of the House of Representatives, (iii.) President and Committee on Women Chair of the Senate of the Philippines, (iii.) Employers Confederation of the Philippines (ECOP); and (iv.) other key holders to present studies and survey results and discuss the ILO standard and why it is important for the government to support an ILO Convention.

Local union leaders will also be encouraged to write their local politicians to support the campaign

- b) ***Capacity-Building and Awareness-Raising.*** A one-day orientation and planning program for women trade union leaders and advocates will be held to build better appreciation and awareness

and to develop a short or medium-term **plan** leading to the adoption of an ILO Convention and Recommendation on violence and harassment against women and men in the world of work. A **core group** with representatives from the three ITUC AP affiliates will be established to serve as steering committee to implement the campaign.

- c) ***Enterprise-Based Campaign.*** Technical support from affiliates (in the form of resource speakers, materials, etc.) will be extended to enterprise-based unions for the implementation of their respective campaign plans. Affiliates (TUCP, FFW, SENTRO) will be responsible in monitoring the implementation of enterprise-level campaign plans. Focal points will submit update reports to the steering committee for documentation and reporting purposes.

#### 4. *Participants*

- 50 local union presidents, women, and union leaders from the three ITUC affiliates will participate in the one-day capacity building program.
- The Campaign Steering Committee will be composed of seven (7) members

## Conclusions and commitments from the ITUC Women's Organising Assembly, meeting in San José, Costa Rica, from 11-13 October 2017



The ITUC Women's Organising Assembly, meeting in San José Costa Rica, takes place at a crucial time for women workers, our families, our friends and our communities.

There is no region in the world that is not faced with a serious crisis in democracy and many of our countries are in violent conflict.

At this Assembly, ITUC women from more than 60 countries have been charting a path to **peace, freedom and democracy and the future of work we want.**

It starts with solidarity. It starts with equality. It starts with breaking the cycle of patriarchy and misogyny. And it starts with women rising to organise for peace, freedom and democracy.

The Assembly took inspiration from the words and actions of a 17-year-old student activist from Brazil and committed to **work in solidarity with our members, feminists organisations, student and youth groups, refugee and migrant communities, indigenous communities and all communities defending human rights**, to reclaim our democracy from the hands of greedy corporations and despot governments.

**We commit to action to strengthen our social movements.**

We have looked at the **future of work** we want.

Whatever challenges lie ahead, union organising must be at the heart of our response.

**We commit to organising for decent work, equal pay for work of equal value and an end to violence and harassment in the world of work.**

**We commit to recognising intersectionalities and organising for equality, equity and an end to discrimination on the basis of gender, race, LGBTI, age, disability and any other form of discrimination.**

**We commit to organising for leadership as well as for transformation. We will reinforce our efforts to achieve equal and equitable representation of women in the leadership of our unions and further develop our mentorship programmes for young women.**

**We commit to an inclusive and feminist trade union movement, which organises the unorganised, whether migrant workers, workers in the informal economy, the gig economy, precarious, temporary or agency work or any other forms of work where women workers are deprived of their rights and protections.**

This Assembly highlighted how union organising is already being transformed:

- Women in the informal economy are defining the terms of their work by demanding recognition through organising. They are reshaping how society views them and the work they perform. They are claiming their rights as workers and contributors to our economies and communities, by organising around the issues they care about and need to address.
- In India, waste workers have defined themselves as care-workers, because they view their work as environmental stewardship.
- Workers in South African Health care clinics have found that in order for them to address their workplace issues, they have to organise holistically across the community. They must address issues of violence against women in the community if they are to deal with it in their workplaces. They must create allies in the community around issues of their work, if they are to win, and the only way they can do that is through organising efforts.
- Workers in the digital economy in Canada have reminded us to keep flexing our organising muscles: even when we think we have established union power, we must be vigilant and continue to organise around our issues. Digital media workers and freelance workers may have not previously viewed themselves as people entitled to hold their clients accountable but, through a union, they are shifting power and changing standards in their industry. Through the use of union “Community Chapters” new possibilities are being opened up for union membership and activism to many additional segments of the working class, including workers in workplaces where organising campaigns have not yet succeeded in forming a bargaining unit; workers in precarious jobs such as contract, temporary, agency, and freelance workers; unemployed workers; students working to put themselves through college or university; and any other group of workers hoping to improve their economic and social condition.
- Migrant and local domestic workers in the Dominican Republic have transformed their Association from a small grassroots organisation into a thriving and effective force for change. Supported by their affiliation to the Confederación Nacional de Unidad Sindical (*National Confederation of Labor Union Unity, CNUS*), they have trained organisers on communication, labour rights and the responsibilities of shop stewards, with a special focus on participatory and creative teaching methods

appropriate for multi-lingual and multi-cultural settings. The work of domestic workers in the Dominican Republic is now finally recognised as work.

The Assembly heard that everywhere in the world women still earn less than men, women own less than men, women have a weaker position in the labour market and women are still under-represented in public life. But we also heard how lasting progress can be achieved through strong unions and through social dialogue.

*"Without reproductive work there is no productive work"*. We assert that care is a human right. **We therefore commit to ensuring that governments place care at the centre of human and economic development, by investing in decent jobs in the care economy and quality public care services. We will campaign for the recognition, reduction and redistribution of care work through gender-responsive macroeconomic policies and investment in social infrastructure and jobs.**

**We commit to bargaining to ensure that work in the care economy is paid according to its true value.**

**We will campaign for universal social protection and national minimum living wages.**

**We commit to bargaining to ensure the right balance between our working lives and our family lives, for both women and men. We will lead by example and make union offices and working arrangements family-friendly.**

**We will continue to campaign for the ratification and effective implementation of key ILO Conventions, including Conventions 100 (equal pay for work of equal value), 111 (non-discrimination), 156 (workers with family responsibilities), 177 (home-based workers), 183 (maternity protection) and 189 (decent work for domestic workers).**

We commit to our vision of **a future of work without violence at work** and to **achieving an international law to finally signal that violence and harassment are NOT part of the job.**

**We will intensify our efforts to lobby governments to sign up to an ILO Convention, supplemented by a Recommendation in June 2018.** Nothing less will do!

The ILO instruments must have a **strong focus on gender-based violence and address the impact of multiple and intersecting forms of discrimination** in the context of violence and harassment. We will work with civil society to raise up this issue. We will expose the impacts of gender-based violence through the media.

