

International Labour Conference Conférence internationale du Travail

RECOMMENDATION 206

RECOMMENDATION
CONCERNING THE ELIMINATION OF VIOLENCE
AND HARASSMENT IN THE WORLD OF WORK,
ADOPTED BY THE CONFERENCE
AT ITS ONE HUNDRED AND EIGHTH SESSION,
GENEVA, 21 JUNE 2019

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CONCERNANT L'ÉLIMINATION DE LA VIOLENCE
ET DU HARCÈLEMENT DANS LE MONDE DU TRAVAIL,
ADOPTÉE PAR LA CONFÉRENCE
À SA CENT HUITIÈME SESSION,
GENÈVE, 21 JUIN 2019

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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
(Centenary) Session on 10 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 twenty-first 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 (hereafter referred to as “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, paragraph 2, of the Convention,
Members should address violence and harassment in the world of work
in labour and employment, occupational safety and health, equality and
non-discrimination law, and in criminal law, where appropriate.

3. Members should ensure that all workers and employers, including
those in sectors, occupations and work arrangements that are more
exposed to violence and harassment, fully enjoy freedom of association
and the effective recognition of the right to collective bargaining consistent
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 the effective recognition of the right to collective bargaining
at all levels as a means of preventing and addressing violence and
harassment and, to the extent possible, mitigating the impact of
domestic violence in 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 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

6. 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, such as the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

7. 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 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;
- (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;
- (f) specify the right to privacy of individuals and confidentiality, as referred to in Article 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards; and
- (g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.

8. 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, including psychosocial hazards and risks. Particular attention should be paid to the hazards and risks that:

- (a) arise from working conditions and arrangements, work organization and human resource management, as appropriate;
- (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and
- (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

9. Members should adopt appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment.

10. 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.

11. In facilitating the transition from the informal to the formal economy, Members should provide resources and assistance for informal economy workers and employers, 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 the groups referred to in Article 6 of the Convention.

13. The reference to vulnerable groups and groups in situations of vulnerability in Article 6 of the Convention should be interpreted in accordance with applicable international labour standards and international instruments on human rights.

III. ENFORCEMENT, REMEDIES AND ASSISTANCE

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

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

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

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

- (a) courts with expertise in cases of gender-based violence and harassment;

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

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

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

18. Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 10(f) of the Convention could include:

- (a) leave for victims of domestic violence;
- (b) flexible work arrangements and protection for victims of domestic violence;
- (c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- (d) the inclusion of domestic violence in workplace risk assessments;
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.

19. Perpetrators of violence and harassment in the world of work should be held accountable and provided counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment, and facilitating their reintegration into work, where appropriate.

20. Labour inspectors and officials of other competent authorities, as appropriate, should undergo gender-responsive training with a view to identifying and addressing violence and harassment in the world of work, including psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers.

21. The mandate of national bodies responsible for labour inspection, occupational safety and health, and equality and non-discrimination,

including gender equality, should cover violence and harassment in the world of work.

22. Members should make efforts to 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, including with respect to the groups referred to in Article 6 of the Convention.

IV. GUIDANCE, TRAINING AND AWARENESS-RAISING

23. Members should fund, develop, implement and disseminate, as appropriate:

- (a) programmes aimed at addressing factors that increase the likelihood of violence and harassment in the world of work, including discrimination, the abuse of 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 in the world of work, as well as to assist public and private employers and workers and their organizations in preventing and addressing violence and harassment in the world of work;
- (c) model codes of practice and risk assessment tools on violence and harassment in the world of work, either general or sector-specific, taking into account the specific situations of workers and other persons belonging to the groups referred to in Article 6 of the Convention;
- (d) public 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 and instructional materials on violence and harassment, including gender-based violence and harassment, at all levels of education and vocational training, in line with national law and circumstances;
- (f) materials for journalists and other media personnel on gender-based violence and harassment, including its underlying causes and risk factors, with due respect for their independence and freedom of expression; and
- (g) public campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment.