ENDING VIOLENCE AND HARASSMENT AGAINST WOMEN AND MEN IN THE WORLD OF WORK. TOWARDS AN ILO CONVENTION.

Support and lobbying toolkit

inequality + violence
BREAK THE CIRCLE!
violence + inequality

UNI global union
equal opportunities

This toolkit is for all UNI affiliated unions who are engaged in lobbying efforts with their Governments and employers to achieve an ILO convention against violence against women and men at the workplace.
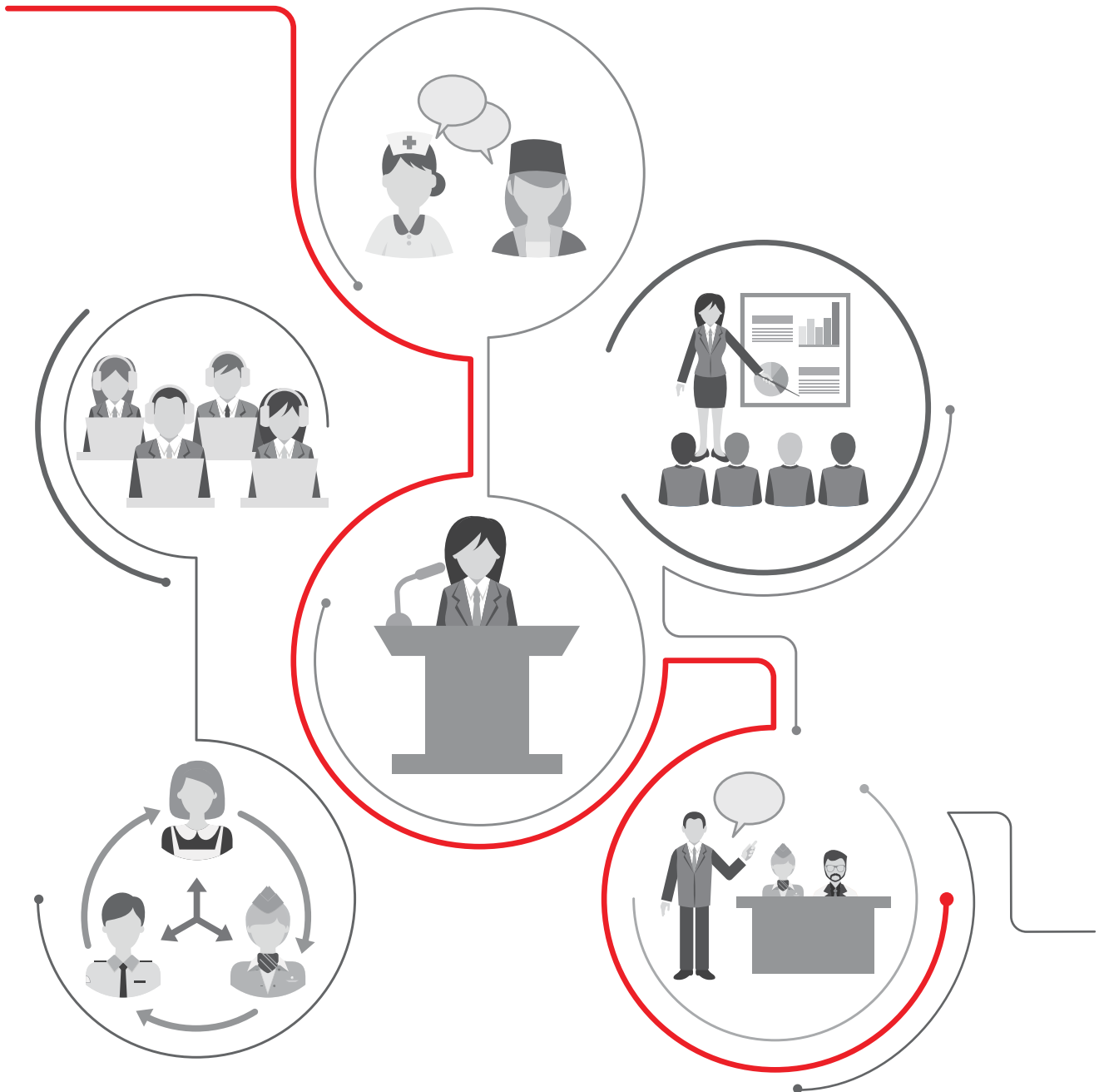
Objectives:

- To ensure that as many governments as possible vote for an ILO convention, supported by a recommendation.