**The ITUC Women's Organising Assembly and 3<sup>rd</sup> World Women's Conference "Building Women Workers Power" declares that the achievement of an ILO Convention and Recommendation which includes all forms of gender-based violence and harassment in the world of work, including the impact of domestic violence, is central to achieving all ITUC aims for equality, dignity, respect and safety for working women.**

**ITUC women therefore demand that all ITUC affiliates coordinate global action on this issue including, but not only, on this 25 November.**

## **ITUC AP RESOLUTION SUPPORTING AN ILO CONVENTION TO STOP GENDER VIOLENCE AT WORK**

RECOGNIZING the ITUC-AP Constitution provision *“to make the trade union movement inclusive and responsive to the views and needs of all sectors of the workforce in the region, it shall advance women’s rights and gender equality, guarantee the full integration of women in trade unions and promote actively full gender parity in their leadership bodies and in their activities at all levels.”*

ENFORCING this provision through the ITUC-AP PLATFORM OF ACTION FOR GENDER EQUALITY (PAGE) which analyzed gender-based problems and recommended four (4) strategic trade union actions that should be done to eliminate gender based discrimination. First and foremost is *‘to eliminate discrimination and VIOLENCE AGAINST WOMEN in all aspects of their lives based on sex, marital status, caring responsibilities, age, race, ethnic or national identity in terms of equal rights and equal access to opportunities for education and training, job and career development, social services and economic resources, and in the enjoyment of civil and political liberties;’*

CONCERN that 35% of women worldwide have experienced violence whether physical or sexual and that between 40% to 50% women experience unwanted sexual advances, physical contact or other forms of sexual harassment at work;

NOTING that the 57<sup>th</sup> session of the UN Commission on the Status of Women (2013) call on governments to *“take measures to ensure that all workplaces are free from discrimination and exploitation, violence and sexual harassment and bullying, and that they address discrimination and violence against women and girls, as appropriate, through measures such as regulatory and oversight frameworks and reforms, collective agreements, codes of conduct, including appropriate disciplinary measures, protocols and procedures, referral of cases of violence to health services for treatment and police for investigation; as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including workplace services and flexibility for victims and survivors;”*:

KNOWING that gender-based violence has serious negative effects on women's participation in the labor force and on labor productivity;

APPRECIATING this issue through the passage of an ILO Convention would provide protection for women workers all over the world against gender-based violence in the workplace context and crafted to the character of workplace relations that would supplement existing protection done in many countries that is proven inadequate

ADDRESSING this issue through an ILO Convention provides a basis for workers and management to confront common challenges, guide social dialogue and collective bargaining and give guidance to Company Human Resources policies.

IN SUPPORT FOR THE CALL OF ITUC FOR A NEW INTERNATIONAL CONVENTION ON GENDER-BASED VIOLENCE AT THE WORKPLACE, the members of the ITUC-AP Women's Committee calls on

1. The ITUC-AP General Council to pass a resolution urging all affiliates in Asia and Pacific to lobby their governments to support this call for action TO PUT THIS TOPIC ON THE ILC AGENDA AS SOON AS POSSIBLE and to lobby for the passage of an ILO Convention on Gender-Based Violence;
2. To lobby support from other mass-based organizations and the other sectors – employers and government -in their country;

WE AFFIRM OUR COMMITMENT TO GIVE OUR FULL SUPPORT TO THIS CALL FOR ACTION this 7<sup>th</sup> Day of AUGUST 2014 in Kuala Lumpur, Malaysia during the ITUC-AP Regional Strategic Workshop on Advancing Gender Equality.

Let copies of this Resolution be provided to the ITUC-AP Council Members and to the respective governments of the ITUC-AP affiliates.

### Did you know...

The 2030 Agenda consists of 17 Sustainable Development Goals, 169 targets and many more indicators to measure progress?

The 2030 Agenda for Sustainable Development is a global and universal agenda for both developed and developing countries, and it includes specific goals to promote decent work for all?

Trade unions have been instrumental in shaping the 2030 Agenda and the Sustainable Development Goals, to include priorities such as decent work, fight against inequalities, just transition and civil society participation?

Implementing the 2030 Agenda is primarily a national effort, but monitoring and follow-up is also performed at regional and global level?

Trade unions were involved in the Millennium Development Goals (MDGs, from 2000-2015), the precursor of the SDGs?

The fate and success of the 2030 Agenda depends on other global processes such as the Paris Agreement on Climate Change, the Financing for Development process and the development effectiveness agenda?

The International Labour Organization (ILO) is the trade union partner for the realisation of Sustainable Development goal related to the Decent Work Agenda?

Trade unions are regularly consulted by the UN and other international organisations to shape global development frameworks?



The Trade Union Development Cooperation Network (TUDCN) is an initiative of the International Trade Union Confederation (ITUC), bringing together affiliated trade union organisations, solidarity support organisations, regional ITUC organisations, the Global Union Federations (GUFs), the European Trade Union Confederation (ETUC) and the Trade Union Advisory Committee to the OECD (TUAC). TUDCN's objective is to bring the trade union perspective into the international development policy debates and improve the coordination and effectiveness of trade union development cooperation activities.



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## THE SUSTAINABLE DEVELOPMENT GOALS

### A trade union issue!



## What is the 2030 Agenda for Sustainable Development?

### What are the Sustainable Development Goals?

The **2030 Agenda for Sustainable Development** is the reference document on development priorities at the international level. It was adopted at the United Nations in September 2015 by 193 countries. It builds on the Millennium Development Goals (MDGs, 2000-2015), whose main objective was to reduce extreme poverty.

The 2030 Agenda contains a set of objectives, known as the **Sustainable Development Goals (SDGs)** to which all countries have committed. They cover issues highly relevant to the work of trade unions including the promotion of decent work, the fight against inequalities and climate change and recognise the need for greater gender equality, better quality education and stronger institutions. They are set out as follows:

End poverty in all its forms everywhere	End hunger, achieve food security and improved nutrition and promote sustainable agriculture
Ensure healthy lives and promote well-being for all at all ages	Ensure inclusive and quality education for all and promote lifelong learning
Achieve gender equality and empower all women and girls	Ensure access to water and sanitation for all
Ensure access to affordable, reliable, sustainable and modern energy for all	Promote inclusive and sustainable economic growth, employment and decent work for all
Build resilient infrastructure, promote sustainable industrialisation and foster innovation	Reduce inequality within and among countries
Make cities inclusive, safe, resilient and sustainable	Ensure sustainable consumption and production patterns
Take urgent action to combat climate change and its impacts	Conserve and sustainably use the oceans, seas and marine resources
Sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss	Promote just, peaceful and inclusive societies
Revitalize the global partnership for sustainable development	

While these cover a very broad range of issues, there are strong connections between each SDG: progress on one often benefits another. Trade unions are among the actors that impact this progress. By promoting social dialogue and decent work, they help to implement the SDGs and boost the accountability of other actors, such as the private sector. Countries report on their progress at the UN High-Level Political Forum.

The success of the 2030 Agenda further depends on other global processes such as the Paris Agreement on Climate Change, the Financing for Development process and the development effectiveness agenda.

## What do trade unions have to do with all of this?

### What are the trade union priorities in the SDGs?

Through their work in upholding freedom of association, collective bargaining rights and in promoting decent work and worker rights, trade unions are essential to achieving these development objectives. Making sure that the overlap between the SDGs and trade unions is **mutually reinforcing** is vital to improving the lives for working people.

In order to do so, trade unions have identified six key areas on which to focus their efforts:

Protecting people's rights can ensure they are sustainably lifted out of poverty. Having a job is no guarantee of a dignified livelihood. **Social protection floors** must be put in place to ensure that people, including the 'working poor' that do not fall further into poverty. Addressing the informal economy can help lift huge numbers of people out of poverty.

Imbalanced labour access and conditions are a major component of gender inequality. Addressing this requires policies and laws to protect both formal and informal economy workers, to ensure compliance with **anti-discrimination, minimum wage legislation and core labour standards**, and to secure effective and universal access to social protection.

Trade unions play a fundamental role in ensuring that the benefits of economic growth are shared fairly among those that create it. **Employment creation, workers' rights, social dialogue and social protection are the pillars of the Decent Work Agenda** and ensure that 'no one is left behind'. SDG8 is the hub for trade union action on SDGs.

High and rising inequality among and within countries has a major social and economic cost. The SDGs recognise that the current rise in inequality is at odds with sustainable development. Strengthening the voice of working people is a proven way of curbing this trend. Trade unions promote the adoption of **fiscal, wage and social protection policies** that reduce inequalities and promote decent work in global supply chains.

Climate change and the need to shift to low carbon societies require a massive transformation in how economies and industries work. To avoid hiding the social costs of this transformation, change must start at the work floor: national **Just Transition plans** are needed to appropriately reorient workers in high-emission industries and provided appropriate adaptation measures to workers impacted by climate change.

Social dialogue contributes to institutional stability by promoting consensus among social partners on socio-economic policies. Trade unions promote **freedom of association and collective bargaining, fighting modern slavery** and contributing to the rule of law and democracy. Only democratic societies and institutions can create an enabling environment for decent work to flourish.

## How can the SDGs work for your trade union?

Ensuring that the contribution to the SDGs provided by the work of trade unions is **fully recognised** is the first step. As the implementation of the SDGs is done at national level, national trade unions play a vital role in highlighting the contribution they make in their everyday work. Advocating for policies that **enhance this contribution** is the next step.

With this in mind, the following actions can be undertaken:

### Rt national level

- Ask national government to consult trade unions in Agenda implementation planning
- Raise awareness among workers about 2030 Agenda
- Address the SDGs through social dialogue with employers and government
- Engage with the International Labour Organisation (ILO) and with other international agencies in your country
- Participate in multi-stakeholder platforms and alliances for 2030 Agenda implementation
- Undertake evidence-based research highlighting the link between trade union work and development priorities

### Rt regional level

- Ask national governments to bring trade union priorities to regional bodies dealing with 2030 agenda (ECLAC, UNECA, ESCAP, UNCTAD)
- Participate in UN regional mechanisms for 2030 Agenda monitoring, review and follow-up
- Take part in regional Civil Society initiatives for 2030 Agenda implementation

### Rt global level

- Ask national governments to bring trade union priorities to the annual UN High-Level Political Forum, which reviews and monitors the 2030 Agenda implementation
- Provide trade union monitoring reports on the 2030 Agenda

### Want to know more about the 2030 Agenda?

- Trade unions and 2030 Agenda: [www.ituc-csi.org/2030Agenda](http://www.ituc-csi.org/2030Agenda)
- The International Labour Organization and 2030 Agenda: [www.ilo.org/global/topics/sdg/2030/lang-en/index.htm](http://www.ilo.org/global/topics/sdg/2030/lang-en/index.htm)
- The United Nations and sustainable development: [www.un.org/sustainabledevelopment/](http://www.un.org/sustainabledevelopment/)

# 2030 Agenda for Sustainable Development: An ILO Presentation

(abbreviated for Philippine GBV presentation)

MDGs  
(2000-2015)



## How were trade unions involved (MDGs and Post 2015)

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- Very limited (in many cases NONE) engagement in the UNDAF process that accompanied MDG implementation and monitoring at national level.
- High level of engagement at various levels in the Post 2015 processes (trade union national and global consultations, TU as part of the [Major Groups and other Stakeholders](#) )
- ACTRAV convened trade union experts meeting in 2013



## MDGs “scorecard”:

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The goals made no mention of human rights and did not specifically address economic development.

While the MDGs, in theory, applied to all countries, in reality they were considered targets for poor countries to achieve, with finance from wealthy states.

Conversely, every country will be expected to work towards achieving the SDGs.

- By 2015
  - **about 1 billion people still lived on less than \$1.25 a day** – the World Bank measure on poverty – and
  - **more than 800 million people do not have enough food to eat**
  - **Women are still fighting hard for their rights**
  - **millions of women still die in childbirth.**

# 2030 Agenda and the SDGs

## AGENDA STRUCTURE



- ▶ UN Sustainable Development Goals (SDGs)
  - ▶ 17 Goals
  - ▶ 169 Targets
  - ▶ 235 Indicators
  
- ▶ 15 years (until 2030)

# Key features of the SDGs



For sustainable development to be achieved, it is crucial to harmonize three core elements: economic growth, social inclusion and environmental protection.

