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INS

FOR INFORMATION

## Report of the Meeting of Experts on Violence against Women and Men in the World of Work (Geneva, 3–6 October 2016)

**Summary:** This document contains the final report of the Meeting of Experts on Violence against Women and Men in the World of Work that took place in Geneva from 3 to 6 October 2016.

**Author unit:** Conditions of Work and Equality Department (WORKQUALITY).

**Related document:** GB.328/INS/17/5.



1. At its 325th Session (November 2015), the Governing Body 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 (June 2018) of the Conference” and “to convene a tripartite meeting of experts to provide guidance on which basis the Governing Body [would] consider, at its 328th Session (November 2016), the preparations for the first discussion of possible instruments by the Conference”.<sup>1</sup>
2. The tripartite Meeting of Experts was held in Geneva from 3 to 6 October 2016 and its conclusions submitted to the Governing Body at its 328th Session (October–November 2016).<sup>2</sup>
3. On the basis of the Conclusions of the Meeting, the Governing Body:
  - (a) requested the Office to prepare the first discussion of possible instruments on violence and harassment against women and men in the world of work by the Conference at its 107th Session (2018) taking into account the guidance provided in the Conclusions of the Meeting of Experts on Violence against Women and Men in the World of Work (Geneva, 3–6 October 2016) and further guidance given by the Governing Body;
  - (b) decided to replace the term “violence” with “violence and harassment” in the title of the item placed on the agenda of the 107th Session (2018) of the Conference; and
  - (c) approved a programme of reduced intervals for the preparatory stages of the first discussion of the agenda item as outlined in Appendix II of document GB.328/INS/17/5.<sup>3</sup>
4. As announced in paragraph 10 of document GB.328/INS/17/5, the detailed report of the Meeting can be found in the Appendix to this document.

<sup>1</sup> GB.325/PV, para. 33(a) and (b).

<sup>2</sup> GB.328/INS/17/5.

<sup>3</sup> GB.328/PV/Draft, para. 357.



## Appendix

### Meeting of Experts on Violence against Women and Men in the World of Work (3–6 October 2016)

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## Introduction

1. At its 325th Session (November 2015), the Governing Body of the ILO 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 (June 2018) of the Conference” and “to convene a tripartite meeting of experts to provide guidance on which basis the Governing Body [would] consider, at its 328th Session (November 2016), the preparations for the first discussion of possible instruments by the Conference”.<sup>1</sup> The Governing Body approved the following agenda for the meeting at its 326th Session (March 2016):<sup>2</sup>
  - review existing understandings of what is considered to be violence in the world of work, related trends, forms and incidence;
  - examine the gender dimensions of violence in the world of work;
  - review the impact of violence in the world of work on workers and enterprises, including on workers’ well-being and productivity, and firms’ performance;
  - identify groups of workers, enterprises, sectors and occupations more at risk of being subjected to violence;
  - review responses to prevent and address violence in the world of work in national and international laws and regulations, collective agreements and enterprise policies; and
  - provide, on the basis of the above, guidance for the standard-setting item on violence against women and men in the world of work that has been placed on the agenda of the International Labour Conference in June 2018. Guidance could include identifying forms of violence warranting priority consideration and responses thereto.
2. In light of the approved agenda, the Office prepared a background paper,<sup>3</sup> which was based on research from the fields of non-discrimination and equality, and occupational safety and health (OSH), as well as comparative analyses of regulation at national, regional and international levels.
3. The tripartite Meeting of Experts was subsequently convened from 3 to 6 October 2016.<sup>4</sup>

<sup>1</sup> GB.325/PV, para. 33(a) and (b).

<sup>2</sup> GB.326/INS/17, paras 7–8. The Governing Body further determined that the Meeting of Experts would be attended by eight Government experts, eight Employer experts and eight Worker experts (paras 5–6).

<sup>3</sup> ILO: Background paper for discussion at the Meeting of Experts on Violence against Women and Men in the World of Work, Geneva, 2016 (MEVWM/2016).

<sup>4</sup> A shortened report of the Meeting was produced for the 328th Session of the Governing Body (GB.328/INS/17/5), Annex I of which presented the Meeting’s conclusions, which will be referred to throughout this current, expanded report.

## I. Participants

4. The Meeting was attended by experts nominated by the Governments from Argentina, Australia, Belgium, Canada, India, Rwanda, South Africa and Sweden. Also in attendance were a number of observers, including from governments, the International Organisation of Employers, the International Trade Union Confederation, intergovernmental organizations and international non-governmental organizations.

5. The Officers of the meeting were:

*Independent Chairperson:* Ms Janine Pitt (Australia)

*Government Vice-Chairperson:* Ms Thérèse Boutsen (Government expert from Belgium)

*Employer Vice-Chairperson:* Mr Kris de Meester (Employer expert from Belgium)

*Worker Vice-Chairperson:* Ms Catelene Passchier (Worker expert from the Netherlands)

6. The Secretary-General of the Meeting was Ms Manuela Tomei, Director, Conditions of Work and Equality Department (WORKQUALITY). The Deputy Secretary-General was Ms Shauna Olney, Director, Gender Equality and Diversity Branch. The Coordinator of the Meeting was Mr Casper Edmonds.

## II. Opening of the Meeting

### Opening address by the Chairperson and election of the Vice-Chairpersons

7. The Secretary-General opened the Meeting. She welcomed the participants and introduced the members of the Meeting secretariat and the Chairperson.

8. The Chairperson referred to the Declaration concerning the aims and purposes of the International Labour Organization (Declaration of Philadelphia, 1944), noting the importance of the topic of violence in the world of work and the negative impact it has on the right of all human beings “to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”. She introduced the objectives of the Meeting and presented the agenda, emphasizing the importance of striving for consensus.

9. Ms Thérèse Boutsen from the Government group, Mr Kris de Meester from the Employers’ group and Ms Catelene Passchier from the Workers’ group were nominated by their respective groups as Vice-Chairpersons.

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## Presentation by the Office: The background paper

10. The Secretary-General of the Meeting made a presentation, providing an overview of the background paper prepared for the Meeting. She began by signalling the importance of focusing on violence in the world of work, because it is a violation of human rights, because it can impact negatively on productivity and because it can hamper the efficient functioning of labour markets.
11. The Secretary-General of the Meeting described how the background paper noted that there is no internationally agreed definition of the term “violence in the world of work”, but that there is a great deal of common ground in terms of substance and action. The term “violence” in the report was used to encompass a variety of behaviours, gestures and actions that cause harm to other human beings. The term “world of work” referred not only to the physical workplace (including when home is the workplace), but also to commuting to and from work, training, social events and technology that connect world of work actors. The report detailed various forms of violence, namely physical, psychological and sexual (including sexual harassment). Physical violence is often the most apparent, but psychological violence is often the most reported form of violence, and it can produce long-term negative impacts. These different forms of violence can be considered gender based when they are directed against a woman or a man because of their sex, or because they do not conform to certain gender norms.
12. The Secretary-General of the Meeting mentioned sources of violence, as described by the background paper, including: unequal power relations; poor management; poor organization of work; poor working conditions; and informal work. She noted how the normalization of violence and the spill over of intimate partner violence impacted on the world of work. She also noted from the background paper that violence can be experienced – or committed – by employers, managers, workers or third parties, and that it can also affect interns and apprentices not in an employment relationship. Violence is considered “horizontal” or “lateral” when committed between workers or between employers or managers.
13. While the background paper noted that no group, sector or occupation was intrinsically vulnerable, some could be at a higher risk. Particular sectors (for example health, education and hospitality) have reported relatively higher incidence. This is due to negative power relations, discrimination based on the intersectionality of various factors (such as gender or race), circumstances and conditions of work – such as working alone or at night – and psychosocial hazards.
14. The Secretary-General of the Meeting continued her overview of the background paper by mentioning the main approaches of national regulatory responses to violence and relevant ILO instruments. Countries are increasingly addressing less-visible forms of violence in the world of work (such as psychological harassment), taking an OSH perspective, and addressing violence in a broader approach, such as through laws on violence against women. A number of ILO instruments address violence against certain groups as part of a broader protection, and there are some that, while not mentioning violence explicitly, provide some elements for addressing violence. Nevertheless, no international labour standard defines violence or details its scope, and gaps remain regarding certain occupations and forms of violence.
15. The Secretary-General of the Meeting concluded her overview of the background paper by signalling the regulatory gaps that it observed. These gaps include: lack of coherence in laws; lack of coverage of workers most exposed to violence; defining “workplace” in an overly narrow way; the preference for a criminal justice approach that is not entirely effective for responding to sexual harassment and bullying; the fact that protection against violence is often not included in an employer’s general duty to protect the health and safety of workers;

that only a small number of countries consider the health consequences of workplace violence; and that regulatory protections lack a gender lens.

### **Logistical details from the Office**

- 16.** The Deputy Secretary-General of the Meeting noted that there was a two-page addendum to the background paper containing five “Points for discussion” that had been shared previously with the Meeting experts.<sup>5</sup> These points were as follows:
- trends and impact of violence against women and men in the world of work;
  - understanding what is considered to be “violence against women and men in the world of work”;
  - risk factors for violence in the world of work;
  - effective approaches to addressing violence against women and men in the world of work; and
  - gaps that could be addressed by new ILO instrument(s).
- 17.** The Deputy Secretary-General of the Meeting explained that, in the addendum, each of the “Points for discussion” was followed by additional information and questions meant to facilitate discussion, but that these were neither exhaustive nor mandatory. The experts adopted the five points, agreeing to use them as a framework for their discussion.
- 18.** The Meeting Coordinator provided an overview of the tentative plan of work. The Meeting would be convened for four days and would have morning, afternoon and evening/night sessions where appropriate. The experts adopted the complete plan of work.
- 19.** The Chairperson noted that observers did not have the right to speak during the Meeting, except during the opening session, as this was agreed to by Government, Employer and Worker experts. She explained, however, that this was not to be considered a precedent for future meetings.

### **III. Opening statements**

- 20.** The Employer Vice-Chairperson, speaking on behalf of the Employers’ group, began his statement by noting that violence in the world of work was a serious issue for society. He described it as a moral issue, as well as being an issue of security, stability, public health and human rights, and that it affected productivity. He noted that the expert Meeting was an opportunity to promote a preventive approach and to introduce mitigation measures. For the Meeting to be effective, he expressed that it was important to set clear boundaries regarding what is considered violence at work and to reflect on ways it could be prevented and mitigated.
- 21.** The Employer Vice-Chairperson referred to the background paper which noted that there is, currently, no universally accepted definition of the term “violence”. Nevertheless, he perceived that the background paper promoted a wide, “ideal” understanding of violence, without providing evidence of universal support. Without properly defining and providing a scope for the term, he contended, there was a risk of including a very wide range of

<sup>5</sup> MEVWM/2016/1.

behaviours beyond physical violence, which could lead to watering down the term and including other forms of conduct which require different solutions.

22. The Employer Vice-Chairperson went on to note that, as the background paper details, there are difficulties in comparing data on violence in the world of work across countries. However, he contended that preventing violence could be done, even when data are not readily available.
23. The Employer Vice-Chairperson asserted that different forms of behaviour required different approaches and different actions. He perceived that distinguishing these different behaviours was more in line with existing ILO Conventions, as well as other instruments, such as the European framework agreement on harassment and violence at work signed in 2007 by the European social partners. He also referred to the ILO's code of practice on workplace violence in services sectors and measures to combat this phenomenon (2004) which provides a definition of violence in the workplace for those specific sectors. At the same time, he recognized that the code of practice was not what he referred to as the "Holy Grail", in terms of responding to violence in the world of work.
24. The Employer Vice-Chairperson presented the following key messages from Employers: violence at work is unacceptable and, even though some progress has been made, especially against gender-based violence, more remains to be done; since violence at work is a reflection of violence in society, governments have a responsibility to promote a general environment of non-tolerance for violence, which would support employers' efforts and responsibility in the workplace; and workers and trade unions also have a clear role in addressing violence at work.
25. The Employer Vice-Chairperson described that the challenge of the Meeting was to establish what could be done in the workplace to prevent or mitigate violence at work. He mentioned various instruments that address specific forms of violence, specific sectors or individuals: these include health and safety legislation, regulations from different angles, prohibitions against violence at work and prevention policies.
26. The Employer Vice-Chairperson stated that not all issues of violence could be solved through legislation, and that there was a need to effectively combine legislation with awareness raising, changing mind sets and promoting a culture of zero tolerance against violence. He contended that a Convention often ends up being limited in scope and risks excluding various inappropriate behaviours in its response to violence at work. Meanwhile, he continued, a Recommendation is more flexible and could provide guidance on additional aspects of unacceptable behaviour. He described violence at work as an OSH issue and suggested that a Recommendation on violence could allow the ILO to integrate violence into its OSH standards. He concluded by recalling that the tripartite expert meeting in 2003 on violence in the services sectors highlighted the following key actions for addressing violence in the workplace: prevention; risk management; training; care and support to those affected; and monitoring and evaluation.
27. The Worker Vice-Chairperson, speaking on behalf of the Workers' group, emphasized the relevance of the topic of violence in the world of work, noting that it was of crucial importance for the ILO and its tripartite constituents. She described the background paper as providing a very good basis for discussion. While acknowledging challenges in comparability of data, she observed that the extensive amount of sources and evidence provided by the report demonstrated that the issue of violence is large and needs to be addressed.
28. The Worker Vice-Chairperson reminded the Meeting that the first labour laws banning night work for women were aimed at protecting women, not only from long working hours but

also against the dangers of sexual harassment and violence occurring in the workplace and on the way to, and from, the workplace. One hundred years on, she continued, there was an understanding that it is violence (not women) that should be banned from the workplace, and governments and social partners have an important role to play in achieving this.