- To ensure that as many governments and employers as possible push for the improvements identified by UNI.

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TOWARDS A CONVENTION ON VIOLENCE AND HARASSMENT AGAINST WOMEN AND MEN IN THE WORLD OF WORK

BREAK THE CIRCLE!

inequality • violence • inequality • violence

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equal opportunities

Background

As expressed by the ILO in its background paper for the Meeting of Experts on Violence against women and Men in the world of work, "Violence in the world of work is a threat to the dignity, security, health and well-being of everyone. It has an impact not only on workers and employers, but also on their families, communities, economies and society as a whole…".

Unfortunately, there are areas where international standards are absent or limited on this aspect.

For example, the definitions for "violence", "harassment" and "bullying", are used synonymously, or the same terms are used to mean different things in national legislations. In some countries, the law explicitly excludes workers in non-standard forms of employment (like casual employees) from labour protections against violence and harassment; whilst in others the scope of legislation protects only women and not men against sexual Harassment. There are other cases where legislation only exists in the cases of vertical harassment (not in co-worker relationships).

In the case of gender-based violence, some countries sometimes regulate it in domestic law; but more commonly, specific forms of work-related gender-based violence are addressed through labour or discrimination law.

Why is an ILO convention in this subject is important?

These differences in legislation, in definition of terms, in understanding what violence at the workplace entails, are a result of the lack of an international legal standard that addresses violence and harassment, including gender-based violence, in the world of work; despite the fact that violence and harassment are a human rights issue that affects workplace relations, worker engagement, health, productivity, quality of public and private services, and enterprise reputation.

Violence 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. It may also undermine democratic decision-making and the rule of law.

An ILO convention will provide a definition, a scope and a clear, comprehensive and integrated approach for preventing and addressing violence and harassment in the workplace; delineating clear responsibilities for public and private employers, workers and their respective organizations, and governments, and joint strategies and collaboration.

We need a convention with recommendation. Not only a recommendation.

When a country ratifies an ILO convention, it accepts both incorporation and application of the convention in the national legislation, as well as to be subjected to the ILO supervision regarding the measures taken to apply the convention.

A Recommendation is a non-binding guideline which either supplements a Convention by providing more detailed guidelines on how it could be applied; or stands on its own.

A Convention accompanied by a Recommendation form a strong set of international instruments. That's why we need to build strong support for the adoption of an ILO Convention, accompanied by a Recommendation.

Resources:

A trade union manual on International Labour Standards and equali of opportunities

http://www.uniglobalunion.org/sites/default/files/attachments/pdf/En.pdf

ILO
● ILO's webpage:
http://www.ilo.org/gender/Events/WCMS_519760/lang--en/index.htm

● The ILO report V(1) and questionnaire:
http://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_553577/lang--en/index.htm

● ILO Meeting of Experts on violence against women and men in the world of work:
- Final report:
http://www.ilo.org/gender/Informationresources/Publications/WCMS_546303/lang--en/index.htm
- Background document
http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_522932.pdf

●ILO-ACTRAV report: Violence and Harassment against Women and Men in the World of Work - Trade Union Perspective and Action:
http://www.ilo.org/actrav/info/pubs/WCMS_546645/lang--en/index.htm

1. Ilo standard-setting process explained

A PROBLEM IS IDENTIFIED: Violence against women and men in the world of work

The ILO governing body places the issue on the agenda of the International Labour Conference

Office prepares law and practice report with a questionnaire on the content of a possible new instrument (White report)

May 2017

Report sent to governments, employers and workers for their comments
Deadline to reply: September 2017

Office analyses comments and prepares proposed conclusions (Yellow report)

First discussion of the conclusions at the International Labour Conference: **June 2018**

Office prepares summary report of discussion and **first draft of instrument** (Brown report)

Report sent to governments, **workers** and employers for comments

Office prepares revised draft of the instrument (Blue report)

Second discussion (draft instrument) at the International Labour Conference **June 2020**

Adoption of the new instrument at the Conference with a **2/3 majority vote**

Time is running

In May 2017, the ILO sent a questionnaire to governments, trade union national centres and employers' organisations, asking for their views on the content of a possible new instrument(s).The questionnaire will be open for submission until 22 September 2017.

The questionnaire will include questions concerning:

- what form a possible new instrument(s) should take;
- the scope of the new instrument(s), i.e., what such instrument(s) should cover;
- whether the instrument(s) should specifically address the gender dimensions of violence in the world of work; and
- how wide the definition of the world of work should be.

Governments will be preparing their replies to the questionnaire, as will employers.

Trade unions must also prepare and send their responses to the questionnaire. It is crucial that as many trade union national centres as possible respond to the questionnaire.

You will find an ideal model for answers to the questionnaire in this toolkit.

What can we do?

- Lobby Governments to adequately fund national policies to tackle violence and harassment
- Strongly campaign with the support of other unions and civil society organisations to raise awareness of the need of an ILO Convention
- Design and negotiate the implementation of procedures to prevent violence at the work place – eg women not pressured for sexual favours because they have to ask for their wage
- Include the topic of workplace violence in collective bargaining
- Highlight specific examples of the support that your union provides to people suffering

from violence and harassment at work, and share them in your campaigning efforts.

- A commitment to look at the impact on workers and their wellbeing by the changing nature of work. (eg digitalisation, technology, work intensification).

What obstacles you may face from the employers?

- They will want to Push for a voluntary recommendation, and not a mandatory convention (voluntary versus obligatory)
- They will want to make the issue one of occupational health and safety, undermining the importance of the topic.
- They will argue that more research needs to be done, postponing indefinitely this issue, rather than addressing it now.
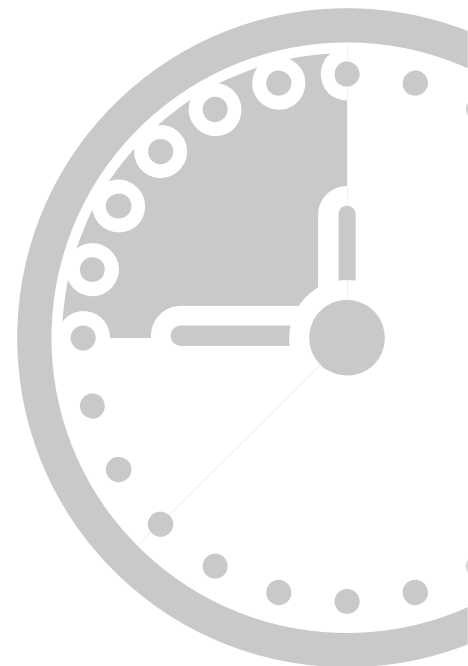
Timescales for the ilo lobby– dates to calendar!
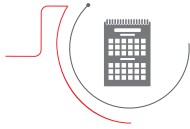
FEBRUARY 2017
Ask employers to sign up to the UNI Violence at work campaign in good time for us to use their logos.

JANUARY – MARCH 2017
Brief governments to support UNI objective (above).

March 8th 2017
Launch the UNI Violence at work Campaign towards an ILO Convention

APRIL 2017
- ILO produces its Law and Practice report.
- UNI will update affiliates on the ILO report.

APRIL – SEPTEMBER 2017
- Continue to lobby governments.
- Continue to ask employers to sign up to the UNI Violence at Work campaign.

TIMELINE	TRADE UNION ACTIONS
2017	
› 30 APRIl - the 'white' report: ILO produces its Law and Practice report **and Questionnaire** on the content of the possible new instrument(s). **› 22 SEPTEMBER** Deadline to respond to the ILO questionnaire	Unions to lobby governments to respond to the ILO questionnaire › Sign up to the UNI Violence at work campaign › Brief governments to support UNI objective Trade unions to prepare a response to the questionnaire › UNI includes **guidance** to unions on completing the questionnaire in this toolkit.

2018

› JANUARY - MARCH: ILO sends out the "yellow" report based on the replies received. It will contain the "draft conclusions" for the discussion, and will indicate the principal questions which require consideration by the **International Labour Conference** (ILC).

› JUNE: First discussion at the ILC in a committee composed of governments, employers and workers

Trade unions to continue with their lobby and advocacy campaigns and prepare for the first discussion at the International Labour Conference (ILC)

AFTER JUNE:
› ILO prepares the "brown" report with summary of discussion and draft instrument – hopefully a Convention and Recommendation – to the governments, trade unions and employers asking for amendments and/or comments.

2019

NOTE: The 2019 ILC will celebrate the centenary of the ILO. There will be no standard-setting committee.

Trade unions to continue with their lobby and advocacy campaigns

2020

› JANUARY – MARCH (CONFIRMATION OF TIMETABLE PENDING): ILO sends the **final 'blue' report** with the text of the draft instrument to the governments.
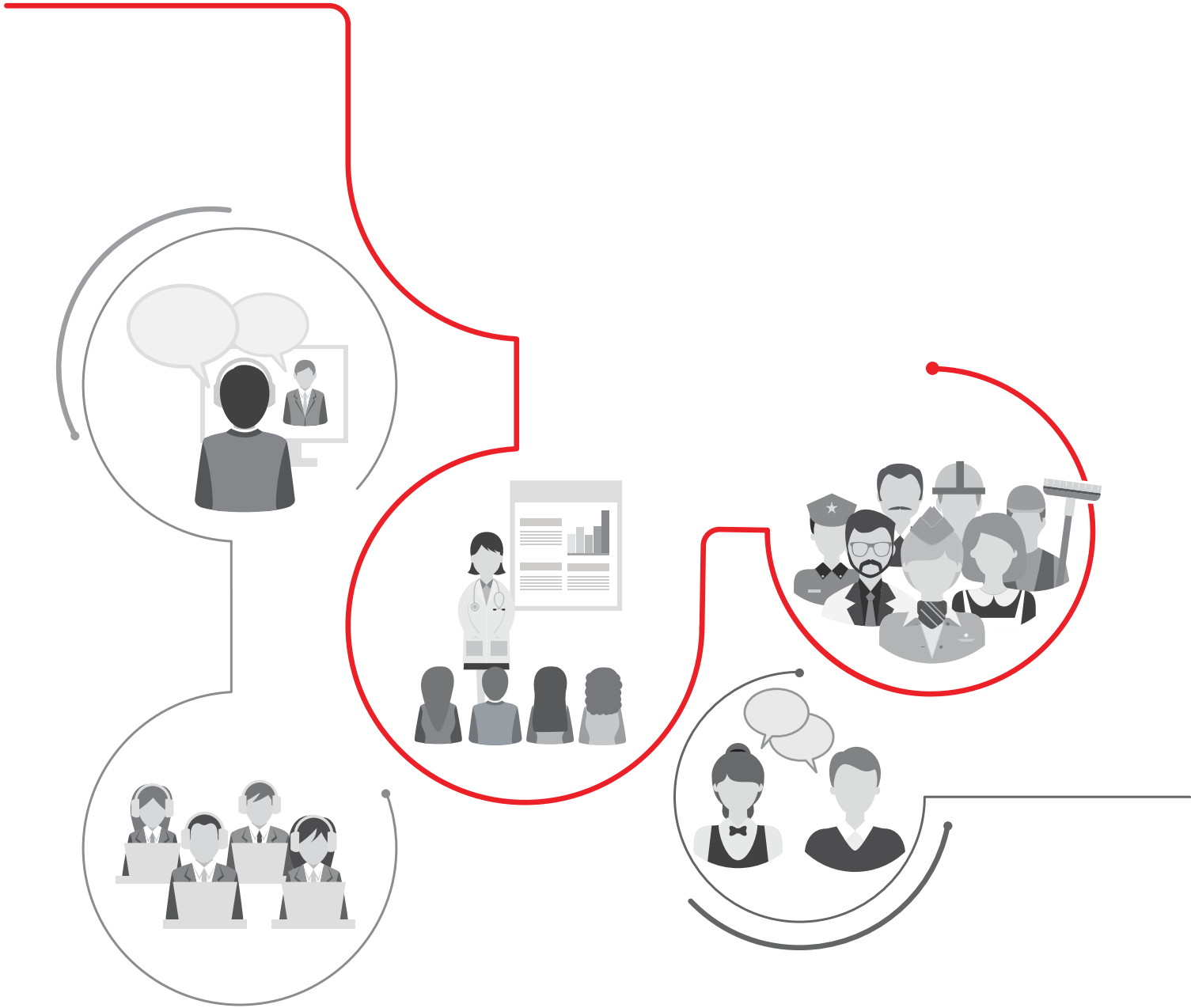
› JUNE 2020: SECOND DISCUSSION OF DRAFT INSTRUMENT AT THE ILO CONFERENCE. A 2/3 majority vote is required to adopt the instrument at the Conference.

Trade unions to continue with their lobby and advocacy campaigns and prepare for the second discussion at the ILO Conference

›AFTER THE ADOPTION OF THE ILO INSTRUMENT(S) AT THE ILO CONFERENCE:
IF WE ARE SUCCESSFUL IN ACHIEVING A CONVENTION, unions will need to campaign strongly for its ratification!

02

THE COMPONENTS OF
A DEFINITION OF VIOLENCE
IN THE WORLD OF WORK

BREAK
THE
CIRCLE!

inequality + violence + violence + inequality +

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opportunities

There is currently no universally accepted definition of the terms "harassment" or "violence" in the world of work. However, in spite of differences, there is a general consensus that it includes not just physical, but also psychological, economic, sexual and symbolic aspects.

According to WHO *"Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation"*

Violence and harassment are highly contextual and they are often driven by dynamics including, but not limited to, power relations, gender norms, cultural and social norms, and discrimination.

Resources:
● **UNI's Educational video "Break the circle of violence"**
https://www.youtube.com/watch?v=VV9PZ4asJFQ

● **Guide to discuss**
http://en.breakingthecircle.org/descargas/en/video1/guia_discu_en.pdf

Violence in the world of work

Acts of violence do not necessarily have to occur exclusively in a physical "workplace" to be understood as violence in the world of work; rather, they may occur in circumstances related to, or that have an impact on, work, to be understood as such. That's is why domestic violence has to be a part of a definition of violence in the world of work as it's a kind of violence that impact in the daily activities of people who suffer it.

A power imbalance in the workplace is considered a "core dimension" of bullying and can be seen when a manager uses formal power to bully a worker, but power dynamics are also influenced by factors such as gender, age, race, disabilities and class.

The intersection, or combination, of these factors makes violence and harassment more possible. Young women workers, for example, can be particularly exposed to sexual violence at work, especially those beginning their professional careers, compared with older women workers (Canadian Labour Congress).

Risk factors

Circumstances that could expose workers to violence and harassment (alone or in combination)

- working in contact with the public;
- working with people in distress;
- working with objects of value;
- working in situations that are not, or not properly, covered or protected by labour law and social protection;
- working in resource-constrained settings (inadequately equipped facilities or insufficient staffing can lead to long waits and frustration);
- unsocial working hours (for instance, evening and night work);
- working alone or in relative isolation or in remote locations;
- working in intimate spaces and private homes;
- the power to deny services, which increases the risk of violence and harassment from third parties seeking those services;
- working in conflict zones, especially providing public and emergency services; and
- high rates of unemployment.

Source: ILO: 2016a, Appendix I, para. 9.