Three key characteristics of the SDGs

- **Universal:** global goals set for the “World We want”, applicable to developing and developed countries.
- **Integrated:** cannot be positioned in a hierarchical or prioritization order. Denial of one invariably impedes enjoyment of other rights and basics needs;
- **Transformative:** Transforming current challenges into opportunities for the 5Ps (peace, people, planet, prosperity and partnership)

## Core ILO Goals and Targets



Target 1.3: Social Protection (Floor)

Target 8.1: sustained per capita economic growth

Target 8.5: By 2030, achieve full and productive employment and decent work for all

Target 8.6: reduce youth unemployment

Target 8.7: eradicate forced labour and child labour

Target 8.8: protect labour rights

## Other relevant Decent Work Goals & Targets

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## Indicators where the ILO is the custodian agency for Monitoring: 14 indicators

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**Goal 1. End poverty in all its forms everywhere** 1.3.1 social protection

**Goal 5. Achieve gender equality and empower all women and girls** (5.5.2 Proportion of women in managerial positions)

**Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all** 8.2.1 Annual growth rate of real GDP per employed person; 8.3.1 Proportion of informal employment in non-agriculture employment, by sex; 8.5.1 Average hourly earnings of female and male employees, by occupation, age and persons with disabilities; 8.5.2 Unemployment rate, by sex, age and persons with disabilities; 8.6.1 Proportion of youth (aged 15-24 years) not in education, employment or training; 8.7.1 Proportion and number of children aged 5-17 years engaged in child labour, by sex and age; 8.8.1 Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status; **8.8.2 Increase in national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status**; 8.b.1 Total government spending in social protection and employment programmes as a proportion of the national budgets and GDP

**Goal 10: Reduce inequality within and among countries** (10.4.1 Labour share of GDP, comprising wages and social protection transfers; 10.7.1 Recruitment cost borne by employee as a proportion of yearly income earned in country of destination)

## Indicators where the ILO is involved in Monitoring with other agencies -3 indicators

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**Goal 1. End poverty in all its forms everywhere** 1.1.1 Proportion of population below the international poverty line, by sex, age, employment status and geographical location (urban/rural); 1.a.2 Proportion of total government spending on essential services (education, health and social protection)

**Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels** 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements; *16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*



## UN HIGH-LEVEL POLITICAL FORUM

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**2017 – Eradicating poverty and promoting prosperity in a changing world;** and in-depth review of SDGs 1(No Poverty), 2 (Zero Hunger), 3 (Good Health and Well-Being), 5 (Gender Equality), 9 (Industry, Innovation and Infrastructure), 14 (Life Below Water);

**2018 – Transformation toward sustainable and resilient societies;** and in-depth review of SDGs 6 (Clean Water and Sanitation), 7 (Affordable and Clean Energy), 11 (Sustainable Cities and Communities), 12 (Sustainable Consumption and Production), 15 (Life on Land); and

**2019 – Empowering people and ensuring inclusiveness and equality;** and in-depth review of SDGs 4 (Quality Education), 8 (Decent Work and Economic Growth), 10 (Reduced Inequalities), 13 (Climate Action), 16 (Peace, Justice and Strong Institutions).

# UN HIGH-LEVEL POLITICAL FORUM

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National Voluntary Reviews of the HLPF

**47 countries expected to present VNRs in July 2018 are:** Albania, Andorra, Armenia, Australia, Bahamas, Bahrain, Benin, Bhutan, Cabo Verde, Canada, Colombia, Dominican Republic, Ecuador, Egypt, Greece, Guinea, Hungary, Ireland, Jamaica, Kiribati, Lao People's Democratic Republic (PDR), Latvia, Lebanon, Lithuania, Mali, Malta, Mexico, Namibia, Niger, Paraguay, Poland, Qatar, Republic of the Congo, Romania, Saudi Arabia, Senegal, Singapore, Slovakia, Spain, Sri Lanka, State of Palestine, Sudan, Switzerland, Togo, United Arab Emirates (UAE), Uruguay, and Vietnam."

**42 countries expected to present VNRs in July 2019:** Algeria, Bosnia and Herzegovina, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Croatia, Eritrea, Fiji, Ghana, Iceland, Israel, Kazakhstan, Kuwait, Lesotho, Mauritania, Mauritius, Mongolia, Nauru, New Zealand, Oman, Pakistan, Palau, Saint Lucia, Serbia, South Africa, Timor-Leste, Tonga, Tunisia, Turkmenistan, UK, Tanzania, and Vanuatu.

2<sup>nd</sup> time Azerbaijan, Chile, France, Guatemala, Indonesia, Philippines and Sierra Leone will conduct VNRs for the second time.

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## Regional Forum

(regional and inclusive preparatory event for HLPF)

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### "Asia-Pacific Forum on Sustainable Development"

- convened by UN ESCAP, the last (5th) one was last 28 to 30 Mar 2018
- "Transformation towards sustainable and resilient societies"
- 750 participants, including representatives of Governments, intergovernmental organizations, United Nations bodies, international organizations, civil society organizations and other entities.
- UNESCAP regional road map for implementing the 2030 Agenda
- Need to accelerate efforts (progress on SDGs, policy coherence, integrated approach)

# Voluntary National Reviews

Regions	2016 (22 reports)	2017 (44 reports)	2018 (48 reports)
Europe	9	13	14
Americas	2	10	10
Africa	6	7	10
Asia and Pacific	4	10	7
Arab States	-	2	7

**Countries have made progress on stocktaking, mapping, gap analysis and identifying priorities also in institutional coordination**

## Voluntary National Reviews with reference to trade unions (17 out of 82)

Regions	Number
Europe	8
Americas	
Africa	5
Asia and Pacific	2
Arab States	2

Some examples:

Union to Union – Sweden

VNR Preparation – Zimbabwe

Member of SD Council – Estonia TU Confederation

Consultations – Indonesia, Philippines, Sierra Leone, Kenya, Jordan

## United Nations Development Assistance Framework (UNDAFs)

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- ❑ Strategic medium-term (3-5 years) results framework that describes the collective vision and response of the UN system to national development priorities and results
- ❑ 125 UNDAFs vs 38 DWCPs (52 under preparation)
- ❑ Alignment of DWCP with UNDAFs
- ❑ 30 of 43 UNDAFs included reference to tripartite social dialogue and inclusion of social partners (2015 review)
- ❑ Bolivia, Brazil, Mongolia, Peru, Senegal and Ukraine show examples of social partner consultation



## Challenges for Trade Unions

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- ❖ Using DWCP processes to better position SDG implementation
- ❖ Seizing Goal 8 opportunities: Economic Growth–Decent Work linkages
- ❖ Participation in national SDG strategies (design-implementation-monitoring-evaluation) especially in defining and implementing the National SDG Agenda
- ❖ Refining Decent Work indicators on Freedom of Association and SDG Indicator 16.10.1
- ❖ Positioning social dialogue as a Means of Implementation in the SDGs
- ❖ Follow-up on National Voluntary Reviews in the HLPF
- ❖ **Involvement in UNDAF processes**
- ❖ **Understanding role in the ongoing UN Reforms**

# The ACTRAV reference manual on SDGs

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- The **first section** is about understanding the 2030 Agenda and its different components
- The **second section** helps to assess what in the SDGs is most relevant for trade unions or for the national situations. One must stress that the proposed priority targets are only indicative in nature. Each national trade union must determine for itself what the priority goals, targets and indicators should be, taking into consideration the specific challenges being faced in their country. These Targets must be considered as entry-points to advance trade union positions and advocacy strategies.
- The **third section** is about trade union action. Each trade union must develop its own SDG strategic plan.