- 29.** The Worker Vice-Chairperson went on to emphasize that decent work could not coexist with violence at work and that the Meeting must send out a strong message in this regard. She recalled that the ILO Governing Body had recognized the importance of this matter by placing the discussion on “violence against women and men in the world of work” on the agenda for the 2018 International Labour Conference as a standard-setting item.
- 30.** The Worker Vice-Chairperson pointed out that violence in its various forms was one of the most unreported, yet destructive, features of the world of work, costing lives and livelihoods, destroying families, harming the reputation of businesses, and costing billions to the economy. It was noted that violence in the world of work could take several forms, including: physical abuse, including assault, battery, attempted murder and murder; sexual violence, including rape and sexual assault; verbal abuse; bullying; psychological abuse and intimidation; sexual harassment; threats of violence and stalking. She explained that apparently minor forms of intimidation and harassment could have devastating effects over time, including leading to suicide. Recalling that violence at work affects both men and women, she stressed that the possible ILO instrument on violence must aim at protecting all workers.
- 31.** The Worker Vice-Chairperson observed that unequal power relations are often at the root of violence in the world of work. These power relationships manifest themselves in the fact that racialized groups, indigenous workers, migrant workers, LGBTI<sup>6</sup> workers and young workers are most often victims of violence.
- 32.** The Worker Vice-Chairperson underlined the importance of the gender dimension of violence, as evidence shows that women are disproportionately affected by violence in the world of work, and that inequality, vulnerability and insecurity in employment play a role. She detailed how the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) had recognized that sexual harassment was a serious form of sex discrimination and a violation of human rights – both as *quid pro quo* and hostile environment sexual harassment – and that the Committee had also observed that sexual harassment was often dealt with, if at all, through penal codes which generally proved inadequate.
- 33.** Referring to several ILO instruments that mention the need to address violence or sexual harassment, the Worker Vice-Chairperson observed that none of them defined “violence” or pointed out steps that governments, employers’ and workers’ organizations could take to prevent and address violence in the world of work. In the absence of a suitable regulatory framework, some governments, employers and trade unions had sought to address the issue through OSH frameworks, with their important focus on prevention and risk assessment; however, workers did not see these frameworks, on their own, as sufficiently addressing violence in the world of work, in particular gender-based violence. Joint employer–union action through negotiation, including through collective bargaining, was seen as a means of finding solutions to violence at work.
- 34.** The Worker Vice-Chairperson pointed out that the risk of exposure to violence is often greater in jobs and sectors where work performed is informal, and in new forms of work organization. She also mentioned the position of workers in non-standard and insecure and

<sup>6</sup> The abbreviation LGBTI refers to lesbian, gay, bisexual, transsexual/transgender/transvestite and intersex people.

precarious employment relationships as being factors in violence. The Worker Vice-Chairperson mentioned sex-based sectoral and occupational segregation, over-representation of women in some sectors and women working in some male-dominated sectors as factors that could increase women's exposure to violence. What was needed was an integrated approach, not just for prevention, but also for protection, rehabilitation and compensation.

- 35.** The Worker Vice-Chairperson reminded the Meeting that violence against trade union members was a long-standing issue for the ILO. The impact of domestic violence in the world of work also needed to be examined. To do this, the home and the workplace, as well as when the home is the workplace, needed to be considered. The Worker Vice-Chairperson referred to the case of Belgium where alcoholism is treated as a workplace issue; so, too, can domestic violence be treated as a matter for the workplace. She also noted that the position of workers in non-standard and insecure employment relationships, such as temporary or agency work and on-call contracts, should be examined. Especially in situations of triangular relationships, for example, with workers hired by an agency or catering firm and placed to work on the shop floor of another company, it may be difficult for the worker to speak out and to get protection. She further noted that the user enterprise may not see itself as the one being responsible. The agency, however, who is the employer, may not want to address the situation, because it does not want to risk its contract with the user enterprise. The Meeting was urged to explore these issues and to identify gaps and to see how they could be addressed through an ILO instrument.
- 36.** The Worker Vice-Chairperson concluded by noting that an ILO instrument could help define violence, including gender-based violence in the context of the world of work. It could provide guidance to tripartite constituents on how to prevent, address and redress violence and harassment at work, how to reduce vulnerability to violence and how to create a culture where violence was not tolerated. A new ILO instrument would also help to clarify the roles of the labour inspectorate and enforcement mechanisms, including courts and tribunals, and it would assist in moving the issue to the top of the agenda of workers' organizations. She noted that various United Nations initiatives to address violence against women had not addressed the workplace, and she reminded the group that the world was watching the ILO. She urged the Meeting to seize the opportunity to take a decisive step towards banning violence and harassment from the world of work.
- 37.** The expert from the Government of Belgium speaking on behalf of the European Union (EU) began by mentioning that the EU had a broad understanding of violence, including psychological and physical violence. She noted that workplace violence is a human rights violation, a threat to the dignity, health and security of individuals, and is extremely costly for workers, companies, organizations and societies. She described how workplace violence was under-reported because of workers' fear of being fired or stigmatized, and a lack of knowledge regarding reporting mechanisms. She reported that gender-based violence was a major concern of the EU, as evidence showed that women were at a higher risk of violence and harassment than men, including sexual harassment. She suggested that violence was, therefore, a societal problem and that the gender dimension should be taken into account. She made it clear that the EU did not overlook the particular susceptibility of vulnerable groups to experiencing violence, such as workers living with HIV,<sup>7</sup> LGBTI workers, workers with disabilities, migrant workers, and workers from minorities.

<sup>7</sup> HIV refers to the human immunodeficiency virus, the virus that causes the acquired immunodeficiency syndrome (AIDS).

- 38.** The expert from the Government of Belgium speaking on behalf of the EU informed the Meeting that harassment, as well as sexual harassment, and violence in the workplace were prohibited by the EU “acquis”<sup>8</sup>, specifically: the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; the Council Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; and the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. She specified that Council Directive 2000/43/EC made reference to harassment. She stated, in addition, that all EU Member States had signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) under which sexual and gender-based violence were subject to criminal and other legal sanctions.
- 39.** The expert from the Government of Belgium speaking on behalf of the EU described how the European social partners had contributed to the development of the European framework agreement on harassment and violence at work and that this approach could serve to inform the work of the Meeting. She concluded by declaring that it was crucial for the ILO to address the specific issue of violence in the world of work and outlined measures that needed to be part of this, namely: awareness-raising and prevention campaigns; zero tolerance for all forms of workplace violence; the development of assessment tools and methodologies, ensuring that there were systems for reporting and responding to the issue; and relevant legislation.
- 40.** The expert from the Government of South Africa supported the decision of the ILO Governing Body to place violence against women and men in the world of work as a standard-setting item. She highlighted the timely nature of the discussions, as the recovery from the global economic crisis had shown that labour instability had been found to be a principal cause of declining growth. She stated that it was imperative for workplace violence to be included as part of industrial relations to help tackle unemployment, poverty and inequalities. She pointed out that conflicts of interest between employees and employers were intrinsic to the workplace, and that a legal framework to manage conflict in a way that respected fundamental human rights was essential.
- 41.** The expert from the Government of South Africa informed the Meeting that gender-based violence was an important issue in South Africa, which had devastating private and social effects. Gender-based violence also had significant socio-economic effects, as it reflected and reinforced inequalities between women and men. She acknowledged that gender-based violence is related to normative roles associated with each gender and unequal power relations between two genders. She stated that gender-based violence included specific offences against women, children, men, and heterosexual, gay, lesbian, bisexual and transgender workers, and that men were particularly vulnerable when they had transgressed predominant concepts of masculinity.
- 42.** The expert from the Government of South Africa highlighted that South Africa had a progressive Constitution that guaranteed gender equality and that, under the Constitution, it was not sufficient to react to discrimination, but, rather, to be proactive. This was also the case with South Africa’s Employment Equity Act 1998, which included a prohibition of harassment in all its forms. She outlined how, based on the Act, the Government had developed a Code of Good Practice on Handling of Sexual Harassment Cases in the Workplace, and that various employers had also developed such codes. She concluded by

<sup>8</sup> The “acquis communautaire” or “acquis” refer to the EU’s accumulated body of law.

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outlining the strong levels of participation of the social partners in developing legislation, regulations and codes, which provided creditability and buy-in.

43. The expert from the Government of Argentina declared that work was central to a person's well-being, to the well-being of their family and of the wider society. Therefore, it was crucial to reach a set of standards that dealt with workplace violence in both the formal and informal economies. She argued that procedures for dealing with workplace violence needed to be improved, so that they benefited, rather than further harmed, the worker alleging violence, so that they protected witnesses, and so that free legal aid was available to workers.
44. The expert from the Government of Australia declared that her Government was firmly committed to reducing incidents of violence at work and that Australia's work, health and safety laws had set a high standard to protect Australian workers from violence, including workplace harassment and bullying. She informed the Meeting that there were penalties for those who breached these laws in Australia and that Australian law implemented a risk-management approach to prevent violence. She stated that her Government recognized the gender dimensions of the issue and that particular groups of workers were more vulnerable to violence, such as women and youth.
45. The expert from the Government of Australia highlighted how violence could be exacerbated by poverty, lack of education or opportunity, disability, sexual orientation, gender identity, age and indigenous status. She informed the Meeting of her Government's commitment to reduce incidents of domestic violence through the National Plan to Reduce Violence against Women and their Children 2010–22. She described the provision of a safety net for women considered high risk through front-line support, such as education to help change community attitudes to violence. The expert from the Government of Australia closed by mentioning the importance of participating in this Meeting, in order to lay the foundations for the 2018 International Labour Conference.
46. The expert from the Government of Canada emphasized that the absence of both physical and psychological violence was essential to creating respectful workplaces. This should be advanced via strengthening regulation, encouraging greater responsibilities among workers and employers, and through dialogue, including on how to combat domestic violence.
47. The observer expert of the Government of Italy aligned herself with the EU statement. She described the seriousness of violence, which took many forms, such as physical violence, harassment, sexual harassment, sexual violence and mobbing. She stated that it was essential to identify risk factors for particularly vulnerable groups, namely minors, women, migrant workers, LGBT persons, domestic workers and those working in health care, education and the emergency services. She outlined how Italy had not only established preventative measures but also ensured that workers have protection from violence. She declared her Government's support for an ILO Convention on the issue that filled in the remaining gaps and established a common, international legal framework.
48. The observer expert of the Government of Algeria noted the comprehensiveness of the background paper, with its broad definition of violence, encompassing both physical and psychological violence. She declared her Government's satisfaction that the Office's work was based on a range of studies and statistics from a number of countries, so as to better understand the impact of violence on workers, employers and the economy, in order to better find legislative and practical solutions. At the same time, she cautioned that the report made reference to "certain groups" that were not universally accepted because of sociocultural or religious reasons. She referenced in particular the resolution (A/HRC/L.2/Rev.1) on protection against violence and discrimination based on sexual orientation and gender identity, and made clear that the Organization of Islamic Cooperation and 57 governments had disassociated themselves from this resolution. She concluded by stating that both the

Algerian Constitution and the Labour Law prohibited physical and moral violence, and protected victims and witnesses from reprisals by employers for making a complaint.

49. The observer expert of the Government of Nepal outlined how violence or the threat of violence was a growing concern for all workers in all countries. She expressed the view that men are more exposed to physical and psychological violence, whereas women are more exposed to gender-based violence and sexual harassment, especially in traditionally male-dominated sectors of the economy, work that involved dealing with the public, domestic work, and night work. She stated that much of the violence went unreported, because of stigma, and the victim often suffered during the process. She went on to describe how, sometimes, perpetrators try to settle a case with money, power or job influence. She emphasized that, in Nepal, often lower caste workers suffered from the worst and most frequent abuses due to lower levels of education and economic and social disadvantage. She outlined how the Government of Nepal was, through ratifying international Conventions, introducing national laws to curb caste-based and gender-based discrimination, and through challenging illiteracy, poverty and patriarchal thinking, doing its utmost to eliminate all forms of discrimination and violence. She observed that workplace violence affected workers' self-esteem and led to absenteeism, psychological trauma and depression for workers and their families, and she called for collective efforts to resolve the situation.
50. The observer expert of the non-governmental organization "Women in Informal Employment: Globalizing and Organizing" (WIEGO) outlined how informal economy workers accounted for the majority of non-agricultural employment in the Global South, with the exception of the Middle East and North Africa, where they accounted for 45 per cent of non-agricultural employment. She described how, within the informal economy, women workers were over-represented in most low-paid and vulnerable forms of employment, and how they experienced gender-based violence based on an intersection of their gender, class, race, ethnicity, sexuality, nationality and migrant status. She voiced her appreciation of the fact that "the home" was referenced in the ILO background paper as a workplace. She contended that the unequal responsibility for care work often exposed women to violence in their homes and that gender-based violence was a way to control women's labour and autonomy.
51. The observer expert of WIEGO suggested that the types of gender-based violence experienced by women were dependent on the sector and place of work: street vendors being evicted or having their goods confiscated; women engaging in transactional sex to secure a place of work; and waste pickers being exposed to sexual harassment. She reminded the Meeting that the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) recognized the need for regulated access to public spaces and the use of public natural resources. She made the point that, for legal and financial reasons, informal workers had limited recourse to justice, and that they were not covered by OSH standards or social security systems. She concluded by stating that women informal workers were looking to this ILO standard-setting process, because addressing violence in the world of work is an important component in facilitating the transition from the informal to the formal economy.

## **IV. Discussion**

### **Point 1: Trends and impact of violence against women and men in the world of work**

52. The dialogue related to discussion point 1 was begun by the Worker Vice-Chairperson, speaking on behalf of the Workers' group. She stated that violence at work was a major

violation of human and labour rights, contributing to decent work deficits, as demonstrated by relevant data collected around the world. The Worker Vice-Chairperson described various types of violence, including psychological violence and technology-based violence which have been on the rise at the workplace and which would require stronger action, beyond legislation already passed in some countries. She also pointed to the fact that workers already vulnerable to discrimination (such as women, migrant workers, LGBTI persons, and persons with disabilities), may be more exposed to work-related violence. She also indicated the higher vulnerability to violence of groups providing services to the public, such as public transport and health care, front-line services in stressful environments, workers in isolated settings, including domestic workers and workers in agriculture, and those working in global supply chains and export processing zones.

