

LAW & POLICY GROUP

GRIST



ILO ADOPTS CONVENTION TO COMBAT WORKPLACE VIOLENCE, HARASSMENT

By Mercer's Fiona Webster and Stephanie Rousseau

26 Jun 2019

A convention and recommendation aimed at combating workplace violence and harassment were [adopted](#) by the International Labour Organization (ILO) at its centenary international labor conference. The convention, which is legally binding on member states, will take effect one year after two member states have ratified it. While not legally binding, the recommendation offers guidelines on how the convention could be applied.

The ILO, a tripartite United Nations agency, is responsible for setting global labor standards, some of which are increasingly used in developing international framework agreements between companies and global union federations.

CONVENTION HIGHLIGHTS

Key features of the convention include the following:

- The convention defines violence and harassment in the workplace as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated” aimed at causing “physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.”
- The workplace is defined as public and private spaces, places where the worker may take a rest break or meal, washrooms and changing facilities, work-related trips, employer-provided accommodation, commuting to and from work, travel, training, workplace communications, events and social activities.
- The convention covers all workers and employees in the workplace regardless of their contractual status or whether they are employed in the formal or informal economies. It includes trainees, interns and apprentices, workers who have been terminated, volunteers, job seekers and applicants.
- Member states ratifying the convention would have to:
 - Introduce laws that prohibit violence and harassment

- Publish policies and adopt a comprehensive strategy to implement the measures
- Establish enforcement and monitoring mechanisms, provide remedies and support for victims, and introduce sanctions
- Offer tools, guidance, education and training
- Provide effective inspection and investigation of alleged violence and harassment, and ensure workers have the right to remove themselves from a work situation that they reasonably believe presents an “imminent or serious danger to life, health or safety”
- Adopt laws requiring employers to (i) take appropriate measures to prevent workplace violence and harassment, including the adoption of a workplace policy, and (ii) factor in violence and harassment and associated psychosocial risks in occupational health and safety procedures

RECOMMENDATION HIGHLIGHTS

Key features of the recommendation include the following:

- Member states should promote collective bargaining, especially in sectors, occupations or work arrangements that are more exposed to violence and harassment (for example, night work and work done in isolation).
- Workplace risk assessments should take account of factors that could increase the likelihood of violence and harassment, including work involving third parties (for example, clients, customers, service providers, users, patients and members of the public).
- Measures should not restrict individuals' access to specific jobs, sectors or occupations.
- Laws and regulations should outline complaint and dispute mechanisms.
- Member states should implement programs providing guidance, training and awareness-raising.

RELATED RESOURCES

- [ILO Announcement: Convention and Recommendation to Combat Violence, Harassment at Work](#) (ILO, 21 Jun 2019)
- [Background Information on the ILO](#)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.