## Key recommendations

- ❖ ***Each trade union must develop its own SDG strategic plan***
- ❖ Be Proactive and ahead of the curve
- ❖ Need for on-going capacity building
- ❖ Participation issues: beware of being a window-dressing
- ❖ Policy issues : be on top of the issues
- ❖ Networking - building broad-based coalitions with other like-minded organisations
- ❖ Trade Union unity of action
- ❖ Insisting on a Decent Work approach in national SDG plans and UNDAFs
- ❖ DWCP, VNR and UNDAF processes - Active involvement of unions needed
- ❖ Advocacy: get wide public support for your issues
- ❖ National planning bodies: trade unions have to participate on these bodies

## Important points to consider

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- SDGs rely heavily on the **national political will**
  - SDGs **require strong capacities** (technical, financial, human) for implementation;
  - **Quality and regularly updated data** is a prerequisite for proper adaptation and implementation;
  - **Operational accountability framework**
  - **Strong partnership frameworks:** SDGs are integrated thus can not be implemented in isolation
- 

## Initial List of Philippine SDG Indicators (Only for Goal 5: Gender Equality)

Goal/Target	Indicator
<b>Goal 5. Achieve gender equality and empower all women and girls</b>	
5.1: End all forms of discrimination against all women and girls everywhere.	5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex
5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.	5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age
	5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence
	5.2.s1 Number of reported gender-based violence cases (includes e-VAW)
	5.2.s2 Number of reported abuse cases for women and children
	5.2.s3 Number of cases served by Department of Social Welfare and Development (DSWD) on violence against women and child abuse
5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation	5.3.1 Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18
5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.	5.5.1 Proportion of seats held by women in (a) national parliaments and (b) local governments

	5.5.2 Proportion of women in managerial positions
<b>Goal/Target</b>	<b>Indicator</b>
	5.5.s1 Percentage of firms owned by women (through business permits and licences system)
5.6: Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform of Action and the outcome documents of their review conferences	5.6.2 Number of countries with laws and regulations that guarantee full and equal access to women and men aged 15 years and older to sexual and reproductive health care, information and education
5.a: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	5.a.1p1 Number agricultural and residential land free patents issued to women and men
	5.a.1p2 Number of holders of emancipation patents and certificates of land ownership, certificate of ancestral land titles (CALTs), certificate of ancestral domain titles (CADTs) by sex, stewardship
	5.a.1p3 Number of women beneficiaries with secured land tenure in Residential areas
5.c: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels	5.c.1 Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment



International  
Labour  
Organization



## Ending violence and harassment in the world of work

Proposed Conclusions with a view to  
possible International Labour Standards

### Why new standards on violence and harassment in the world of work?



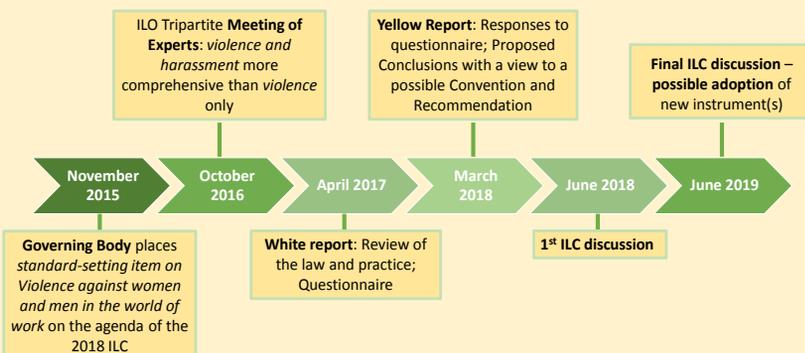
#### *Consequences/Impact*

- Violation of human rights
- Incompatible with decent work
- Affects productivity and enterprise reputation
- Hampers effective functioning of labour markets

#### *Gaps*

- No internationally-agreed definition of violence and harassment
- No international guidance on how to address it

## The process to date



## Form of the instrument(s) Responses



Q#2: "If [the ILC adopts (an) instrument(s)], should the instrument or instruments take the form of: (a) a Convention? (b) a Recommendation? (c) a Convention supplemented by a Recommendation, as two separate instruments or a single instrument comprising binding and non-binding provisions?"

TOTAL	Governments	Employers	Workers
Convention	2	1	9
Recommendation	30	11	5
Convention and Recommendation	48	4	164
Other	5	10	0
<b>TOTAL</b>	<b>85</b>	<b>26</b>	<b>178</b>
N/A	0	2	0
Blank	0	1	1

\* A reply was classified as "other" when it was neither clearly affirmative nor negative, or where the idea expressed was different from the one proposed in the question.

## Overview of Responses to Question #2: Focus on Asia and the Pacific



Q#2: "If [the ILC adopts (an) instrument(s)], should the instrument or instruments take the form of: (a) a Convention? (b) a Recommendation? (c) a Convention supplemented by a Recommendation, as two separate instruments or a single instrument comprising binding and non-binding provisions?"

ASIA AND THE PACIFIC	CONVENTION	RECOMMENDATION	CONVENTION SUPPLEMENTED BY A RECOMMENDATION	OTHER*
GOVERNMENTS	Sri Lanka	Australia Bangladesh Iran Japan Republic of Korea Lao	Cook Islands India Indonesia	New Zealand
	<b>TOTAL: 1</b>	<b>TOTAL: 10</b>	<b>TOTAL: 3</b>	<b>TOTAL: 1</b>

\* A reply was classified as "other" when it was neither clearly affirmative nor negative, or where the idea expressed was different from the one proposed in the question.