- 53.** Adding to the comments of the Worker Vice-Chairperson, a Worker expert from India provided an example of the working conditions of women conductors from her country, where, according to the data collected, more than 70 per cent reported being subject to violence and abuse. She noted, moreover, that a majority reported not feeling safe at work.
- 54.** The Worker Vice-Chairperson referred to workers in the informal economy who performed their work in public spaces, such as street vendors, and who experienced violence from public authorities. She recalled the need to take measures to eliminate violence, including gender-based violence, among this group of workers, as referred to in Recommendation No. 204. The Worker Vice-Chairperson went on to explain the impact that violence can have on workers' well-being, their mental health, their ability to return to work, and on labour force participation. She pointed out that violence at work also had negative consequences for businesses, including higher absenteeism and staff turnover, higher costs for recruitment, hiring, training, insurance and litigation. The Worker Vice-Chairperson concluded on a positive note, highlighting the role that social dialogue and collective bargaining have played in addressing violence at work.
- 55.** The Employer Vice-Chairperson, speaking on behalf of the Employers' group, suggested that, before discussing trends and impact, it was important to have a good understanding of what violence was. Therefore, he revisited his earlier point that the background paper acknowledges there is no one universally accepted definition of violence, which makes it difficult to have a common understanding of the concept across countries and sectors. He referred to differing definitions of violence from the European Commission, the World Health Organization, the ILO, and from Belgium, to illustrate the challenge of providing guidance on a potential instrument to address violence in the world of work.
- 56.** The Employer Vice-Chairperson pointed to what he saw as a lack of longitudinal studies on violence, as well as to a lack of global statistical information across countries. Because of this, he concluded that information on the impact, risks and prevalence of violence was not based on evidence but, rather, on perceptions and political goals. He suggested that the lack of global statistical information across countries provided for selective, anecdotal evidence, mostly at country level; thus, the examples given were not necessarily representative. He contended that some studies referred to in the background paper were based on perceptions, not facts. He referred to statistics in Europe, Africa and Asia that he considered illustrative of challenges in collating data.
- 57.** In spite of difficulties regarding definitions and comparability of data which made measuring impact challenging, the Employer Vice-Chairperson reiterated that employers' organizations had acknowledged that violence at work was unacceptable, and agreed that something needed to be done. He noted the negative implications of violence on the health of the workforce, productivity, reputation and image of businesses. He also stressed that some costs related to violence cannot be quantifiable.

- 58.** The Employer Vice-Chairperson went on to describe situations of violence that he considered were not motivated by gender, such as women being over-represented in front-line services dealing with the public. He suggested that, if men were predominant in those same situations, then men would report similar occurrences of violence. He recognized that specific groups may be more susceptible to violence for a number of risk factors, including gender, societal position and hierarchical relationship, and that all these factors needed to be taken into account before concluding that any particular sector was more affected. He concluded by stressing the need to agree on a common understanding of violence and on the ultimate goal of the Meeting, which should be the adoption of a preventive approach to violence at work.
- 59.** The expert from the Government of Sweden emphasized that regulations and advice given by Swedish authorities regarding violence in the world of work were based on research, including empirical studies. He noted that, in the Swedish setting, occupations that had a higher risk of exposure to violence were those with direct contact with clients and third parties. In the labour market in Sweden, this meant the care and social services. He stated that one of the groups of workers reporting the highest prevalence of violence were teachers working with students with learning difficulties. In this case, he asserted, the employer had the responsibility to protect both pupils and teachers. He suggested that it was, therefore, important to look at violence from an OSH perspective.
- 60.** The expert from the Government of Sweden observed that violence in the world of work can pose a threat to the rule of law and democracy. As an example, he referred to workers from social services, the police and the public sector who were likely to experience violence and threats at work. This, in turn, he suggested, affected their ability to perform at work and, ultimately, to uphold the rule of law. Therefore, he concluded, violence in the world of work can be said not only to impact on costs and productivity, but also to pose a threat to security.
- 61.** The expert from the Government of Belgium made a comment relating to sub-question (i) of discussion point 1: “What groups of workers, enterprises, sectors and occupations are more exposed to violence than others?” She responded that anyone could be a victim of violence, but that some, because of certain risk situations, were more vulnerable than others. As an example, she noted that persons working in the informal economy were particularly vulnerable to violence, and this was linked to certain acts of discrimination and abuse of power. Stress at work and conflicts that were not managed can also be a source of violence. Therefore, she suggested, it was important that people in management were sensitized to all situations of suffering at work.
- 62.** The expert from the Government of Belgium noted the importance of collecting and using data. She emphasized that statistics on violence in the world of work do, indeed, exist. The expert gave examples of studies from Belgium and other European countries. She pointed to the “Sixth European Working Conditions Survey” by Eurofound, which would be useful in examining the prevalence of violence at work across countries.<sup>9</sup> She concluded that it would be important to remember that the consequences of violence extend beyond the victim and the perpetrator, to witnesses of violence who could also experience physical and psychological effects.
- 63.** The expert from the Government of Argentina recognized that the morning discussion had established that anyone could be a victim of violence at work. She stated that it was important to work to ensure that people were not subjected to violence at work and that there should be no victimization of people subjected to violence. She went on to say that, in Argentina,

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<sup>9</sup> The Eurofound (2015) study includes data from the 28 EU Member States, EU candidate countries (Albania, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Turkey), in addition to Norway and Switzerland.

experience over the last few years had shown that services sectors were more vulnerable to violence than other sectors. She underlined the importance of hearing the voice of victims who were greatly affected. The employers would have to look into this important question, and commitment from the governments was also needed.

64. The expert from the Government of South Africa suggested it was important to explore mechanisms to collect data on the cost implications of violence in the world of work. She observed that violence not only drained resources from victims and perpetrators, but also from businesses and all levels of government. She suggested that the cost of violence – including gender-based violence – was a waste of resources, and that buy-in from businesses, employers and civil society would be important. She concluded that good cost implication analyses were needed for businesses to understand that they needed to cooperate with governments and civil society to address violence, including domestic violence.
65. The Worker Vice-Chairperson responded to an earlier statement made by the Employer Vice-Chairperson regarding evidence of violence in the world of work. She underlined that the commitment of the employers was appreciated, but noted that it was difficult to accept their contention that evidence collected in the background paper was not based on real facts. She contended that there was, indeed, much evidence and factual research on violence against women and men in the world of work. While the Worker Vice-Chairperson could see challenges in comparing some data across countries because of the lack of a common definition of violence, she stated that this did not mean that the findings of national studies were not fact based. She went on to say that, over the past several decades, many countries have taken action against violence in the world of work, and there has also been work at the international level, and that this action would not have been taken without a factual basis.
66. The Worker Vice-Chairperson stated that the suggestion made by the Employer Vice-Chairperson, that evidence on violence was based on perceptions and politics, did not seem to take the issue seriously. She pointed out that the anecdotal evidence given previously in the Meeting by the Worker expert from India on violence against women provided very interesting perspectives. As such, she described the employers' characterization of such evidence as "not true". She maintained that the majority of people who report violence at work were, indeed, women, and, in addition, women were particularly vulnerable to violence at male-dominated workplaces.
67. The Worker Vice-Chairperson stated that it was not sufficient for the discussion to merely argue that certain statistics were unreliable, and it was not acceptable to ignore the gender dimension of this issue. She recognized that an important, essential agreement of the Meeting was that there needs to be more comparable data; however, she continued, there were sufficient data to show that violence is a large problem for the world of work, that it affected women and that there was a gender dimension to it.
68. The Worker Vice-Chairperson concluded that there was a clear goal: to provide ILO guidance on how to deal with violence, including through good practices. She recognized that not all actions against violence needed to be gender specific, but that the gender dimension had to be taken into account. She emphasized that it was important to agree on this and to have a common understanding.
69. The Employer Vice-Chairperson responded to the Worker Vice-Chairperson's comments, clarifying that when he had commented on the lack of facts earlier in the Meeting, he had been referring to the quantification of data. He felt that the quantified data in the report were not reliable, because they were not based on a common definition. Further, some data were based on people's perceptions of violence, not on facts. He agreed that it was important to take the gender perspective into account, together with the situational context. As an example, he pointed to the male-dominated construction sector, where he reported that the

turnover rate for women was lower than in female-dominated professions. As for occupations that have more contact with the public, while they were often at risk of violence, he suggested that they also reported high worker satisfaction. Responses needed to take into account the variety of circumstances and potential trade-offs. He concluded by saying that when violence happened, it was already too late, and, therefore, there was a need to focus on prevention.

70. The Worker Vice-Chairperson, returning to discussion point 1, recalled that the Workers' group had stated there were certain sectors and workers who were more exposed to violence. She then asked if the Employers' group was challenging facts from her group and from the Governments. She asked, in order to determine if there was common ground, if the Employers' group agreed that, whatever the facts and figures were, violence in the world of work was an important problem.
71. The Employer Vice-Chairperson reiterated the need to take into account the situational context. He observed that, although his group was more reluctant to describe exact impacts of violence in terms of costs, it did want to act upon violence and do everything possible to prevent it.
72. The Worker Vice-Chairperson then asked experts from governments if data and research on violence had helped guide them in taking action. She further asked if the experts from governments felt they needed more background information to engage in a discussion.
73. In response, the experts from the Governments of Argentina, Australia, Belgium, Canada and Sweden provided examples of what they viewed as reliable investigations, publications and evidence of violence in the world of work that had been used to inform public policies. Government participants noted how the research had been used at the country level to identify sectors and groups of workers with higher risk factors and to establish the links between workplace violence and domestic violence. The Government participants also expressed a general consensus on the fact that the background paper provided sufficient evidence for discussion at the Meeting, and the fact that the Governing Body had placed violence against women and men in the world of work on the agenda signalled the importance of the topic.
74. The Employer Vice-Chairperson stated that his group had, perhaps, not been clear enough in stating their point concerning the comparability of data. He clarified that his group had not meant to open a debate on the sufficiency of data. He stressed the importance of clarifying the aim of the expert Meeting and stated that this question was concerned with how to prevent and stop violence, as well as how to assist people in need.
75. The Worker Vice-Chairperson thanked the experts from the Governments who had responded, concluding that there was, indeed, sufficient data to go forward with the discussion. She also observed that, while the ILO could not solve all issues at the root of violence, such as patriarchy, they needed to take these issues into account when addressing violence. She stressed that a better understanding was needed of both symptoms and root causes, so that the ILO could take relevant action.

**Point 2: Understanding what is considered to be  
“violence against women and men in the  
world of work”**

76. The dialogue related to discussion point 2 was begun by the Employer Vice-Chairperson. Drawing from discussion point 1, he stated that it was clear there was no common understanding of what violence was, since different institutions and countries understood

and defined it in different ways. He pointed to the ILO code of practice on workplace violence in services sectors and measures to combat this phenomenon (2004) which defined violence as “Any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured in the course of, or as a direct result of, his or her work.”<sup>10</sup>

77. The Employer Vice-Chairperson then referenced the European framework agreement on harassment and violence at work, which defined violence and harassment, and the Equal Treatment Directive<sup>11</sup> which defined harassment. He characterized the ILO and the EU as having similar definitions that were limited in scope and nuanced. He warned against defining violence too broadly, suggesting it was preferable to distinguish between the concept of violence and other abusive behaviours.
78. The Employer Vice-Chairperson noted that the Worker Vice-Chairperson had previously mentioned compensation. He stressed that including compensation could cause a bottleneck, as sometimes intentionality/responsibility for violence could not be attributed easily. If prevention were the focus, then establishing intentionality would not play a role.
79. The Employer Vice-Chairperson explored a number of elements related to violence: violence can be technologically based; violence can be a one-off event, but countries’ definitions of harassment often refer to repetition; violence can be carried out by anyone, and anyone can be a victim of violence; and violence can occur because of unequal power relations and social factors, among others.
80. The Worker Vice-Chairperson, speaking on behalf of the Workers’ group, concurred that there was no universally agreed definition on violence at work. She also considered that the definition provided by the ILO’s code of practice on workplace violence in services sectors and measures to combat this phenomenon (2004) could be useful as a starting point.
81. The Worker Vice-Chairperson noted that harassment and violence at the workplace were reflections of unequal power relations, including women being disproportionately affected by violence. Occupational segregation into low-waged, insecure, part-time and informal work and a low degree of union organization increased women’s risk of being exposed to violence.
82. On the matter of intentionality, the Worker Vice-Chairperson noted that, for the Workers, the impact of violence on the worker was much more important than intention.
83. The Worker Vice-Chairperson described violence as a form of control with those at the lowest levels of power, and those who do not conform to societal norms, most at risk. Certain forms of harassment could be used to silence people. In some cases, women were forced into sexual acts to keep their jobs. She described violence as having a chilling effect, forcing victims to put up with other violations of their labour rights.
84. The Worker Vice-Chairperson considered that violence could be a one-off incident or that it could be persistent and repeated. She noted that there were varying levels of violence that needed to be identified and separated with respect to their frequency, such as the case of bullying and harassment which could be defined as repeated or persistent behaviour likely to undermine the person and pose a risk to health and safety.

<sup>10</sup> MEVSW/2003/11, para. 1.3.1.

