



Irish Congress of Trade Unions

**Submission to DETE Consultation on
ILO Convention 190 and Recommendation 206**

October 2022

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Introduction

Congress welcomes the government intention to ratify the ILO Violence and Harassment Convention, 2019 (No. 190) and Recommendation 206 before the end of 2022. We were part of the workers group for the negotiation of the new instruments and indeed enjoyed a constructive relationship with DETE and Ibec during the process.

Since 2019 we have been part of a global campaign of unions in every corner of the world working towards the ratification and implementation of this key ILO convention to tackle violence and harassment in the world of work. Much of this work has been captured by a new ITUC survey and report, as part of the ITUC's #RatifyC190 campaign. Workers Unite For The Right Of Everyone To A World of Work Free From Violence And Harassment: #RatifyC190¹, documents how trade unions are turning [C190 and R206](#) into legal reforms and workplace policies that improve the daily lives of working people in all their diversity. It underpins the urgent call on governments and employers to do more to make the benefits of C190 and R206 a reality now. The report includes case studies of how campaigning around C190 and R206 has already led to strengthened social dialogue and collective bargaining to tackle violence and harassment, including gender-based violence and harassment, in the world of work.

We believe that ratification here can yield similar results.

The importance of the Instruments

The Convention establishes the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. It is the first international law to do so. C190 is supplemented by Recommendation 206 (R206), which gives further, more detailed guidance on how the Convention should be implemented at national level.

Definitions and Scope

In particular we appreciate the focus of the Convention on gender-based violence and harassment in the world of work and the inclusion of the need to address its root causes and provide a gender responsive approach.

¹ [Workers Unite For The Right Of Everyone To A World of Work Free From Violence And Harassment: #RatifyC190](#)

Congress appreciates that C190 defines violence and harassment as “a range of **unacceptable behaviours** and practices, or threats thereof, whether a single occurrence or **repeated**, that aim at, result in, or are likely to result in **physical, psychological, sexual or economic harm**, and includes gender-based violence and harassment”.

We also note that all individuals in the world of work are covered, including:

- employees as defined by national law and practice;
- persons working irrespective of their contractual status (including, for example, temporary agency workers, freelance workers, workers hired through platform businesses);
- persons in training, including interns and apprentices;
- workers whose employment has been terminated;
- volunteers;
- jobseekers and job applicants; and
- individuals exercising the authority, duties or responsibilities of an employer.

The Convention also applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

Crucially the world of work is a broader concept than just the physical workplace. The workplace can be a range of public spaces as well as private space as it is for domestic and home-care workers, home-based workers and individuals who are teleworking.

Violence and harassment in the “world of work” can occur during work-related events and activities, including off-site meetings and training, work-related trips and travel and social activities, such as office parties or outings.

Actions Required

The Convention requires governments to enact laws that oblige employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:

- (a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- (b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and
- (d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the workplace policy.

Inclusion of Domestic Violence

One of the most important elements of the Convention is that it deals with the issue of domestic violence. This was a key demand of trade unions. Perpetrators of domestic violence can be colleagues, where the partners work for the same employer, and perpetrators can follow or stalk their partners at their workplace. Workers experiencing domestic violence can lose their jobs and incomes as a result of frequent absenteeism, loss of concentration and loss of motivation.

The Convention recognises that domestic violence can impact the world of work. It can affect employment, productivity and health and safety, and the world of work can be a key point of intervention in mitigating or reducing the impacts of domestic violence. The Convention therefore requires governments to take appropriate measures to recognise the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work. We note the announcement this week by Minister O’Gorman of Government approval for the publication of the Work Life Balance and Miscellaneous Provisions Bill 2022, which will see the introduction of paid leave for victims of domestic violence. Once enacted, those who are suffering or at risk of domestic violence will be entitled to five days of paid leave per year. This is very much in line with the spirit of the Convention and Recommendation 206 which specifies that:

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

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

Importance of Collective Bargaining

Finally, we note that governments should promote the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigating the impact of domestic violence in the world of work.

Employers and trade unions can assist workers experiencing domestic violence by negotiating:

- paid leave for victims of domestic violence;
- flexible work arrangements and protection; and
- temporary protection against dismissal for victims of domestic violence.

Employers and trade unions can also ensure that domestic violence is included in workplace risk assessments; provide a referral system to existing mitigation measures for domestic violence, and

raise awareness about the effects of domestic violence. A recent Garda review of crime trends has found that the majority of murders in Ireland last year had a domestic abuse motivation so ratification is timely and can play an important role in concentrating minds to ensure that the world of work can play a key role in tackling this crisis.

International Solidarity

As the consultation documents points out, our legislation here is broadly in line with the spirit and intention of the Convention. Ratification is also an opportunity for Ireland to be seen as a global leader in formalising the status of C190 and to set a positive example to the rest of the world, including initiatives to embed the new international labour standards in company supply chains.

Congress urges the government as part of the ratification of the Convention to consider updating Irish legislation to oblige companies, through a series of effective incentives and disincentives measures, to take actions to eliminate all forms of harassment and violence against women in their supply chains. We have seen time and time again that industries such as electronics, toys, entertainment, fast-fashion and agriculture are all repeat offenders when it comes to dangerous and undignified working conditions. These industries are often based in lower-income countries, where employment laws offer far less protection against violence and harassment². Many companies based in Ireland work with factories and producers in lower-income countries and Irish people buy and use these products every day. We are encouraging the Government to take the opportunity to engage with EU and global efforts to introduce laws to hold business accountable for human rights including labour and environmental rights abuses they cause or contribute towards. And to develop mandatory human rights due diligence legislation in line with that suggested by the Irish Coalition on Business and Human Rights³.

Conclusion

Congress appreciates the efforts within the Department to complete the ratification process before the end of 2022 and is ready to engage in whatever manner necessary to expedite this. To date, 20 countries have completed the ratification process; and 50 countries will ratify C190 by 2023. Let's make Ireland one of them.

Violence and harassment at work, particularly gender-based violence, is a major problem in all parts of the world and in every sector. It destroys lives, denies women the chance to fulfil their potential and contributes to wider repression in society on the basis of people's gender identity, ethnicity and social status. Everyone has the right to a world free from this.

We look forward to early ratification and stand ready to play our role in integrating C190 and R206 into social dialogue and collective bargaining at national, sectoral and workplace level.

² <https://www.globalrightsindex.org/en/2022>

³ https://icbhr.org/assets/reports/Make_it_your_Business_ICBHR_FINAL.pdf