## Proposed Conclusions Key points



- Complementarity between Convention and Recommendation
- Definitions and scope
- Gender-based violence
- Inclusive, integrated and gender-responsive approach
- Prevention and protection measures
- Support and guidance

# Definitions and scope



## Violence and harassment

- a continuum of unacceptable behaviours and practices, or threats thereof
- single occurrence or repeated
- aim or effect of causing physical, psychological, sexual or economic harm
- includes gender-based violence

## World of work

- the workplace, including public and private spaces where they are a place of work
- where the worker is paid or takes a rest break or a meal
- commuting to and from work
- work-related trips or travel, training, events or social activities
- through work-related communications enabled by information and communication technologies

*Proposed Conclusions, points 3(a) and 4(a)*

# Definitions and scope



## Worker

Persons in all sectors, both in the **formal and informal economy**, and whether in **urban or rural areas**, including:

- persons in **any employment or occupation**, irrespective of their contractual status
- **persons in training**, including interns and apprentices;
- **laid-off and suspended** workers
- **Volunteers**
- **jobseekers and job applicants**

## Employer

Any person or entity that **engages workers either directly or indirectly**

*Proposed Conclusions, points 3(c) and 3(d)*

## Gender-based violence



- Definition
  - violence and harassment that is directed at persons because of their sex or gender, or that affects persons of a particular sex or gender disproportionately
- Relevant to the world of work when it impacts the workplace
- Specific measures
  - access specialized dispute resolution mechanisms, support and services
- Domestic violence

Proposed Conclusions, points 3(a), 3(b), 6(j), 13 (d), 13(e), 24, 29, 30, 31

## Integrated approach



To effectively address all forms of violence and harassment in the world of work, it is important to apply **multiple approaches, instruments and perspectives**, such as labour, occupational safety and health, equality and non-discrimination law and criminal law.

Proposed Conclusions, points 6(i) and 17

# Prevention



Members to take measures, including:

- Identify sectors, occupations and work arrangements
  - in which workers are more exposed to violence and harassment
  - in consultation with employers' and workers' organizations
  - ensure these workers effectively protected
- Adopt laws and regulations requiring employers to take steps for prevention
  - identify hazards and risks
  - adopt policies
  - provide information and training

Proposed Conclusions, points 11, 12, 23 and 24

# Protection



- Complaint/investigation/dispute resolution mechanisms
  - workplace level and external to the workplace
- Courts or tribunals
- Effective remedies
  - reinstatement
  - compensation for material and non-material damages
  - legal fees and costs
- Sanctions
- Right to remove self in case of imminent and serious danger to life or health
- Empowerment of labour inspectors
- Mitigate effects of domestic violence

Proposed Conclusions, points 13(b), 13(c), 13(f), 13(g) and 27

# Support and guidance



- Address violence and harassment in relevant national policies
  - Example: OSH, equality and non-discrimination and migration policies
- Guidance, resources, training and other tools
  - For employers, workers and enforcement authorities
- Awareness-raising campaigns
- Programmes addressing factors leading to violence and harassment
- Codes of practice, workplace policies and risk assessment tools

Proposed Conclusions, points 14 and 36

# ITUC AP Philippine Steering Committee Representations on DOLE Actions for the GBV Instrument and the DOLE Response



Republic of the Philippines  
DEPARTMENT OF LABOR AND EMPLOYMENT  
BUREAU OF WORKERS WITH SPECIAL CONCERNS  
5/F, G.E. Antonio Bldg., J. Rocobe St. Cor. T.M. Kalaw Ave.,  
Ermita, Manila



31 October 2018

**MS. FLORENCIA P. CABATINGAN**

Chairperson, ITUC-AP Phil. Steering Committee on GBV  
Trade Union Congress of the Phils. (TUCP)  
Rm. 714 Future Point Plaza, 112 Panay Ave.  
Quezon City

Dear **Ms. Cabatingan**,

This is to acknowledge receipt of your letter dated 24 October 2018, showing appreciation for my presence and ILAB Representative Mr. Carl Andres during the Evaluation and Planning Conference on the proposed ILO Convention on GBV in the World of Work held on 23 October 2018 at Brentwood Suites, Quezon City.

Per your request, we have attached a copy of the DOLE Administrative Order No. 529, creating a Technical Working Group (TWG) within the DOLE tasked to facilitate preparation for the succeeding discussions on the adoption of a Convention supplemented by a Recommendation on Violence and Harassment in the World of Work for the subsequent session of the International Labor Conference on the said subject.

Thank you and kind regards.

Very truly yours,

**ATTY. MA. KARINA PERIDA-TRAYVILLA**  
Director IV

CC: SIC- DIR. ALICE G. VESPINAS  
INTERNATIONAL LABOR AFFAIRS BUREAU



Republic of the Philippines  
**DEPARTMENT OF LABOR AND EMPLOYMENT**  
Intramuros, Manila



**Administrative Order No. 529**  
Series of 2018

In the interest of the service and to continue the work and preparation of the Philippine Government for the second standard-setting discussion which will adopt a Convention supplemented by a Recommendation on Violence and Harassment in the World of Work in a subsequent session of the International Labor Conference (ILC), a Technical Working Group (TWG) is hereby created as follows:

- Chair:** Undersecretary for Legal, International, Legislative and Media Affairs
- Vice-Chair:** Assistant Secretary for Labor Relations, Special Concerns, Financial Services and Regional Operations
- Members:** Executive Director of Occupational Safety and Health Center  
Executive Director of Institute for Labor Studies  
Director of Bureau of Labor Relations  
Director of Bureau of Working Conditions  
Director of Bureau of Workers with Special Concerns  
Director of International Labor Affairs Bureau  
Director of Legal Service

The TWG shall have the following functions:

1. Review and evaluate the current proposed text and conclusions, to include a gap analysis, on whether domestic legislations and practices in education, enforcement, monitoring, and victim support mechanisms, among other are in consonance with the impending Convention and Recommendation on Violence and Harassment in the World of Work;
2. Conduct consultations with social partners and stakeholders, including the academe, to provide a venue to discuss issues on violence and harassment in the world of work and raise policy proposals / possible legislative measures that will promote their interest;
3. Taking off from the results of consultations and the evaluation of domestic legislations and practices, prepare the Philippine Government's position and/or recommendations that may be raised for consideration and/or negotiation during the second standard-setting discussion in the next ILC session;

4. Adopt strategies to ensure that the Philippine Government's positions and/or recommendations will have support from other member states of the International Labor Organization through the expertise of the Philippine Overseas Labor Office - Geneva;
5. Provide recommendations / policy proposals / action plan to the Secretary on effective steps and ways forward including the possibility of the immediate ratification of the Department on the Impending Violence and Harassment in the World of Work Convention and Recommendation; and
6. Provide technical support to the DOLE Delegation in the second standard-setting discussion of the Violence and Harassment in the World of Work during the 108<sup>th</sup> International Labor Conference.

The International Labor Affairs Bureau shall act as the Secretariat of the TWG.

All other DOLE agencies may be requested to provide technical assistance as may be necessary.

Expenses relative to the conduct of TWG functions shall be co-shared by the Offices.



SILVESTRE H. BELLO III  
*Secretary*

28 September 2018

# ITUC-AP Philippine Affiliates Culminating Program for Gender- Based Violence Campaign

***“There can be no decent work with  
violence at work.”***

14 December 2018, Quezon City



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## Outline of Presentation

Here's what we  
know

#StopGBVatWork  
campaign

What  
happens  
next



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International Trade Union Confederation - Asia Pacific

## A review of what we know

### Violence against women

- “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

### Gender-based violence

- violence that is directed against an individual or group of individuals based on their gender identity.



**ITUC - Asia Pacific**

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## GBV is more common that you think

### A few common examples

- intimate partner violence
- sexual harassment
- acts of violence carried out in online spaces
- *physical, sexual, psychological, economic*



**ITUC - Asia Pacific**

International Trade Union Confederation - Asia Pacific

## There is still no law at the international level against violence and harassment at work

### Standard setting process

- The International Labour Organization (ILO) is working towards such a law. The eventual standard(s) adopted by the ILO may be a binding instrument, known as a **Convention**; non-binding guidance, known as a **Recommendation**; or a **Convention accompanied by a Recommendation**.



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## Quick review of C, R and C/R (1)

### Convention

- a **legally binding** international treaty. When ILO member states ratify a Convention:
  - they commit themselves to **applying** the Convention in national law and practice and **reporting** its application at regular intervals;
  - **complaints** can be made against countries for violations of a Convention they have ratified, through the ILO's supervisory procedures.



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## Quick review of C, R and C/R (2)

### Recommendation

- a non-binding guideline which either:
  - *supplements a Convention by providing more detailed guidelines on how it could be applied; or*
  - *stands on its own (i.e. not linked to any Convention)*



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## Quick review of C, R and C/R (3)

### Convention supplemented by R

- form a strong set of international instruments

Conventions and Recommendations are negotiated by representatives of **G, E and W** and are adopted at the ILO's annual **International Labour Conference**.



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## This is our campaign! #StopGBVatWork



build critical support for the adoption of an ILO C, accompanied by a R, on violence and harassment in the world of work, with a strong focus on the gender dimension of violence



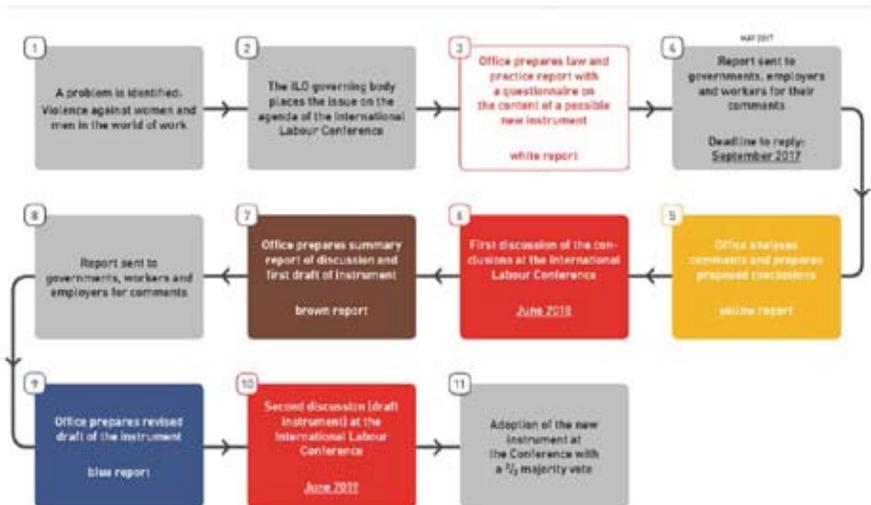
mobilize and strengthen trade union action in eradicating gender based-violence from the world of work



**ITUC - Asia Pacific**

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## One of, if not the biggest union campaign...



## Our mission possible challenges (1)

continue to lobby strongly for a Convention supplemented by a Recommendation

alleviate concerns governments may still have concerning the scope and content of the instruments

a broad definition of “worker and world of work



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International Trade Union Confederation - Asia Pacific

# ITUC AP Phi Affiliates GBV Campaign

## Enterprise Level Initiatives Suggested Activities

Activities at the union level to get workers support for the GBV campaign

Activities at the company-level to get management support for the GBV campaign

- Presentation to management on a proposed company-level GBV program, or
- Agreement with management on subsequent joint labor-management activities on GBV

### **Raising awareness and appreciation\*–**

*In general assemblies, in governing body meetings, in union meetings*

- Distributing GBV materials, flyers  
Gender laws, regulations, issuances, ordinances
- GBV on Youtube
- GBV orientation
- GBV forums, or include GBV in forums

### **A. Strengthening campaign for an ILO Convention, accompanied by a Recommendation.**

#### **Unions, officers, individual members**

#### **Raising awareness and mobilizing support**

*In community/family socials, in social media, in chat groups*

- Engaging enterprises and unions
- Engaging family, friends

- Engaging the community
- Engaging the public

## **B. Getting management support for a joint program on GBV**

### **Towards an enterprise intra mechanism against GBV**

#### ***1. Existing labor-management mechanisms which could be tapped for the GBV campaign***

*(include GBV in the coverage of existing mechanisms):*

- CODIs (vs. sexual harassment)
- Safety and health committees
- Labor-management consultations/committees
- Town hall meetings
- Anti-bullying mechanism (in schools)
- The grievance mechanism in the CBA, When GBV qualifies for grievance

#### ***2. Initial action towards partnership with HR***

- Initial advocacy and a photo session with STOP GBV posters
- Informal Letter of Agreement
  - Agreement on joint discussions with HR
  - Designation of discussion panels
- Results of discussions preferably expressed in a Memorandum of Agreement(MOA)

#### ***3. Advanced action towards partnership with HR*** (sananasa MOA)

Joint preparation of a company manual of procedure

- For preventive actions

- When a GBV incident takes place  
Identifying:
  - First responders – line/team leaders, shop stewards, officers
  - Referral to appropriate company mechanisms
  - What prevention services for workers
  - What assistance services to victims
    - Medical services
    - Counseling, psychological services
    - Support, including financial
    - Legal assistance

#### ***4. Advocacy with DOLE***

Inclusion of GBV issues in the DOLE inspection checklist

\*Note: NTUC Phl has a training team to assist affiliates in GBV activities.

## Domestic Violence at Home Affects Work and Workplaces!

[We were late for work, absent from work, or bothered at work!]

### Key Findings of National Survey on the Impact of Domestic Violence on Workers and in Workplaces in the Philippines

Joint ITUC-AP/Philippine Affiliates' Report



Between June 2015 – September 2015, the International Trade Union Confederation-Asia Pacific in cooperation with Philippine affiliates, Trade Union Congress of the Philippines (TUCP), Federation of Free Workers (FFW) and Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO), conducted a national online survey on the impact of domestic violence on workers and in workplaces. The full report will be released in November 2015.

A total of 1,084 workers completed the survey - 59% female, 40% male; other (1%). Most respondents were from National Capital Region (43%) and CALABARZON (13%); the rest were distributed across 17 regions of the country. Over 60% of respondents were aged between 36-55. Most respondents reported working in education (16%), manufacturing (14%) and retail trade sectors (11%). As most of the respondents (75%) were from unionized enterprises, most were employed in permanent (65%) and full-time (85%) positions. There were respondents from business process outsourcing (BPOs)/call centers (9%) and economic zones (7%). Some (7%) of the respondents were domestic workers.

Findings based on initial review of data indicate the following:

- One in five (21%) respondents reported experiencing various forms of domestic violence, including emotional/psychological (74%), physical (37%) and harassment (17%), mostly from their husbands (46%), wives (13%), partners (21%), boyfriends (11%) or girlfriends (6%).
- An additional 20% of respondents knew someone at work who had experienced domestic violence.
- One in two (54%) of those who experienced domestic violence, reported that the violence continued at or near the workplace in the form of abusive phone calls or text messages (33%) or stalking or harassment outside the workplace (16%).
- Some 75% reported that DV affected their work performance as they were unwell (45%), distracted (41%), injured (23%) and tired (18%) from the DV.
- 62% of the respondents who reported knowing someone at work who had experienced domestic violence said that their co-workers' ability to work were similarly affected, due to being distracted (66%), unwell (43%), tired (31%), or injured (27%) from the domestic violence.

*"I was hospitalized in critical condition. I reported the abuse to my husband's employer. He was terminated."*

*"Marami akong absent, dahil sa DV. Inde daw tamang excuse, sabi ng supervisor."  
[I have many absences. My supervisor says it's not an acceptable excuse.]"*



## Domestic Violence at Home Affects Work and Workplaces!

[We were late for work, absent from work, or bothered at work!]

- Domestic violence also affected the well-being of other employees. Over 55% of respondents said that co-workers were stressed or concerned about the abusive situation (34%), their work load increased, their schedules were changed (15%), or caused conflict and tension with co-workers (14%).
- 74% of respondents who reported knowing someone at work who had experienced DV reported that their co-worker's DV experience affected them [respondents], too – they were stressed or concerned about the abusive situation (45%), DV caused conflict and tension between them (19%), and their work was affected, e.g., increased workload (15%).
- One in two (53%) of those who had experienced DV discussed the violence with somebody at work; with co-workers (88%), managers/supervisors (51%), union (38%), or human resources (35%). "Privacy" (40%), "fear of being judged" (22%), or "felt embarrassed or ashamed" (18%) were major reasons for not disclosing their experience with anyone at work.
- Worse, one in ten (10%) of domestic violence victims indicated they had lost their job as a result of DV, while one in five (21%) experienced discrimination from the employer as a result of discussing their DV experience.
- Of the domestic workers (kasambahay) respondents, 30% had personally experienced various forms of abuse either from current or former employers or member of their household, often in the form of psychological or emotional abuse (e.g., calling names), sexual and physical abuse, harassment and coercion. Some respondents have been abused both at home (by family) and by their employers.
- Almost one-fourth (23%) of those who experienced DV applied for paid leave or just went absent without leave because they needed to deal with health/medical issues related to the domestic violence (26%); attend appointments related to the domestic violence, e.g., barangay, police (22%); attend counselling related to the domestic violence (21%); or attend criminal or family court hearings.
- Respondents' awareness of legally mandated paid domestic violence leave is low at 39%. 45% said they had received information about DV from government, from the union (30%).
- The vast majority of respondents (92%), whether they had personally experienced DV or not, believed that DV impacts the work lives of those experiencing abuse.
- Yet, respondents also thought that employers (39%) or unions (17%) are not aware when DV is affecting workers. One in four (26%) of respondents said that employers do not act in a positive way when workers report their DV experience. The rate for unions was better at one in 7 (15%).
- Among all respondents, 92% think that workplace support such as paid leave, education, training, and safety policies for domestic violence could reduce the effects of violence on the work lives of workers.

*"Natahi ko ang finger ko sa kaaisip."  
[I accidentally sewed my finger; I was distracted.]*

*"Ayokong magsabi sa kumpanya. Ka-lalake kong tao. Kahiya."  
[It's embarrassing to tell [the employer.] I'm male.]*

*"Nag-file ako ng leave, di tinanggap. Nag-absent without leave na lang."  
[I filed for leave, which was refused. I just went AWOL.]*

*"My supervisor told me, your personal problem is separate from your work, we don't have anything to do with your personal issues, learn to separate the two."*

*"Managers and supervisors are aware when DV is affecting employees but they don't act unless in extreme cases like physical injuries."*

*"The Regional Director of the place where I sought reassignment did not accommodate my request to be assigned in the place where I was living with my kids and parents. Because of this, I was forced to live with my [abusive] husband again for years."*

Contact: **Anna Lee Fos-Tuvera**

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International Trade Union Confederation-Asia Pacific

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**Domestic Violence at Home Affects Work and Workplaces!**  
[We were late for work, absent from work, or bothered at work!]