<sup>11</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

- 85.** The Worker Vice-Chairperson suggested that preventing and addressing violence at an early stage could stop violence reoccurring, and it could improve workplace relations and culture, benefiting both workers and employers. Violence could take place in traditional workplace settings, such as offices, factories, shops, hotels and farms or in public spaces, such as violence in city streets and dump sites – these are important workplaces for garbage collectors, informal waste pickers and street and market vendors. The Worker Vice-Chairperson also noted that the home was the workplace for many workers at the end of global supply chains (such as the textile and garment industry), and violence could occur there, too.
- 86.** According to the Worker Vice-Chairperson, violence in the world of work included internal violence (between workers themselves) and external violence (from third parties, such as clients, customers and public authorities).
- 87.** A Worker expert from Canada presented findings from a Canadian study of more than 8,400 workers, where one in three had experienced domestic violence; and over 80 per cent of those affected had said it impacted on their work. She concluded that workplaces are important places to combat violence at work and to create safe workspaces.
- 88.** The Worker Vice-Chairperson, speaking on behalf of the Workers' group, stated the importance of compensation and protection and emphasized the urgency of the situation.
- 89.** The expert from the Government of Canada stated that Canada's definition of violence included physical and psychological aspects. She clarified that the important element was the effect on the worker, not the frequency of the violence. She also emphasized the employer's role in responding to violence.
- 90.** The expert from the government of Belgium stated that her country had a relatively broad definition of violence at work which looks at the effect of such violence. In Belgium, the impact on the workers was the main consideration, not intent or frequency.
- 91.** The Employer Vice-Chairperson, speaking on behalf of the Employers' group, emphasized the importance of looking at the factual situations relating to violence, rather than the employment relationship. He recognized that domestic violence had an impact on the workplace, but he expressed that it was important not to limit the discussion to domestic violence. Furthermore, he expressed a concern that very negative feedback from clients could be perceived by workers as violence or that very poor performance evaluations could be perceived as harassment, so he believed it was important to be clear about definitions.
- 92.** The Worker Vice-Chairperson argued that, if a company's business was to provide services to clients, then employers should be concerned about the violence committed by clients against their staff. She also explained that employers were not expected to prevent domestic violence but, rather, that they can take action. She noted that, as the participation of women in employment increased, violence against women in the workplace and at home had also increased.
- 93.** The expert from the Government of Argentina noted that the emphasis of the approach to violence in the world of work in her country was on prevention, as well as on protection and response. She observed that, in order to lodge complaints about domestic violence, workers had to leave the workplace, but employers were not providing them time off for that purpose. She explained that, as a result, workers had to take leave for psychiatric purposes in order to lodge complaints.

94. At this point, the Worker Vice-Chairperson asked whether Government experts were invited to intervene in their own capacity or to speak on behalf of a particular region or the Government group. The Meeting Coordinator clarified that the experts were invited to serve in their personal capacities and not as representatives of governments or groups.
95. The Employer Vice-Chairperson emphasized that, as this was an ILO tripartite Meeting, the experts should focus on issues that could be addressed in the workplace. He recognized that domestic violence was abhorrent but stressed that employers were not the source of that violence. He acknowledged that the workplace could mitigate some of the risks, but that the capacity to do so was limited, as many issues around domestic violence occurred outside of the workplace. He urged the experts not to try to solve societal issues through the workplace.
96. The Worker Vice-Chairperson referred back to the earlier presentation of the large domestic violence study in Canada, noting that domestic violence did not occur through some fault of the employers. She explained that the workplace was often the only safe space some workers had who experience domestic violence, and it would help them if they received some support through the workplace. She recounted how it had been difficult to talk about sexual harassment in the workplace 25 years ago, but, slowly, the introduction of equality policies had helped reduce workplace violence. She contended that employers should not be blamed for domestic violence, but, rather, they could play an important role in helping the victims.

### **Point 3: Risk factors for violence in the world of work**

97. The dialogue related to discussion point 3 was opened by the Worker Vice-Chairperson. She stated that the workplace cannot be isolated from overall societal attitudes, and much of life takes place in someone's workplace, including homes where domestic and service workers attend. Violence in the workplace is, thus, strongly linked to violence in society at large, and violence can occur in conflict zones, front-line services and other public and private services.
98. The Worker Vice-Chairperson noted the example of the Democratic Republic of the Congo where unions have protected and supported nurses who face significant levels of violence at work from patients, their families and doctors – including through challenging a culture of sexual violence, perpetuated through war. In Colombia, unions have called attention to violence, including sexual violence, in the banana sector that has been linked to armed gangs.
99. The Worker Vice-Chairperson noted that gender attitudes contribute to violent behaviours, and that it is mostly men who commit acts of violence against women and children and other men. Workplaces need to take into account norms relating to masculinity and cultural attitudes that can exacerbate violent conduct. She mentioned that more women in work and in public life, including more women in non-traditional roles, and women's greater economic independence, are also factors that can affect higher levels of violence against women at work and in public places, due to pervasive discrimination and prevailing societal norms.
100. The Worker Vice-Chairperson stated that discrimination based on sex, race, sexual orientation and gender identity, disability and age was closely linked to violence. She gave the example of African American women in the United States who are typically in the lowest-paid and most insecure jobs. She also noted that women and girls with disabilities experience violence and abuse at greater rates than the rest of the population. She said that women with intellectual disabilities have often been subjected to violence and sexual assault from a young age and from a variety of perpetrators. The Worker Vice-Chairperson cited additional examples of long-term, severe racial harassment in the workplace from the United Kingdom.

- 101.** The Worker Vice-Chairperson referred to earlier regulation that prohibited employment of women (for example, from doing night work) which is now recognized as the wrong response. Workplace organization and design, together with work intensity, are also relevant, as workers experiencing stress, conflict and/or isolation are at risk of psychosocial harm. She maintained that the risks are more acute for people engaged in precarious work, as they fear retaliation, including loss of employment, if they report violent behaviours.
- 102.** A Worker expert from the Republic of Tanzania provided the example of supply chains for cut flowers and other commercial products such as sisal, tea, coffee and sugar in several African countries. Workers in these supply chains are predominantly female and have experienced very high rates of violence and sexual harassment, including rape. The expert said that it was often a condition of continued employment and payment of the women's weekly wage to accept sexual advances. The expert referred to a survey conducted in 2000 by the National Union of Plantation Workers which found that 65 per cent of workers had experienced repeated sexual harassment. A separate survey of women working in the horticultural and flower industry in Ethiopia found that 75 per cent of women had experienced sexual harassment. In the Republic of Tanzania, the figure was 95 per cent, and in Kenya 90 per cent. She noted, however, collective bargaining to positively address violence in the workplace, such as that between Global Trade Union Federation and Unilever, to ensure zero tolerance for harassment at the workplace.
- 103.** The Worker Vice-Chairperson described the increased risks associated with informal employment, as informal workers (disproportionately women) frequently fall outside the scope of labour law, are sometimes not protected by OSH standards and do not have recourse to labour inspectors. She concluded her initial comments on discussion point 3 by stating that, while the ILO could not address all the problems outlined, many fell within its remit.
- 104.** The Employer Vice-Chairperson sought to clarify the concept of "prevention", before considering discussion point 3. He indicated that prevention entailed defining policy standards that could address violent behaviour (in particular, by stating that violence is not tolerated). It also entailed conducting a risk assessment, to identify priority areas for action. He outlined measures to prevent violence, including awareness raising and training, early warning systems, and procedures to stop violence once it had been observed. He noted that employers could not, however, be a substitute for the police or other specialist professionals concerned with preventing violence.
- 105.** The Employer Vice-Chairperson turned to discussion point 3, stating that a risk factor increased the likelihood that violence would occur. He questioned the direct linkage between informal working conditions and violence. In his view, some of the key risk factors concerned poor workplace systems, such as improper task management, lack of clear rules and the "untouchable" position of some managers or workers (meaning that they could not be effectively held to account for their actions). A further risk factor concerned workplace location, such as work in a remote area, or in an area with a high crime rate.
- 106.** Each of the Government experts then commented on the discussion point.
- 107.** The expert from the Government of Belgium, on behalf of the Government group, referred to the background paper, particularly paragraph 37, as an excellent foundation for discussion. She indicated that groups who were particularly vulnerable to discrimination would face high exposure to violence.
- 108.** The expert of the Government of South Africa indicated that, based on the experience of her country, a multifaceted and integrated approach was required to address violence at work. Risk assessments need to be conducted jointly by employers and workers. The expert identified workers in a number of sectors and situations who could be particularly vulnerable

to violence, including: those in poor working conditions; workers in atypical employment (in particular those in temporary jobs, including temporary agency workers); workers in the hospitality sector (especially young women); domestic workers; women entering industries traditionally dominated by men (such as mining, maritime and construction); lesbian and gay workers; and those, such as the self-employed or low-hours workers, who are outside the scope of labour law. The macroeconomic context of high unemployment and inequality has amplified these risk factors by reducing economic opportunity. The expert concluded that a joint effort of social partners and civil society is needed to raise awareness and provide worker assistance.

- 109.** The expert from the Government of Argentina highlighted the lack of workplace democratization and poor communication as key factors for violence. She also considered poor work organization and job rotation as contributing factors. The expert also mentioned precariousness as one of the most significant risk factors and noted that women are particularly vulnerable.
- 110.** The expert from the Government of Sweden referred to his country's guidelines on workplace violence which specify three specific risk factors: workers dealing with money; workers with the authority to give benefits; and workers in contact with third parties. He cited the example of a 2008 study of bus drivers, who were at risk because they carried cash. As a result, bus drivers in Stockholm now do not carry or manage money in the buses. The expert stressed the need for training of managements and workers, and a zero tolerance approach to violence.
- 111.** The expert from the Government of Canada affirmed the discussion of risk factors set out in paragraph 37 of the background paper. She discussed the role of OSH committees and of safety and health representatives in addressing violence. She noted that these systems help identify risks within the workplace and that employers are obliged to develop a violence prevention plan, reviewed periodically.
- 112.** The expert from the Government of Canada further explained that concern has been raised over how best to maintain confidentiality and privacy in the context of reporting sexual harassment. To overcome these difficulties, one province hired OSH inspectors specifically trained to respond to sexual harassment reports. She indicated that better data is needed to better target needs.
- 113.** The expert from the Government of Australia also concurred with the discussion of risk factors in the background paper, and suggested highlighting the distinct risks in different sectors and groups. She further indicated that OSH legislation provides a framework for protection in the workplace, with the onus being on employers to mitigate risk.
- 114.** The expert from the Government of Belgium indicated that risk factors depend on the type of behaviours. Sexual violence is linked to gender power relations, and organizational risk factors must also be taken into account for harassment. Violence is sometimes considered normal by workers and part of their job, and violence may also be linked to the way in which people are hired and fired.
- 115.** The remainder of the session on discussion point 3 consisted of additional comments from the Worker and Employer Vice-Chairpersons. The Worker Vice-Chairperson remarked on the need to talk about responsibility for prevention, protection and remedy. She recognized that it was preferable, first, to talk about these issues in non-legal terms and to then consider the legal aspects. She agreed that situations in which staff acted with impunity constitute a risk factor.

116. The Worker Vice-Chairperson added that she appreciated the Canadian OSH example. Sexual harassment can be difficult to address through OSH frameworks, because they can operate in a de-gendered way. However, the Canadian example showed that this could be addressed by having female officers to whom women workers can speak.
117. The Employer Vice-Chairperson expressed some reservations about using the word “remedy”. He indicated that, in some situations, a non-sanctioning approach was preferable. He added that in some cases where a sanction was required, it could be obstructed by bodies such as the Works Council.
118. The Worker Vice-Chairperson responded that it was important to discuss remedy, as prevention alone was not sufficient if people had suffered. She agreed that dismissal should be available as a sanction against perpetrators. She also indicated that helping women to move from precarious work into more stable employment strengthened protection against violence in various ways.
119. The Employer Vice-Chairperson urged the Meeting to reach agreement on the meaning of remedy. He also stated that the “untouchable” status of some staff was a risk factor not connected to the issue of sanctions.

#### **Point 4: Effective approaches to addressing violence against women and men in the world of work**

120. The dialogue related to discussion point 4 was begun by the Employer Vice-Chairperson, by stating that violence prevention instruments should take into account differences between countries. He suggested that one of the main drivers of violence at work was societal attitudes, and this needed to be addressed by methods flexible enough to target all workplaces.
121. The Employer Vice-Chairperson referred to a good practice from Belgium, stressing that it may not, necessarily, be replicable elsewhere. In Belgium, the starting point had been to create workplace conditions in which workers could perform at their best. This had two pillars – the workplace environment as a whole, and the individual worker, with their aspirations and values. The basic concept was respect, and the word violence was not mentioned in the methodology.
122. The Employer expert from Australia explained that risk identification depended on context, including the sector within which the workplace was located. She also suggested that people not actually employed at the workplace may be the source of much workplace violence. The expert described the situation of bus drivers whose work involves a high level of contact with the public. Risk reduction strategies have aimed to protect them from robbery and assault. She also pointed out that the drivers have a duty of care to the public and could take simple steps to minimize such risks, such as parking in well-lit areas, and identifying suspect passengers or packages. She suggested variables to consider when responding to violence, such as the employers’ inability sometimes to control other people’s behaviour, lack of technology and small enterprise size.
123. The Employer expert from the United States of America presented a prevention initiative by Levi Strauss in its supply chain. She explained that the firm provided training for women workers on health, sanitation, personal hygiene, and harassment and discrimination. She explained that the training has been effective, because it was peer-to-peer, and had increased awareness among women workers of what constitutes abuse and harassment. She added that

anecdotal evidence suggested the training had led to greater loyalty from employees and lower absenteeism.

