



ILO CONVENTION ON ENDING VIOLENCE & HARASSMENT IN THE WORLD OF WORK

-26th April 2019

Janhavi Dave, HomeNet South Asia

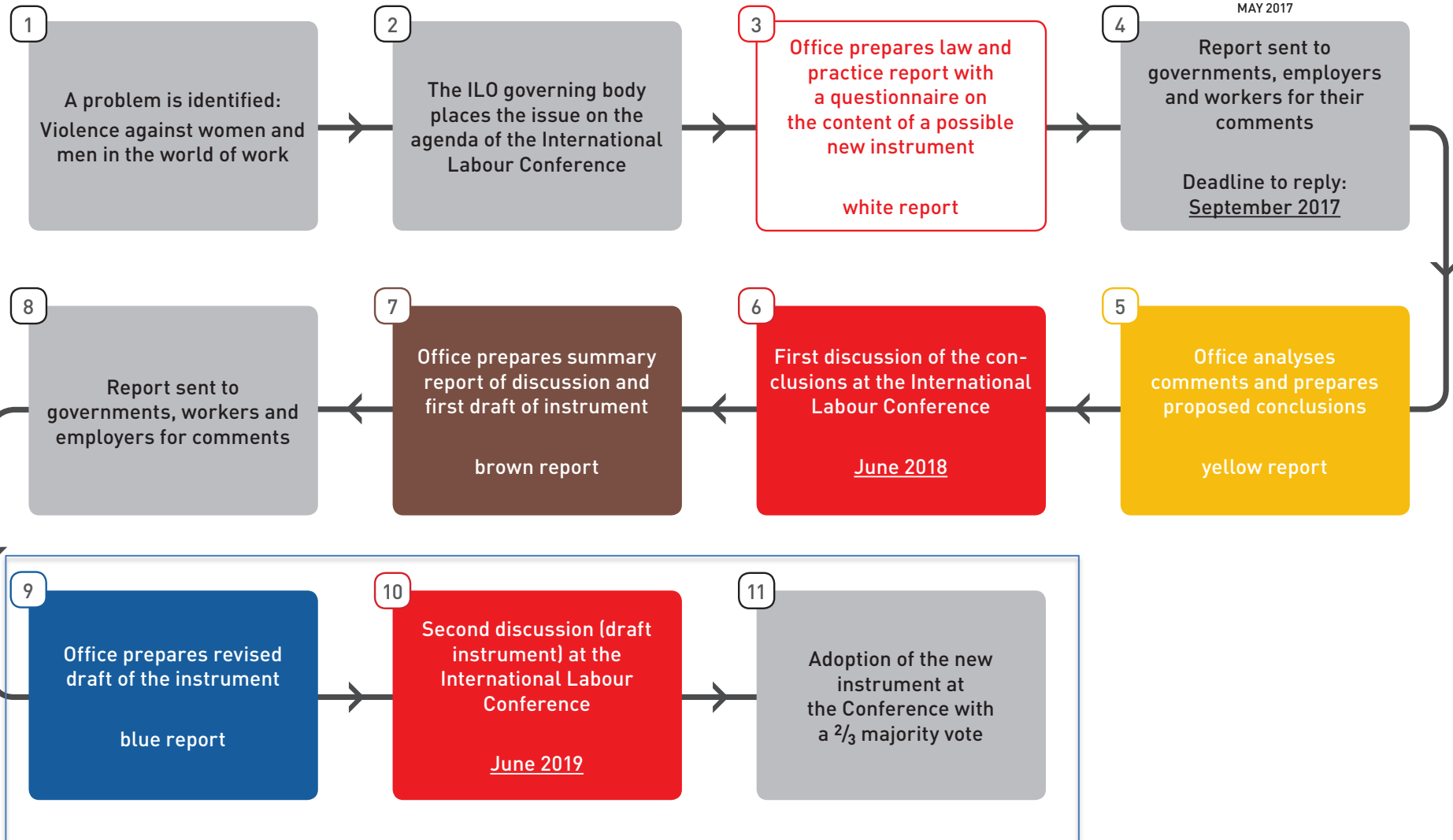


Network of Homebased workers in South Asia

Introduction- Gender-based Violence at Work



ILO Standard Setting Process



Why is it important for Trade Unions in South Asia?