- 124.** The Employer Vice-Chairperson stated that different contexts required different responses, and it was important to promote a workplace culture that does not tolerate violence. Employers should make employees aware of this, and there should be follow-up actions. He added that companies could also make this clear to subcontractors, including asking a subcontractor to remove a particular worker. He reiterated that solutions must be based on risk assessments.
- 125.** The Employer Vice-Chairperson noted that there were already systems in place to address workplace violence through labour law, criminal law, OSH and social protection. He considered that there was no need for specific systems to tackle workplace violence. He stated that, at the level of the workplace, the focus ought to be on resources, time, dialogue and prevention. In terms of enforcement, he maintained that there must be adequate, effective and efficient monitoring and evaluation systems. He asserted that there ought to be a focus on leading indicators, such as absenteeism and staff turnover.
- 126.** The Employer Vice-Chairperson asserted that labour inspectorates and the police were central to enforcement, and that there needed to be strong collaboration between labour inspectors and the social partners at a number of different levels. He emphasized the importance of focusing on systems rather than on individual cases and pointed out that labour inspectorates are increasingly understaffed. He concluded by stating that codes of practice ought to focus on preventative actions, be linked to social security and labour law and be developed via social dialogue.
- 127.** The Worker Vice-Chairperson introduced examples of effective initiatives from various jurisdictions. She stressed the need for an integrated approach to tackling violence that combined the following elements:
- prevention;
  - protection;
  - enforcement and monitoring;
  - social dialogue (including collective bargaining);
  - cooperation between governments and the social partners; and
  - policies and initiatives within the enterprise.
- 128.** The Worker Vice-Chairperson commented that worker-driven, timely, responsive and retaliation-free enforcement and accountability systems were core aspects of the most effective approaches for combating violence against women.
- 129.** Regarding prevention, the Worker Vice-Chairperson explained how health-care unions in Argentina have used collective bargaining and social dialogue to establish joint workplace committees on health and security and a commission on violence in the Ministry of Health in Buenos Aires. Government legislation supports these arrangements, providing for joint committees on health and safety in employment in both the public and private sectors.
- 130.** In South Africa, the South African Commercial and Catering and Allied Workers' Union has trained OSH representatives to play a role in violence prevention. Union representatives have raised member awareness about gender-based violence and sexual harassment, which

is prevalent on many farms. However, the union has noted that workers' precarious working conditions and lack of job security make it difficult for victims to come forward.

- 131.** In the Philippines, the National Union of Building and Construction Workers has addressed sexual harassment through implementing a non-traditional skills-training project which has raised the issues of sexual harassment, and HIV and AIDS, as a part of OSH awareness and training.
- 132.** The Worker Vice-Chairperson noted that many collective agreements include rehabilitative measures for those who have experienced violence, such as counselling and flexible leave. She recalled that one of the first labour laws dealt with accidents at work, and she suggested that violence at work should be dealt with like accidents: all necessary preventative measures needed to be taken and, where they did not work, it was important to deal with consequences.
- 133.** The Worker Vice-Chairperson noted examples of sectoral and company-level agreements to protect workers affected by violence at work from Argentina, Brazil, Dominican Republic, Italy and Spain. She also mentioned collective agreements in Australia and Canada that included clauses on the impact of domestic violence in the workplace, with a specific emphasis on giving support, including initial safety planning, and on directing them to specialist support services.
- 134.** The Worker Vice-Chairperson stressed that compensation for victims was an important part of complaint resolution, and that if cases were not resolved quickly in the workplace, these could lead to costly court cases for employers. She cited examples of positive compensation cases for workers. In 2015, the Fair Work Commission in Australia ordered a Melbourne employer to pay maximum compensation to a domestic violence victim who was unfairly fired, because her employer claimed they could not protect her from her partner who worked in the same office. The Worker Vice-Chairperson noted how this case has been hailed as a landmark decision that requires employers to provide an "added duty" of care for domestic violence victims at work.
- 135.** With respect to enforcement and monitoring, the Worker Vice-Chairperson explained that the national labour inspectorate in Slovakia is conducting a review of Slovakia's anti-discrimination legislation, noting how it is being applied with respect to violent conduct.
- 136.** In the Netherlands, the labour inspectorate investigated the protection of personnel from aggression and violence in the public sector in 2010. Since then, a great deal of progress has been achieved, in particular in public transport. The care industry, the municipal social services and the Employees Insurance Agency have all been found to have made significant progress.
- 137.** In the state of Florida, in the United States, a 16-year campaign successfully defended the rights of tomato pickers who had been frequently physically and sexually assaulted, including in transport on the way to the fields. Agreements with growers and buyers established a 24-hour call centre for workers to report violations of their rights, and immediate investigation, remediation and worker-to-worker education on company time. Zero tolerance translated into near zero incidence of gender-based violence in the fields.
- 138.** At this point, the Worker Vice-Chairperson indicated that she would like to revisit the Levi Strauss example cited by the Employer Vice-Chairperson. She wished to know whether Levi Strauss also trained men in relation to violence prevention. The Employer expert from the United States subsequently explained that training is conducted separately for men and women, because this created a safe and comfortable setting for women in particular. The company has also integrated issues of sexually transmitted diseases and HIV into its training

messages on responsible health, in which women are especially interested, and links have been made between domestic and workplace violence.

- 139.** The Worker Vice-Chairperson went on to consider the role of social dialogue and collective bargaining. She stated that increasing numbers of unions and employers have been negotiating collective agreements that address violence at work, many of which target psychosocial risks of violence and sexual harassment. Good practice agreements typically: commit employers to develop policies and procedures for dealing with and preventing violence; provide training for managers and workplace representatives in order to identify signs of violence; enable the collection of data and monitoring of incidents of violence; and provide practical, health and psychological support for workers experiencing violence, including, in some cases, workers who have been victims of domestic violence. Some collective agreements focus on all forms of violence (physical, psychosocial, sexual harassment), while others address the problem of sexual harassment or specific entitlements to paid leave and support for victims of domestic violence.
- 140.** Global framework agreements between global union federations and multinational enterprises have resulted in explicit statements on dignity at work, procedures to address violence at work, and prevention measures. Some global framework agreements specifically cover sexual harassment, and some make specific reference to all suppliers across the supply chain (including subcontracting) and include systems for joint monitoring of implementation.
- 141.** In Europe, a strong framework for preventing and addressing violence at work is the 2007 European framework agreement on harassment and violence at work negotiated and signed by the European social partners (the European Trade Union Confederation, Business Europe, the European Association of Craft Small and Medium-sized Enterprises and the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest). The framework agreement applies to all workplaces and all workers, irrespective of the form of employment contract or relationship. It has led to a substantial number of sub-agreements at the national and sectoral levels, as well as legislation to protect workers from violence, including harassment and sexual violence. Examples of such agreements include a sectoral banking/insurance agreement in Luxembourg, and national framework agreements in France and Italy.
- 142.** In Uganda, a 2010 collective bargaining agreement focuses on the priorities of women workers in the Ugandan floriculture sector. The collective bargaining agreement was negotiated between the Uganda Flower Exporters Association (UFEA) and the two national trade unions representing floriculture workers. The collective bargaining agreement covers all workers, including non-union members, and includes the commitment to draw up a negotiated workplace policy for dealing with sexual harassment on the farms (as this was identified by women as the major issue they faced at work).
- 143.** In South Africa, a Safety and Security Sectoral Bargaining Council agreement on sexual harassment in the workplace was concluded in 2011. The agreement covers the police and prison sector unions and employers. It sets out measures to prevent, address, and eliminate sexual harassment among colleagues and third parties, including through joint training and awareness raising in the workplace. The South African Commercial, Catering and Allied Workers Union (SACCAWU) has also concluded several collective agreements on gender-based violence in connection with HIV and AIDS policies and health and safety procedures, and in relation to the impact of domestic violence at work.
- 144.** In the Dominican Republic, the Vista Sol Punta Cana agreement provides that no sanctions will be taken against a worker who has made a complaint of sexual harassment, while stipulating sanctions against the aggressor.

- 145.** In Brazil, a collective agreement in the banking sector includes complaints procedures and prevention measures. Some collective agreements in Brazil, the Dominican Republic and Paraguay contain clauses on a joint union–employer commitment to prevent sexual harassment, through for example, awareness-raising activities and provision of counselling services.
- 146.** The Worker Vice-Chairperson then drew on further examples which showed that collective bargaining is a powerful and effective model to deal with the issue of family and domestic violence. Many employers have recognized that the workplace can play a role in supporting their employees to stay in their jobs, enabling them to stay in their homes and their communities.
- 147.** A Worker expert from Australia explained how collective bargaining has become an effective approach for addressing domestic violence. In 2010, the first domestic violence clause in a collective agreement was negotiated. By March 2016, there were 1,234 agreements with a domestic violence clause covering over 1 million workers. All but one of the Australian State and federal governments had negotiated such clauses that cover matters such as paid leave as a result of domestic violence, confidentiality, workplace safety planning, referral processes to domestic violence support services, the provision of training to key personnel, protection from discrimination or adverse action and the right to flexible working arrangements.
- 148.** The Worker Vice-Chairperson then described how collective bargaining has enabled safer workplaces by providing for special representative arrangements for women. In Canada, the union Unifor has negotiated recognition and employer support for Women’s Advocates, who are specially trained workplace representatives who assist women with concerns such as workplace harassment, intimate violence and abuse. They also help men who seek advice about support and services for female colleagues and loved ones.
- 149.** Having reviewed these examples, the Worker Vice-Chairperson emphasized that the effective eradication of violence at work presupposed the presence of strong and independent trade unions, the exercise of the right of freedom of association for all workers and a strong culture of social dialogue.
- 150.** With respect to cooperation between governments and the social partners at different levels, the Worker Vice-Chairperson highlighted the ILO action to protect seafarers. She noted that seafarers face extreme forms of violence. One of the problems is that workers on ships are often without national and international protection because they are flagged in one country, crewed from another country and operate in the waters of a third. She referenced a high profile case of a woman who was raped and thrown overboard, but all relevant countries denied responsibility.
- 151.** The Worker Vice-Chairperson recalled that delegates at the International Labour Conference voted in June 2016 to approve amendments to the Maritime Labour Convention, 2006, to better protect seafarers against shipboard harassment and bullying. The amendments recognized that harassment and bullying on board ships can have serious consequences for the physical and emotional health of seafarers. She noted that the amendments are linked to guidance on identifying and reporting complaints, on the hearing and resolution of cases, as well as on awareness-raising measures to eliminate bullying and harassment.
- 152.** With respect to enterprise policies and initiatives, the Worker Vice-Chairperson argued that emphasis should be given to ensuring that employers and workers’ representatives draw up appropriate workplace policies. Examples of good practice approaches in such policies include the establishment of workplace complaints committees; training for managers and workers’ representatives; and clear statements that the company does not tolerate violence

and that violence can be a disciplinary matter. The Worker Vice-Chairperson said that such policies should cover all employment situations related to the world of work, including transportation and accommodation provided by the employer, social events organized by the employer and training events. She noted the importance of procedures and disciplinary measures for dealing with cases of violence and the importance of confidentiality and impartiality. She suggested these policies should be accessible and available to all workers, regardless of their employment status, (for example, interns and self-employed workers), and they should provide clear information about what unacceptable workplace behaviour is and the potential consequences for perpetrators.

- 153.** The Worker Vice-Chairperson further explained the need to address the gendered dynamics of violence. She contended that there was a strong connection between access to decent work, non-discrimination and trade union protection and the prevention of violence against women and men at work. She described how women's increased participation in the labour market has, in many cases, taken the form of non-standard and precarious forms of employment, typified by informal work and/or low-paid or poorly protected work. This made women especially vulnerable to physical, verbal and sexual harassment and violence. Furthermore, she explained, economic vulnerability and poverty can lock women into dependence on exploitative employers, unethical recruitment agents and traffickers.
- 154.** The Worker Vice-Chairperson affirmed that an integrated approach to tackling violence in the world of work involved using all available tools in a holistic manner. OSH frameworks, non-discrimination legislation, worker education and awareness raising, social dialogue and collective bargaining can all contribute to reducing violence. Action is required at all levels.
- 155.** The Worker Vice-Chairperson closed her statement with a question for the Office about the definition of remedy.
- 156.** The Secretary-General of the Meeting responded that the following instruments are among those that refer to remedies: the Preamble to the Forced Labour Convention, 1930 (No. 29); the Worst Forms of Child Labour Recommendation, 1999 (No. 190); Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Another important source document with extensive discussion of remedies is *Giving globalization a human face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008* (2012).
- 157.** The Chairperson then called on experts from governments to address discussion point 4.
- 158.** The expert from the Government of Belgium said that an integrated approach worked best to address violence in the world of work, with predictable laws, labour inspection with effective rules, awareness raising and adequate risk assessments.
- 159.** The expert from the Government of Argentina suggested that prevention was crucial to eradicating violence at work, backed up by policies covering employers and workers. These policies should be based on the need to look after workers and to explain the key concepts and responsibilities to enterprises. The Argentinian approach has led to signed agreements addressing violence in the context of the work which benefit both employers and trade unions.
- 160.** The expert from the Government of Sweden said that his country's approach was based on assessing risk jointly, through employers and OSH representatives. He stressed that employers must take into account the need to promote equal rights and opportunities irrespective of gender, gender identity or expression and sexual orientation. He noted that workers at Swedish workplaces with over five employees should appoint health and safety

delegates, and those with more than 50 persons must have a health and safety committee consisting of worker and employer representatives. The expert from the Government of Sweden described how these representatives have strong legal powers with the right to demand a risk assessment and a plan to mitigate the risks. If this demand is resisted, the representative can notify the Work Environment Authority. Individual workers also have the right to inform the authority anonymously of working environment hazards, with strong protection in place to protect the anonymity of “whistle-blowers”.

- 161.** The expert from the Government of South Africa explained that her country also supported a comprehensive, integrated approach. She stated that South Africa has a multifaceted approach at the international, national, sectoral and workplace levels. The Constitution, Employment Equity Act 1998 and codes of practice prohibit any form of discrimination on grounds including race, gender, colour, pregnancy and sexual orientation. At the sectoral level, collective bargaining agreements address violence and sexual harassment, including through dispute resolution mechanisms such as referring matters to a bargaining council or the Commission for Conciliation, Mediation and Arbitration. At the workplace level, employers are required to develop workplace policies and procedures on regulating workplace violence or harassment.
- 162.** The expert from the Government of South Africa further noted that there is an emphasis on OSH. She explained that if violence leads to an occupational injury or disease then compensation may be granted. She explained that labour inspectors have powers to inspect and enforce laws if violence at work is a health and safety issue. However, if a matter concerned discrimination, inspectors would explain how the complaint could be referred to the Commission for Conciliation, Mediation and Arbitration or the Labour Court. She pointed out that victims could also lodge civil or criminal claims against the employer for breach of contract for failing to provide a safe and conducive working environment that protected the employee from violence. In outlining South Africa’s approach, she emphasized that social dialogue and collective bargaining play a significant role in the development of prevention strategies.
- 163.** The expert from the Government of Belgium explained her country’s focus on primary prevention in removing dangerous situations through risk assessments and by taking measures when a danger is identified. If necessary, internal (informal or formal) procedures provide counselling and confidential advice, intervention by neutral and trained counsellors or analysis of the situation by an expert for victims of all types of suffering at work. Finally, she noted that Belgium plans to extend its efforts to reduce harassment and violence at work to issues of domestic violence.
- 164.** The expert from the Government of Australia explained that Australia has a multifaceted approach to addressing violence. This approach encompasses legislation, national plans of action, individual workplace initiatives and business coalitions. She emphasized that the focus is on prevention, protection, support and awareness raising. She drew attention to the promotion of gender equality in addressing violence in the workplace, and in particular the role of men. The expert outlined an initiative called the Male Champions of Change launched in 2010 by the Sex Discrimination Commissioner. In 2014, the focus was on violence against women, and practical guidelines were issued on how the leaders could play a part in reducing the prevalence and impact of domestic and family violence.
- 165.** The expert from the Government of India stressed that violence in any form is unacceptable. She pointed out that her country believes in strict non-violence as promoted by Mahatma Gandhi. The expert noted that the risk of violence is always present but that systems can be adopted by governments, employers and workers to diminish it. The expert presented an example from Kerala where tea plantation workers (70 to 80 per cent of whom are women) have fought for improved working conditions. The issues they raised have been redressed

through collective bargaining. She provided another example concerning the Indian railways system, in which permanent negotiating machinery allow union and employer representatives to discuss and solve issues. She also mentioned informal workers who have organized through collective bargaining on safety, security and health issues.

- 166.** The expert from the Government of Canada described a recent change in the province of Manitoba concerning paid leave for victims of domestic violence. When individual workers request such leave, the person to whom they disclose the information is bound to maintain the person's confidentiality.
- 167.** Following these accounts, further debate took place between the Employer and Worker Vice-Chairpersons. The Employer Vice-Chairperson stated that he was not in favour of the term "integrated approach", because it was too vague. In his view, the examples mentioned by the Worker experts of effective strategies were primarily voluntary approaches, and he warned that an international standard on violence would "short circuit" them. He cautioned that there seemed to be an assumption that employers were responsible for workplace violence, even though they were not the perpetrators.
- 168.** The Worker Vice-Chairperson observed that there seemed to be agreement on an integrated approach, to the effect that voluntary initiatives should be complemented by regulation and legislation. Where voluntary initiatives had taken place, she explained, this may have been because of the presence of larger legislative and regulatory frameworks. For example, along value-added chains, regulatory frameworks often demanded such initiatives from large companies. In addition, she observed that collective agreements created binding obligations. She stressed the importance of strong workers' organizations in addressing violence, noting that surveys had shown that, in spite of many good practices, problems continued in many areas where workers were unrepresented.
- 169.** The Employer Vice-Chairperson observed that, in Belgium, employers aim at the participation of all workers in training initiatives against violence, because this had more impact than simply including their representatives. He also described peer-to-peer learning in relation to health and safety.

**Point 5: Gaps that could be addressed by new ILO instrument(s)**

- 170.** The dialogue related to discussion point 5 was begun by the Worker Vice-Chairperson who outlined the gaps in the current frameworks for regulating violence in the world of work. She stressed there was broad agreement among tripartite constituents on a governance deficit. She noted that when the topic of gender-based violence in the world of work was presented to the ILO Governing Body in November, it was on the basis that a new standard was necessary to complement the existing framework of international and regional human rights standards. She suggested that addressing the main regulatory gaps should be done within the framework of a comprehensive approach encompassing the Decent Work Agenda and the United Nations Sustainable Development Goals and should be organized around the headings of violation of workers' rights, prevention and protection, and social dialogue. She described that this approach would build on, and bring together, the primary ways in which workplace violence is tackled at national and international levels: human and workers' rights; gender discrimination and gender-based violence; other grounds of discrimination at work; OSH; human resources management; and an economic analysis involving the public cost of violence and the business case for regulation.
- 171.** The Worker Vice-Chairperson then turned to specific gaps in the regulatory frameworks. She maintained that the most significant shortcoming is the lack of an internationally agreed-

upon definition. To begin with, the ILO's current definition of "violence" includes physical and psychological violence, and this provides a useful starting point. She observed the Employers' contention that the ILO should focus only on prevention, and, in support of which, they had quoted the 2004 ILO code of practice on workplace violence in services sectors and measures to combat this phenomenon. She asserted that the code does, in fact, deal with mitigation, including the responsibilities of the State and of management in supporting victims of violence.

- 172.** The Worker Vice-Chairperson then noted the United Nations' definition of "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".<sup>12</sup>
- 173.** The Worker Vice-Chairperson pointed out that, despite this definition, violence in the world of work has often been addressed in a piecemeal fashion at both international and national levels. This has meant that, in practice, narrow definitions have been adopted that deal with one issue and not another or that target only specific and often limited types of violence.
- 174.** The Worker Vice-Chairperson argued that there was, therefore, a need for a comprehensive and broad definition of violence that took into account its multiple and interconnected forms (including physical, psychological and sexual forms) and that was also sufficiently flexible to deal with the wide range of forms that violence could take. She maintained that a core component of the definition had to be gender-based violence, as women were disproportionately affected by violence due to unequal power relations and prevailing male-dominated cultures. The definition should also acknowledge multiple forms of discrimination, including against LGBTI workers and racialized groups.
- 175.** Continuing with the issue of definitions, the Worker Vice-Chairperson criticized the tendency to adopt a narrow interpretation of "workplace". She maintained that the whole world was a workplace. The world of work, therefore, should extend beyond the physical workplace and cover transport to and from work (since transportation is a workplace for transport workers and needs to be safe for commuters), as well as social and other events connected to work. Also, public spaces are often workplaces for informal workers, such as street vendors. Furthermore, she pointed out that national legislatures have been slow to respond to the digital economy and to virtual workplaces.
- 176.** The Worker Vice-Chairperson took up another, related definitional problem regarding international and national workplace violence measures that often apply only to limited categories of workers, such as standard workers. She contended that the increase in non-standard forms of work, including on-demand and Internet platforms such as Uber, required specific measures to protect these workers who were often most vulnerable to violence. Finally, certain categories of workers were traditionally excluded from the coverage of labour and social security laws, in part because of the nature of their workplaces: agricultural workers, domestic workers, homeworkers, and those in the informal economy.
- 177.** The Worker Vice-Chairperson noted a second regulatory gap concerning prevention and protection. She described how employers are required to prevent workplace violence in inconsistent and often incoherent ways. For example, OSH legislation requires businesses to carry out due diligence and risk assessments and produce prevention and mitigation strategies; however, experience has shown that, in an OSH context, only certain aspects of violence are considered, particularly psychosocial risks such as bullying and harassment.

<sup>12</sup> UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104.

Furthermore, she maintained that many countries do not have adequate systems of labour inspection or monitoring mechanisms to address violence in the workplace.

- 178.** The Worker Vice-Chairperson then stated that, where violence has occurred, governments generally focus on the criminalization of perpetrators. She noted that this approach is not always adequate, as it does not deal with insidious forms of violence. She contended that, in addition to laws in the fields of employment, OSH and non-discrimination that offer protection and remedies for victims of workplace violence, individual workers and businesses should also have internal workplace policies to ensure restorative justice. These should include confidential complaints systems, protection for workers who raise complaints (whether they are victims or witnesses), informal and formal procedures to effectively resolve complaints, and support for victims. She added that whistle-blowers should feel safe in their reporting. The Worker Vice-Chairperson referred to a joint agreement involving Unilever, IndustriAll and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations on the prevention of sexual harassment, which deals with these matters.
- 179.** The Worker Vice-Chairperson said that a comprehensive and integrated approach in labour and criminal law is needed to prevent workplace violence and protect victims. An ILO standard would address this through a systematic approach to prevention and protection.
- 180.** The Worker Vice-Chairperson noted a third regulatory gap concerning social dialogue. She observed that regulation of workplace violence usually focused on the role of the State. However, referring to the examples provided under discussion point 4, she highlighted the critically important role of tripartite and bipartite social dialogue, and of well-functioning industrial relations, including collective bargaining. She maintained that collective bargaining should be considerably strengthened through a framework setting out a floor of rights and obligations. This could be further reinforced and extended through collective bargaining. She contended that governments needed to create an enabling environment for freedom of association and collective bargaining, including for workers in precarious, non-standard forms of employment.
- 181.** The Worker Vice-Chairperson concluded that an ILO standard would be an opportunity to provide, for the first time, an agreed international definition of violence in the world of work, including gender-based violence and third-party violence in front-line services. She emphasized that an international standard on violence at work was urgently needed to provide a framework for tackling the epidemic of violence at work. This could include addressing the root causes of violence at work.
- 182.** In closing her initial comments on discussion point 5, the Worker Vice-Chairperson suggested that future meetings should consider the value of broadening the title of the ILO's deliberations on the issue to "violence and harassment". She affirmed that the Worker experts fully supported the position taken by the ILO Workers' group that the ILO should adopt a Convention, supplemented by a Recommendation.
- 183.** The Employer Vice-Chairperson agreed with the Worker Vice-Chairperson that there was a gap in definitions. However, in his view, this did not necessarily mean that there was a regulatory gap. He stated that he was in favour of an integrated approach if this meant analysing which elements were necessary to achieve the policy goals.
- 184.** The Employer Vice-Chairperson maintained that most of the examples provided on the discussion points were voluntary measures. This suggested that there was, in fact, no regulatory gap. He accepted that various preconditions were necessary before the voluntary measures could be realized, such as freedom of association and the social protection floor. He suggested that efforts should be directed at ensuring that freedom of association was

effectively implemented and setting an appropriate social protection floor before trying to implement new measures against violence at work.

- 185.** The Employer Vice-Chairperson pointed out that the background paper listed the various ILO standards and the relevant provisions they contained that referred to violence and other unacceptable behaviour at the workplace. He suggested that the understanding of violence proposed in the background paper was not supported by existing standards; for instance, existing standards differentiate between violence and harassment. Moreover, it appeared that existing ILO standards, as interpreted by the ILO supervisory bodies, already covered issues related to violence at the workplace.
- 186.** The Employer Vice-Chairperson further argued that the background paper did not properly analyse the available facts and did not draw proper conclusions from them. He disagreed with the background paper's suggestion that "the basic principles and measures to prevent and address violence could be stated in general terms in a Convention which could be complemented by detailed provisions set out in a Recommendation". According to the Employer Vice-Chairperson, the background paper should have discussed what the major gaps among ILO standards regarding violence at the workplace were, if any. It should then have considered how best to fill existing gaps, describing possible alternatives. For instance, he argued that the background paper could have proposed that protection against violence at the workplace was, in essence, a subset of OSH and that one option would be to add a Recommendation, a protocol or an annex to the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) covering violence. He suggested that another option could have been to add elements to existing instruments, for example, to amend the Schedule to the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) to include diseases that were caused by violence at work, and to amend other standards to close similar regulation gaps.
- 187.** The Employer Vice-Chairperson suggested, furthermore, that a related problem in the background paper was a lack of reflection on what gaps existed at the national level. He observed that many countries have various laws and regulations governing violence as part of criminal law. Thus, he suggested that an effort to better understand the challenges in implementing these laws via a bottom-up approach would have been welcome. The Employer Vice-Chairperson recommended a drive towards greater enforcement rather than new international labour standards. He also argued that it was advisable to focus on core elements that have an impact on workplace violence, taking into consideration the diverse realities of firms, as well as individuals, rather than attempting to close all available identified gaps, which could be counterproductive.
- 188.** The Employer Vice-Chairperson further asserted that the majority of examples cited in the discussion did not seem to support the all-encompassing concept of violence at work – covering psychological violence, gender violence and sexual violence, which was proposed in the background paper. He went on to say that the problem of persisting violence at work was not because of a lack of international standards (or of national regulations) but because existing standards and regulations were not duly implemented, enforced and/or updated. In any event, he continued, regulation was not the only way in which the ILO could intervene in this matter. The ILO's expertise could also be effectively used to raise awareness, promote better understanding of the issue and change mindsets in favour of a culture of zero tolerance against violence at work. He suggested that, bearing in mind any new instrument would have to apply in those countries where violence is prevalent, the instrument should be feasible given the multiple realities.
- 189.** With respect to informality and non-discrimination, the Employer Vice-Chairperson pointed to existing international labour standards, such as Recommendation No. 204 and the ILO's Convention No. 111.

190. The Employer Vice-Chairperson then drew attention to what he considered to be practical difficulties with the creation of a new instrument. If there were too many issues covered under a single instrument, he argued, then there was a high risk that the instrument would become legally unclear and, consequently, unratifiable. On the other hand, he suggested that a Recommendation had the advantage of being flexible and could provide guidance on additional aspects of unacceptable behaviour at work (such as bullying and harassment).
191. The Employer Vice-Chairperson considered that adopting a Recommendation on violence as part of the OSH framework allowed the ILO to integrate the issue within its existing standards system. This he considered was preferable to a stand-alone Convention. He concluded by stating that violence at work was, without doubt, an OSH issue and that the current promotional framework already dealt with violence (including both the physical and mental impact of violence).
192. The Worker and Employer Vice-Chairpersons having outlined their responses to discussion point 5, the Government experts took the floor.
193. The expert from the Government of Belgium agreed that a new instrument was needed. The new instrument should integrate the concepts of violence and harassment and include reference to OSH and to anti-discrimination. These concepts could be based on national experiences.
194. The expert from the Government of Argentina also voiced support for a new standard, arguing that the standard should be on the specific issues regarding violence at work, including physical and psychological aspects.
195. The expert from the Government of Sweden emphasized the interlinkages between a new instrument and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Convention No. 111. He suggested that these interlinkages should be strongly emphasized in future instruments. He stated that the Government of Sweden supported the standard-setting process in 2018 and 2019 (or 2020), and noted that a standard would need to be accompanied by training, follow-up and promotion.
196. The expert from the Government of South Africa stated that her Government would welcome an ILO instrument to give them guidance and support. It was important that the standard provide a comprehensive definition. She observed that the South African Government would support either a Convention or a Recommendation.
197. The expert from the Government of Canada recognized that the issue of violence is a continuum and that it was important to create linkages with other instruments. In deciding on an instrument, she urged the experts to be considerate about what they expected countries to do, and that it was important to make linkages to other instruments.
198. The expert from the Government of Belgium stated that a list of regulatory gaps had been clearly identified in the background paper. She said that Belgium favoured a new standard.
199. The Worker Vice-Chairperson then took the floor to respond to some of the issues raised in the discussion. She stated that the governments had agreed to have a standard-setting item in 2018 and pointed out that the decision to have either a Convention or Recommendation would be made at a later date. She urged the experts to focus on the gaps and the possible areas the standard needed to address. Referring to the remarks of the Employer Vice-Chairperson, she expressed her disagreement with the notion that problems such as the lack of universal freedom of association should be addressed before tackling violence at work. She reminded the experts that, very often, many issues are worked on at the same time.

Furthermore, she observed that the issues of freedom of association and OSH have been on the ILO's agenda since 1919 and are not likely to be entirely solved in the foreseeable future.

- 200.** The Worker Vice-Chairperson observed that, even though legislation does not solve all problems, addressing issues through legislation puts the issue on the agenda and raises its profile. She emphasized that an effective, integrated approach would involve not only regulation but also promotion, technical support and monitoring. She agreed that there should be flexibility in the approach.
- 201.** The Employer Vice-Chairperson responded that standards were only useful and relevant when they are a reality at the national level, after ratification. He clarified that he did not mean to suggest that all problems had to be solved before considering the issue of violence, adding that his intention was to point to the need to look at the reasons for the existing gaps.

## **V. Consideration and adoption of conclusions by the Meeting**

- 202.** After the dialogue on the five discussion points, it was agreed that the Meeting would discuss and consider draft conclusions. These draft conclusions were prepared by the secretariat, based upon the emerging points of consensus from the Meeting's dialogue thus far. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the expert from the Government of Belgium, speaking on behalf of all the Government experts, agreed that the draft conclusions were a good basis for discussions.
- 203.** The experts' objective before the end of the Meeting was to reach consensus on concrete conclusions to be submitted to the Governing Body, thus providing guidance on the preparations for the first discussion of (an) instrument(s) on violence against women and men in the world of work by the International Labour Conference in 2018. After a thorough and wide-ranging discussion on the nature of violence against women and men in the world of work, and the implications of (an) instrument(s), a revised set of conclusions was unanimously adopted at the final sitting of the Meeting.
- 204.** The Meeting's conclusions are attached to this report. As the discussion on the draft conclusions provided clarity on a number of fundamental issues that could be important for future discussions, a summary of the development of those points is provided below.

### **Continuum of violence and harassment**

- 205.** The experts agreed that, for the purposes of the standard-setting discussion, violence and harassment should be treated as a continuum of unacceptable behaviours and practices, and that these behaviours could result in physical, psychological or sexual harm or suffering.
- 206.** Conceptualizing this as a continuum was helpful, as experts recognized the difficulty in distinguishing between these concepts: in practice, an unacceptable behaviour or practice could contain elements of both harassment and violence. One example they discussed was sexual harassment, which could include psychological, sexual and physical violence. The experts considered, furthermore, that the idea of a continuum was supported by national legislation around the world, as well as the European framework agreement on harassment and violence at work.
- 207.** The question of whether the two concepts – “violence” and “harassment” – should be differentiated and defined during the Meeting was discussed at length, and a range of opinions was expressed. The Employer Vice-Chairperson suggested that a clear

understanding of these two terms was needed, so that the appropriate responses could be formulated. He went on to clarify that the Employers' group's desire to differentiate the two terms was aimed at avoiding an automatic assumption that (a) potential, new instrument(s) would only focus on physical violence. There emerged a clear consensus in the Meeting that, as the standard-setting process continued, both violence and harassment should be included in the discussion of any new possible instrument(s).

- 208.** However, it was recalled that the remit of the Meeting was to review the existing understanding of violence at work, which they had done, and that the Meeting was not a legislative drafting session. Moreover, the experts noted that a number of countries did not have firm definitions of violence or harassment, and this did not prevent them from taking action against violence and harassment. It was, therefore, concluded that there was a sufficient understanding of the two terms for the purposes of drafting the conclusions.
- 209.** The experts understood that there would be ample opportunity for further discussion of the terms – “violence” and “harassment” – from the forthcoming law and practice report, to the subsequent discussions with governments and then the debate at the International Labour Conference.
- 210.** The Meeting's conclusions referred to violence and harassment in the following way:

The experts suggest that, in future work, it would be useful to distinguish between different forms of violence and harassment and the context in which they occur as different responses may be needed. They also suggest considering the desirability of using the term ‘violence and harassment’ in lieu of ‘violence’ only, to ensure the range of unacceptable behaviour is adequately understood and addressed. (GB.328/INS/17/5, Appendix I, para. 33).

### Sufficiency of evidence

- 211.** The sufficiency of data regarding violence and harassment, or the lack thereof, emerged several times during deliberations on the discussion points, and it emerged again while drafting the conclusions, with positions clarified and a general understanding reached.
- 212.** The discussion began with an exploration of data and its comparability, and whether sufficient data existed, particularly concerning jobseekers, volunteers and interns. The earlier suggestion by the Employers' group was re-examined regarding whether there was a lack of available and comparable data on violence in the world of work, particularly a lack of longitudinal studies on jobseekers. This led to a larger discussion of availability of data on the topic of violence and harassment in general.
- 213.** It was recognized that there was a need for more comparable data in the future. However, it was also recalled that a number of experts had provided data and evidence-based examples during the Meeting. It was therefore suggested that the combined expertise in the room was sufficient to go forward on this issue. Moreover, reference was made to a recent Eurofound study on violence that had a longitudinal methodology. Consequently, it was proposed that it was possible to state that a range of individuals were exposed to violence in the workplace, and that this applied to interns and jobseekers.
- 214.** As a way to find a common, agreed vocabulary, a suggestion was made to refer to “evidence” instead of “data”: this would capture the range of data, case studies and field-based information presented during the Meeting and referred to in the background paper. Therefore, the experts were able to agree with the statement that “Despite the measures taken to date by ILO constituents, a significant body of evidence indicates that violence and harassment in the world of work persists against workers and others, such as jobseekers and interns”. (GB.328/INS/17/5, Appendix I, para. 2).

**Scope: “workplace” and “world of work”**

- 215.** There was an important discussion regarding the scope of violence under consideration of the Meeting, particularly whether it went beyond a narrow understanding of “workplace”. At the outset, it was recalled that the 2003 Meeting of Experts that developed the code of practice on workplace violence in services sectors and measures to combat this phenomenon had focused on the workplace, defined as “All places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer.”<sup>13</sup> It was proposed that this definition could, perhaps, be used by the experts. This gave rise to an intense debate concerning this proposed definition, the concept of “control” and the limits of employer responsibility.
- 216.** It was subsequently argued that the concept of the “world of work” was much wider than “workplace”, including areas that the employer did not control; this was particularly so if an OSH perspective were taken, whereby employers were responsible for the health and safety of workers in a general sense. It was also observed that under the concept of corporate social responsibility employers took on responsibility for issues that occurred beyond the confines of their workplaces.
- 217.** There was a suggestion on the need to include within the scope the understanding of violence that occurred during commuting and also in “public spaces” that implicated both formal workers and informal workers, such as street vendors. There were additional discussions on the need to include within this concept the home when it is the workplace, domestic workers and teleworking.
- 218.** After considering various implications of a wider or narrower scope, the experts came to an agreement on the “world of work”, as understood in the following ways:

The world of work is considered to cover not only the traditional physical workplace, but also commuting to and from work, work-related social events, public spaces including for informal workers such as street vendors, and the home, in particular for homeworkers, domestic workers and teleworkers. (GB.328/INS/17/5, Appendix I, para. 5).

In public spaces, informal workers might be exposed to harassment by local authorities. Where the home is the workplace, the risk of sexual harassment and other forms of violence and harassment might be increased because of workers’ isolation and restrictions on labour inspectors entering nontraditional workplaces. (GB.328/INS/17/5, Appendix I, para. 14).

**Zero tolerance of violence**

- 219.** The experts discussed whether it was necessary to state that world of work actors should not only prevent violence and harassment but also refrain from engaging in these acts themselves.
- 220.** On the one hand, it was suggested that the Meeting had already established a general principle that violence and harassment were incompatible with decent work, and, therefore, such a responsibility was obvious. Also, it was observed that the responsibility of all individuals to refrain from violence already existed in most member States’ constitutions and legislations and that the Meeting should focus on additional policies. On the other hand, it was proposed that society’s obligations had been covered in the discussion thus far but not individual responsibility. There ensued a discussion about a range of actors who should refrain from violence, including third parties.

<sup>13</sup> MEVSW/2003/11, para 1.3.3.

221. The concept of “zero tolerance” to violence and harassment was proposed as a way to capture both the higher level and individual-level responsibility, while placing it within the framework of world of work policies. As such, the Meeting agreed to refer to “zero tolerance”, and it was mentioned several times in the Meeting’s final conclusions, specifically: “Governments have an important responsibility to promote a general environment of zero tolerance to violence and harassment. All actors in the world of work have to abstain from, prevent and address violence and harassment” (GB.328/INS/17/5, Appendix I, para. 16).

## Impact of domestic violence

222. The experts discussed how best to refer to the impact of domestic violence on the world of work and the important roles world of work actors could play to mitigate its effects. This built upon the earlier discussion of the impact of domestic violence, in terms of the lives of victims and productivity of enterprises; moreover, it generated discussion on other forms of violence that occurred outside the workplace but that also impacted on workers.

223. An important clarification made by the experts was that the Meeting was referring to domestic violence, in so far as it had an impact on the world of work. Mention was made of cases in which victims of domestic violence had died in the workplace, because of violent behaviour that took place there, as well as cases of violence committed against domestic workers or homeworkers. It was noted that in some countries, even if occurrence of domestic violence was beyond the employer’s control, it still would be taken into account in a workplace risk assessment.

224. The question of employer responsibility arose. It was recognized that, although employers were not responsible for domestic violence that occurred outside the workplace, they could be very helpful in mitigating its effects through the workplace. This concept was expressed by referring to domestic violence in two separate instances within the Meeting’s conclusions, one that recognized the relevance and impact of domestic violence and the other that recognized that employers were essential allies in addressing the effects of domestic violence, as well as other forms of violence and harassment, in the workplace:

Domestic violence and other forms of violence and harassment are relevant to the world of work when they impact the workplace. (GB.328/INS/17/5, Appendix I, para. 6).

Collective agreements could address the effects of domestic violence. The workplace provides an entry point to mitigate the effects, and employers could be allies to address such violence, though they are not responsible for it. (GB.328/INS/17/5, Appendix I, para. 27).

## Risk factors

225. The Meeting reviewed the list of risk factors or circumstances that could expose workers to violence, as presented in the background paper.

226. Of particular note was the discussion regarding the phrase “unsocial working hours”. The Meeting discussed variations of unsocial working hours, including working evenings or nights, that had the potential to undermine workers’ health and well-being, leading to stress, burnout and violent behaviours. It was stated that unsocial working hours were not a problem, per se, but that the circumstances under which people worked during unsocial working hours could lead to violence and, thus, they needed to be addressed. Related to this was a discussion on evening and night work as an example of unsocial working hours. The Employer Vice-Chairperson asked that the Employers’ group’s understanding be specified in the Meeting report, namely, that they believed that there was no automatic link between

“unsocial working hours” and harassment, and that each situation needs to be assessed. As a result of this discussion, the reference in the final conclusions of the Meeting was to “unsocial working hours (for instance, evening and night work)” (GB.328/INS/17/5, Appendix I, para. 9f).

- 227.** The experts made an addition to the original list of risk factors regarding “working in intimate spaces and private homes” (GB.328/INS/17/5, Appendix I, para. 9h). By “intimate spaces”, the Meeting understood work that occurred when workers share small spaces, and operate in small rooms, which was different from situations of working in isolation.
- 228.** “High rates of unemployment” (GB.328/INS/17/5, Appendix I, para. 9k) were listed as risk factors. The Employer Vice-Chairperson suggested it could be difficult to assess the risk of high rates of unemployment, to which the Worker Vice-Chairperson responded that it was not about an OSH risk assessment but about the effects unemployment can have on people’s vulnerability to violence, including the propensity to accept working conditions that may make them more prone to violence.
- 229.** There was a debate on the issue of precariousness. The Employer Vice-Chairperson, speaking on behalf of the Employers’ group, suggested that precarious conditions were not a risk, per se, but, rather that they were contextual and that there was no automatic link between violence and precariousness. The Worker Vice-Chairperson took note of the Employers’ reluctance to include the issue of precariousness and clarified that the proposed reference was only meant in the context of when precariousness exposed workers to violence. There was, however, no agreement on precariousness as a risk factor and, thus, it was not included in the list.

## **An integrated approach**

- 230.** Upon reviewing the current standards related to violence and harassment in the world of work, the experts observed that none had an integrated approach. The experts suggested various aspects that an integrated approach could have, such as prevention, protection, awareness raising, enforcement, compensation and rehabilitation. The experts observed that the current lack of integration also gave way to a lack of coherence and coordination between different laws. This, in turn, led to workers with the most exposure to violence not being adequately covered in relevant legislation, such as by a criminal justice approach.
- 231.** The experts also noted that it was important not just to align and combine approaches towards violence and harassment to cover gaps but also to promote joint efforts between social partners, governments and civil society. This work, the experts considered, was also highly contextual and needed to take into account realities on the ground.
- 232.** The experts concluded that the current international labour standards:
- ... do not define violence and harassment, do not provide guidance on how to address its various manifestations and do not cover all workers. They also lack an integrated approach that is essential to addressing violence and harassment in the world of work effectively. While acknowledging the need to improve the application of existing international labour standards and that a range of other measures are also required, the experts concur on the relevance of (a) new instrument(s). This could provide a common understanding of what violence and harassment encompasses and what is needed to address it. (GB.328/INS/17/5, Appendix I, para. 33).

## Freedom of association and collective bargaining

- 233.** A lengthy discussion was carried out regarding whether references to freedom of association and collective bargaining should be included in the Meeting's conclusions. Additional suggestions were made on introducing the vulnerability associated with the insecure nature of the contractual status as well as the contribution of intermediaries to violence. A debate ensued regarding whether or not absence of collective bargaining was, in and of itself, a risk factor for violence. Previous meetings were alluded to in which tripartite partners had reached consensus on language related to freedom of association and collective bargaining, and it was discussed whether this was applicable to the topic of violence and harassment. In the end, the experts reached an agreement to refer to freedom of association and collective bargaining in the conclusions in the following ways:

Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment. (GB.328/INS/17/5, Appendix I, para. 13).

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) are key to enabling workers and employers to build violence- and harassment-free workplaces. (GB.328/INS/17/5, Appendix I, para. 32).

## VI. Closing remarks

- 234.** The representatives of the three groups thanked all the participants in the Meeting for their hard work and for having adopted the conclusions in their entirety. They also thanked the Office for its commitment and hard work throughout the Meeting.
- 235.** The expert from the Government of Belgium, speaking on behalf of the Government group, noted that it was thanks to the mutual respect and will of the participants that they had reached unanimous agreement on the conclusions. Furthermore, she saw the Meeting as the beginning of the process to fight against violence in the world of work and in the world in general. She described the road ahead, which included producing the report of the Meeting and having the first discussion at the International Labour Conference in June 2018, to arrive at an instrument.
- 236.** The Employer Vice-Chairperson, speaking on behalf of the Employers' group, described the Meeting as having planted a seed, and that, what was now required was continued work to ensure that the plant grows and that the fruit is harvested. He referred back to the importance of contextualizing a given situation of harassment and violence, in order to find a solution.
- 237.** The Worker Vice-Chairperson, speaking on behalf of the Workers' group, underlined how crucial it was to have had a successful Meeting, noting that the world was watching how the ILO moved forward on the issue of violence. She remarked that women have come to the labour market to stay and that they are not going to accept violence anymore. She emphasized the importance of explaining the relevance of this work to workers everywhere, how it impacted on the lives of women, men and children, and she underlined the important role of governments in implementing a future instrument.
- 238.** Ms Manuela Tomei, Secretary-General of the Meeting, thanked the participants and complimented them on the adopted conclusions. She underlined the importance of dialogue, building ownership in the process and ensuring participation from all actors. She emphasized that the Meeting and its conclusions represented an important step forward in the struggle

against violence in the world of work. She concluded by thanking the Meeting secretariat and other personnel involved in the Meeting for their hard work and dedication.

- 239.** The Chairperson also thanked the Vice-Chairpersons for their hard work and commitment throughout the Meeting, as well as all of the participating experts and the staff of the Office. She emphasized the importance of addressing violence in the world of work and looked forward to the continued, constructive cooperation of the representatives of governments, and workers' and employers' organizations in forthcoming meetings.

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## Appendix

### Conclusions of the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work

#### Context

At its 325th Session (November 2015), the ILO Governing Body 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 (June 2018) of the Conference” and “to convene a tripartite meeting of experts to provide guidance on which basis the Governing Body will consider, at its 328th Session (November 2016), the preparations for the first discussion of possible instruments by the Conference”.

The Governing Body approved the following agenda for the Meeting of Experts: review existing understandings of what is considered to be violence in the world of work, related trends, forms and incidence; examine the gender dimensions of violence in the world of work; review the impact of violence in the world of work on workers and enterprises, including on workers’ well-being and productivity, and firms’ performance; identify groups of workers, enterprises, sectors and occupations more at risk of being subjected to violence; review responses to prevent and address violence in the world of work in national and international laws and regulations, collective agreements and enterprise policies; and provide, on the basis of the above, guidance for the standard-setting item on violence against women and men in the world of work that has been placed on the agenda of the International Labour Conference in June 2018. Guidance could include identifying forms of violence warranting priority consideration and responses thereto.

The experts met in Geneva on 3–6 October 2016.

#### Introduction

1. Recalling the Declaration of Philadelphia (1944), which states 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, the experts agree that violence is incompatible with decent work, is unacceptable and must be addressed. It is a human rights issue and affects workplace relations, worker engagement, health, productivity, quality of public and private services, and enterprise reputation. It affects labour market participation and, in particular, may prevent women from entering the labour market, especially in male-dominated sectors and jobs, and remain therein. Violence may undermine democratic decision-making and the rule of law.
2. Recognizing the importance of the issue, more can and should be done to prevent and address violence in the world of work. Despite the measures taken to date by ILO constituents, a significant body of evidence indicates that violence and harassment in the world of work persists against workers and others, such as jobseekers and interns. The experts agreed on the need to tackle the issue as a matter of urgency. The scope of such action should cover all actors in the world of work. The gender dimensions of violence need to be addressed specifically.

### ***Understanding what is violence in the world of work***

3. There is a need to intensify efforts to deal with the range of manifestations of violence in the world of work. While terminology might vary across countries, the rubric of “violence and harassment” includes a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering. A particular focus needs to be placed on gender-based violence. Inappropriate use of technology is also acknowledged as a source of concern.
4. Violence and harassment can be horizontal and vertical, from internal and external sources (including clients and other third parties and public authorities) – in the public or private sector, or in the formal or informal economy.
5. The world of work is considered to cover not only the traditional physical workplace, but also commuting to and from work, work-related social events, public spaces including for informal workers such as street vendors, and the home, in particular for homeworkers, domestic workers and teleworkers.
6. Domestic violence and other forms of violence and harassment are relevant to the world of work when they impact the workplace.
7. Violence and harassment can be a one-off occurrence or repeated, and the nature and the effect of such conduct are key criteria to establishing whether it qualifies as violence and harassment.
8. The experts agree that it is important to distinguish between the various forms of violence and harassment and the context in which they occur, as different responses may be needed.

### ***Risk factors for violence in the world of work***

9. Violence and harassment in the world of work often reflects wider societal violence and, in order to prevent and address it, there needs to be an understanding of the situations in which workers find themselves, and how this might increase the risk of such conduct. Some of the circumstances that could in themselves or in combination expose workers to violence and harassment include the following:
  - (a) working in contact with the public;
  - (b) working with people in distress;
  - (c) working with objects of value;
  - (d) working in situations that are not or not properly covered or protected by labour law and social protection;
  - (e) working in resource-constrained settings (inadequately equipped facilities or insufficient staffing can lead to long waits and frustration);
  - (f) unsocial working hours (for instance, evening and night work);
  - (g) working alone or in relative isolation or in remote locations;
  - (h) working in intimate spaces and private homes;
  - (i) the power to deny services which increases the risk of violence and harassment from third parties seeking those services;

- (j) working in conflict zones, especially providing public and emergency services; and
  - (k) high rates of unemployment.
10. Poor human resources management, poor organization of work, including lack of clear rules and responsibilities, inadequate assignment of tasks, unrealistic production targets, poor communication, poor labour relations and discriminatory practices are also factors that could increase the risk of violence and harassment.
  11. The principle of zero tolerance should be the objective. Violence and harassment should not be seen “as part of the job”, as is too often the case for teachers, health and transport workers, among others, taking into account that for some occupations, such as police, armed forces and emergency services, dealing with violence is an inherent part of the work. In addition, workers, in particular women workers, are at risk when they are expected to provide sexual services or endure harassment in exchange for getting a job or promotion, in order to keep a job or in order to access their wages.
  12. Violence and harassment can potentially affect everyone, but it affects specific groups disproportionately, where certain conditions exist. Imbalanced power relationships, including due to gender, race and ethnicity, social origin, education and poverty could lead to violence and harassment. Discrimination based on these and other grounds, including disability, HIV status, sexual orientation and gender identity, migrant status and age, are also important factors. Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups. Where grounds of discrimination intersect, such as gender and race or disability, the risk of violence and harassment is exacerbated. A key additional risk factor is a culture of impunity.
  13. Workers who cannot exercise their rights to freedom of association and collective bargaining, due to the inappropriate use of contractual arrangements leading to decent work deficits, including the misuse of self-employment, are also likely to be more at risk of violence and harassment.
  14. Women are disproportionately represented in low-wage jobs, especially in the lower tiers of the supply chains, and are too often subject to discrimination, sexual harassment and other forms of workplace violence and harassment. In public spaces, informal workers might be exposed to harassment by local authorities. Where the home is the workplace, the risk of sexual harassment and other forms of violence and harassment might be increased because of workers’ isolation and restrictions on labour inspectors entering non-traditional workplaces.
  15. Weak enforcement mechanisms, including understaffed and poorly equipped and insufficiently trained labour inspectorates, also contribute to individuals’ higher exposure to violence and harassment. Labour inspectorates and occupational safety and health (OSH) systems at different levels are often not mandated to address discriminatory practices or violence and harassment. The absence of effective and accessible dispute resolution mechanisms is an additional risk factor.

### ***Addressing violence in the world of work***

16. Governments have an important responsibility to promote a general environment of zero tolerance to violence and harassment. All actors in the world of work have to abstain from, prevent and address violence and harassment.
17. An integrated approach to addressing violence and harassment in the world of work is needed, delineating clear responsibilities for public and private employers, workers and their respective organizations, and governments in dealing with violence and harassment, and joint strategies and collaboration are also important.

18. There needs to be (an) instrument(s) that is sufficiently focused and flexible enough to be able to address the different socio-economic realities, different types of enterprises, and different forms of violence and harassment, as well as different contexts. Such (an) instrument(s) should also be able to respond to the new challenges and risks which might lead to violence and harassment in the world of work, such as those arising from changing forms of work and technology.
19. As violence and harassment in the world of work mirrors violence in society, governments should adopt or reinforce a policy or policies, in consultation with social partners and with other relevant and representative organizations of persons concerned, depending on national circumstances, which address work-related violence and harassment. This policy or policies should include the promotion of equality in and the elimination of all forms of discrimination, and violence and harassment, including gender-based violence, from the world of work. Due attention should be paid to workers in the informal economy, in line with the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).
20. Diversity in the workplace and strong equality and non-discrimination policies to prevent violence and harassment need to be ensured.
21. Prevention and support are key components to addressing violence and harassment. Understanding violence and harassment as a continuum, prevention should address negative societal and workplace culture, and psychosocial risks, as well as the design of the workplace. OSH systems, as referred to in several ILO instruments, would be useful to address violence and harassment risks, raise awareness regarding prevention and complaints, and promote a culture of zero tolerance to violence and harassment.
22. In order for employers to fulfil their responsibility to provide a safe and healthy workplace, they need to have appropriate tools and policy frameworks that enable them to take effective action against violence and harassment.
23. The protection of all from violence and harassment in the world of work is of key importance.
24. Governments, employers and workers have a role in ensuring compliance with law and policy as well as in adopting proactive initiatives. With reference to the conclusions of the recurrent discussion on social protection (labour protection) 2015, there is a need to extend coverage of OSH and other legal protection relevant to violence and harassment in the world of work to excluded workers, groups and sectors by identifying and closing gaps. Accessible and expedited procedures, which take account of the particular obstacles faced by those not adequately protected by labour law and other relevant laws, should be established. Privacy and confidentiality for both complainants, witnesses and trade union representatives, in particular for those more vulnerable to retaliation, such as workers living in poverty or in countries with high unemployment, should be ensured.
25. Social dialogue at all relevant levels is important for developing appropriate OSH systems, as well as for developing, implementing and monitoring other relevant legal and policy responses.
26. Collective bargaining at the enterprise, sectoral and national level could make a key contribution to addressing violence and harassment as could implementation and monitoring of collective agreements.
27. Collective agreements could address the effects of domestic violence. The workplace provides an entry point to mitigate the effects, and employers could be allies to address such violence, though they are not responsible for it. Clauses could, for example, include provision of support for and leave to victims, and connect victims to community services. In the same vein, other forms of violence and harassment could be addressed. International framework agreements may also be a means to address violence and harassment in the world of work, including in global supply chains.

28. There is a need for judicial, administrative, and disciplinary measures and other types of remedial action where violence and harassment has occurred. Similarly, support to victims of violence and harassment is key, including through safe reporting and protection against victimization.
29. There is a need for more and better data on the nature and extent of violence and harassment in the world of work, and the Office is invited to assist in developing a methodology to improve comparability of data.

### ***Gaps to be addressed by (a) new ILO instrument(s)***

30. There have been efforts at the national, regional and international levels to address violence and harassment in the world of work.
31. Governance gaps exist with regard to violence and harassment in the world of work.
32. 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) are key to enabling workers and employers to build violence and harassment-free workplaces.
33. A number of existing standards provide protection from workplace violence and harassment for specific groups of workers, namely domestic workers, indigenous persons, workers living with HIV and AIDS and workers in the informal economy. In addition, under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), sexual harassment is considered a form of sex-based discrimination. Other instruments, such as the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and the Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), while not mentioning violence or harassment explicitly, provide some useful elements to cover related OSH aspects and diseases caused by violence and harassment at work. However, these instruments do not define violence and harassment, do not provide guidance on how to address its various manifestations and do not cover all workers. They also lack an integrated approach that is essential to addressing violence and harassment in the world of work effectively. While acknowledging the need to improve the application of existing international labour standards and that a range of other measures are also required, the experts concur on the relevance of (a) new instrument(s). This could provide a common understanding of what violence and harassment encompasses and what is needed to address it. The experts suggest that, in future work, it would be useful to distinguish between different forms of violence and harassment and the context in which they occur as different responses may be needed. They also suggest considering the desirability of using the term “violence and harassment” in lieu of “violence” only, to ensure the range of unacceptable behaviour is adequately understood and addressed.



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