1. Ending violence and harassment in the world of work is a **decent work agenda**
2. South Asia has a large population of **women workers, who are adversely affected** due to harassment and violence at workplace, due to unequal power relations and strong patriarchal social norms
3. **Female labour force participation** is reducing in South Asia
4. Large section of South Asian workforce work in the **informal economy** and this Convention covers them
5. It is a strong **organising tool**, especially to organise women workers
6. **Low government support**- Bangladesh (Recommendation), India (Convention & Recommendation), Sri Lanka (Convention)

Salient Features of the Draft Convention

1. Violence and harassment in the world of work = Human rights violation and incompatible with decent work
2. Definition of “violence and harassment”
3. Definition- “workers”, “victims and perpetrators”
4. Broad scope of “workplace”

Salient Features of the Draft Convention

5. Focus on GBV and Harassment
6. Inclusion of Impact of Domestic Violence on the World of Work
7. Recognize the complementary roles and functions of governments, and employers and workers and their organizations
8. Focus on Informal Economy (Domestic Workers)
9. Special Focus on Women Migrant Workers
10. Recommendation- List of vulnerable groups and groups in situations of vulnerability

Changes from Brown Report to Blue Report

Convention

1) I. Definition, Article 1 (a) - Added:

“2. Without prejudice to paragraph 1(a) of this Article, violence and harassment may be defined in laws and regulations as a single concept or separate concepts.”

Changes from Brown Report to Blue Report

Convention

2) II Scope, Article 3 - Added:

(d) through work-related communications enabled by information and communication technologies;

(e) in employer-provided accommodation;

Changes from Brown Report to Blue Report

Convention

3) III Core Principles, Article 5 - Added from Office Commentary (Page-7):

3. In adopting and implementing the approach referred to in paragraph 2 of this Article, each Member shall recognize the complementary roles and functions of governments, and employers and workers and their organizations, taking into account the varying nature and extent of their respective responsibilities.

Changes from Brown Report to the Blue Report

Convention

4) Expanding the scope

II. Scope, Article 4:

*“(b) **in accordance with national law and practice**, third parties, including clients, customers, service providers, users, patients and members of the public.”*

IV. Protection and Prevention, Article 10:

*“(d) provide to workers and **other persons concerned** information and training on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.”*

Changes from Brown Report to Blue Report

Convention

5) Making it specific:

VI. Guidance, Training and Awareness Raising, Article 12:

*“(b) guidance, resources, training or other tools are provided to employers and workers and their organizations, and to relevant authorities, **on violence and harassment in the world of work, in particular on gender-based violence and harassment**”*

Changes from Brown Report to Blue Report

Convention

6) Weakening the language:

Brown Report- I Definition and Scope- Article 2:

“(c) when commuting to and from work;”

Blue Report- II. Scope- Article 3:

“(f) so far as is reasonably practicable, when commuting to and from work.”

What is Missing from the Convention?

1. The definition of **Employers**
2. Under Dispute Resolution: **Burden of Proof** must rest with the perpetrator and not with the victim
3. Operationalizing the provisions of the Convention should not be left open ended; there must be a **time-frame**
4. Under Article 4: “Victims and Perpetrators”- need to include **intermediaries**

What is Missing from the Convention?

5. Convention to include **vulnerable groups, including LGBTI+**
6. Recommendations to provide **compensation for material and non-material damages**
7. Collection and publishing of **statistics on violence and harassment**

Sticky Points

1. Definition of Workplace
2. Inclusion of Domestic Violence
3. Inclusion of LGBTI+



Thank you!

www.hnsa.org.in



Network of Homebased workers in South Asia