Resources:

- **UNI's Educational video "Violence is at work – We can stop it"**
https://www.youtube.com/watch?v=Vmsw HjRioeg&t=2s

- **Guide to discuss**
http://en.breakingthecircle.org/descargas/ en/video2/guiaen.pdf
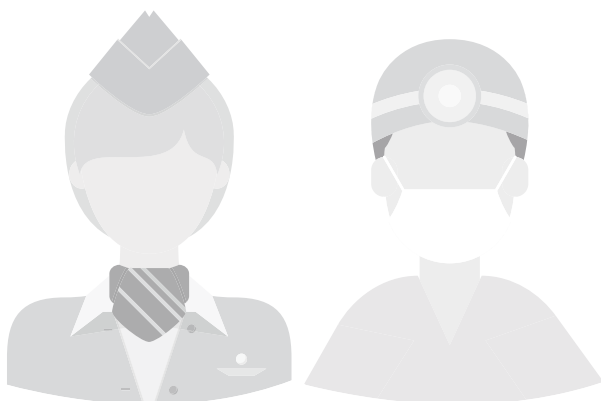
Gender violence

Physical, psychological and sexual violence can be considered gender-based if it stems from unequal power relationships between men and women. That's why gender dimensions of violence need to be addressed specifically in a definition of violence in the world of work.

Gender based violence:

- It is one of the most widespread and systematic abuses of human rights.

- It reflects the historically unequal balance of power between women and men which led to men dominating women, discrimination that placed obstacles in the path to women attaining their full potential.

- It is rooted in social structures based on gender rather than on individual action or random chance. It is not limited to age, socio-economic group, educational attainment or geography. It affects all societies and prevents the elimination of gender inequality and discrimination throughout the world.

- Such acts of violence perpetuate the inferior role assigned to women in the family, workplace, community and society.

- It is linked to the role that each gender is supposed to play in society; such roles can also cause violence against men and boys. However violence against women and girls is more widespread, and the perpetrators are mostly men.

- Can be committed by or against both women and men, such as violence against non-gender conforming men, including men who are or who are perceived to be gay, bisexual or trans. Lesbian, gay, bisexual, trans and intersex (LGBTI) workers report a considerably greater incidence of violence in the workplace compared with non-LGBTI workers.

Resources:

- **Gender violence and the role of UNI affiliated unions.**
http://en.breakingthecircle.org/descargas/en/man/violencepolicies_en.pdf

About Symbolic Violence and how stereotypes, messages and symbols transmit and reflect gender roles. UNI's Campaign "Change our media, change our reality"

- **Video:**
https://www.youtube.com/watch?v=HtywZ5ogQxA

- **Guide:**
http://en.breakingthecircle.org/descargas/en/man/PROGRAMA_UNI_violencia_en.pdf

- **About Men as agent of change: "I am man enough"**
https://www.youtube.com/watch?v=GBFwvwcQcD4

- **About sexual diversity at work: UNI's guides to achieve egalitarian workplaces**
http://en.breakingthecircle.org/descargas/en/lgbt/lgbt-sindicatos-en.pdf

http://en.breakingthecircle.org/descargas/en/lgbt/lgbt-and-working-environment-en.pdf

The impact of domestic violence at the workplace

Domestic violence can take many different forms including intimidation, coercion or isolation, emotional, physical, sexual, mental, financial and spiritual abuse.

Increasingly, countries are including domestic workers, and other persons living in the household, under the scope of application of domestic violence due to their exposure to violence and harassment in the "domestic sphere".

Domestic violence can impact the worker who is suffering it at her/his workplace in the following ways:

- being prevented or delayed from getting to work
- being harassed or intimidated at work
- being distressed or crying at work
- struggling to manage workload and deadlines
- covering up what is happening

The abusive person can:

- constantly call, email or text the victim at work
- follow her/his to or from work
- make threats to harm the victim or victim's co-workers at work
- threat to tell others embarrassing personal information
- come into or hang around the workplace to intimidate the victim

Resources

- **Domestic Violence is a Workplace Issue**

http://en.breakingthecircle.org/descargas/en/man/guidedelegates_en.pdf

- **Information for workers experiencing domestic violence**

http://en.breakingthecircle.org/descargas/en/man/guidemembers_en.pdf

Sexual harassment as a form of workplace violence

Sexual violence and harassment are prominent aspect of workers' lives – particularly women workers – around the world and sexual harassment is the most reported form.

Sexual Harassment is any behaviour of a sexual nature which is uninvited,unwelcome, offensive or threatening, whether it is intentional or not.

Itcan take many forms including suggestive remarks, unwelcome sexual jokes, sexual graffiti, pornographic pictures or images or uninvited sexual propositions, uninvited touching, indecent exposure, sexual assault or obscene communications (such as in letters, telephone calls, SMS, or electronic images or transmissions) and restricting a person's freedom (standing over a person/blocking a person's only way to get away).

The harasser could be anyone in the workplace. It could be a superior, colleagues, affiliates, visitors to the workplace, suppliers or others.

Sexual harassment can happen to anyone, male or female, and of whatever sexual preference.
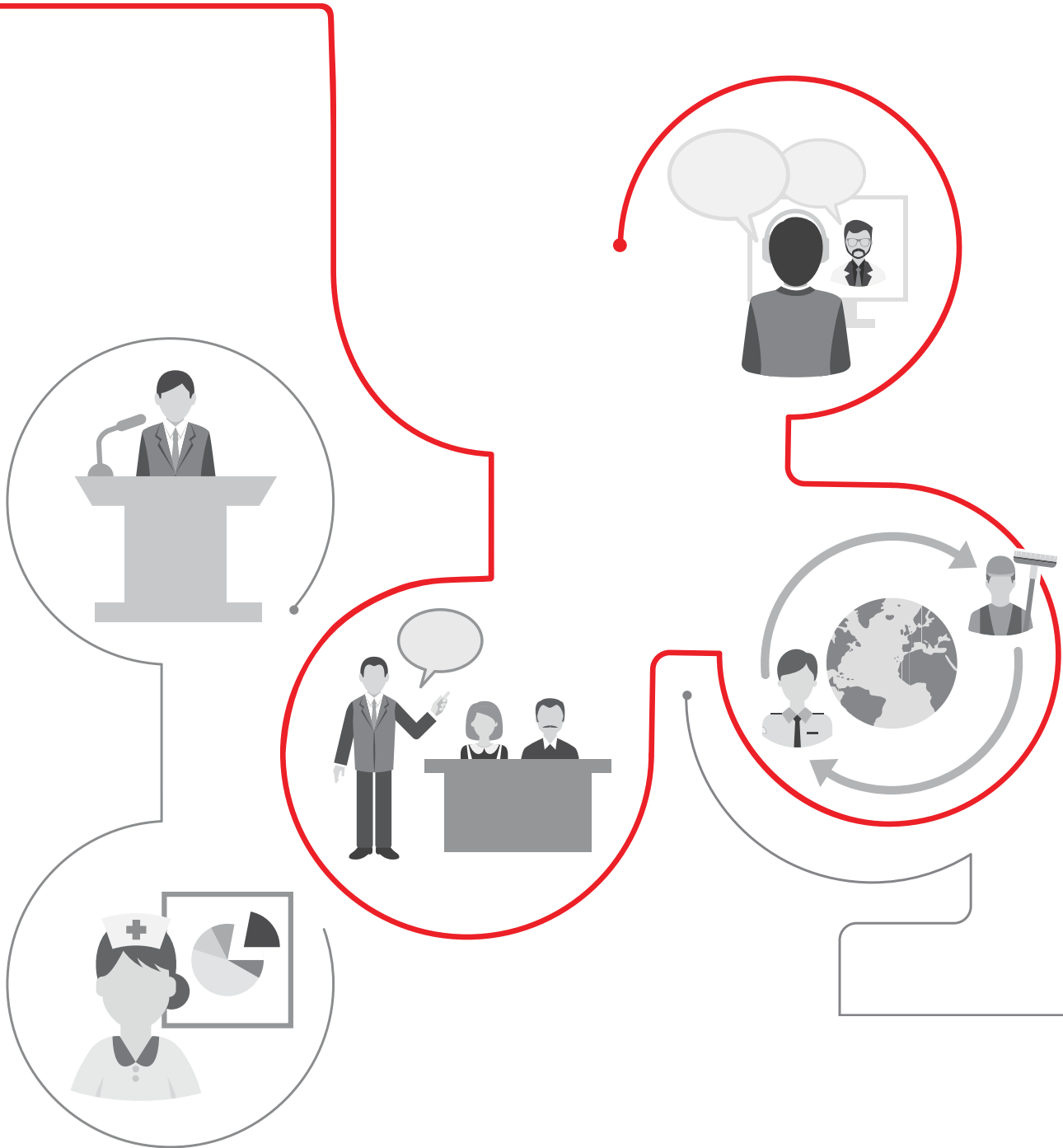
It can be individual or group behaviour.

Sexual harassment is not just a private matter between two people. It has implications for everyone at the workplace: affects morale, undermines productivity, provides unnecessary distraction, can create an intimidating, hostile, offensive or distressing work environment.

Resources

- **It's not a joke. UNI's Campaign Video:**

https://www.youtube.com/watch?v=_yjlW25SJZU

03 TACKLING VIOLENCE AND HARASSMENT IMPACTING THE WORLD OF WORK: LEVELS OF COMMITMENT

violence

inequality

BREAK THE CIRCLE!

violence

inequality

UNI global union

equal opportunities

Using themes from the UNI Global Union World Congresses, we invite employers, unions and other organisations to show their commitment to tackling violence and harassment impacting the world of work.

Violence and Harassment

Violence and harassment are a continuum of unacceptable behaviours and practices that can occur in the world of work.

As the attention to the issue has grown, occupational safety specialists and other analysts have broadly agreed that responding to workplace violence requires attention to more than just an actual physical attack.

Homicide and other physical assaults are on a continuum that also include domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation, and other forms of conduct that create anxiety, fear, and a climate of distrust in the workplace. All are part of the workplace violence problem. Prevention programs that do not consider harassment in all forms and threats are unlikely to be effective (United States Department of Justice, 2004, page 13).

Managers, colleagues and clients can be the perpetrators.

Violence Impacting People at Work

Violence, such as domestic violence, can follow people to work and impact them, their colleagues and their employers.

Levels of commitment

As part of our campaign "Towards an ILO Convention" we are encouraging employers, unions and other organisations to show their commitment to tackling violence and harassment impacting the world of work according to their capacity. Each level of commitment has been taken from the themes from the UNI Global Union World Congresses, and they indicate measures taken so that workers can work in an environment free from fear and intimidation.

Imagine

➤ VIOLENCE AND HARASSMENT	Policies make it clear that violence and harassment at work are not acceptable
➤ VIOLENCE THAT IMPACTS THE WORLD OF WORK	You are suffering from domestic violence and we understand that it can follow you to work, impacting you and your colleagues. We deal with this sympathetically.

BREAKING THROUGH – "Next step to Imagine".

➤ VIOLENCE AND HARASSMENT	Policies and procedures help us stop violence and harassment at work
	We promote and have diversity in the workplace, as well as strong equality and non-discrimination policies
	We commit to establishing safe reporting and procedures that will protect against victimisation.
➤ VIOLENCE THAT IMPACTS THE WORLD OF WORK	Your job is safe if any impacts at work are due to domestic violence

INCLUDING YOU –next step to Imagine and to Breaking Through,

➤ VIOLENCE AND HARASSMENT	Policies and procedures address employee and client behaviours, helping us to stop violence and harassment at work.
	Prevention and support are key components of our policies.
	We recognise the importance of collective bargaining in preventing violence and harassment
	We encourage our suppliers to have effective policies and procedures to address violence and harassment.
➤ VIOLENCE THAT IMPACTS THE WORLD OF WORK	If you are suffering from any kind of external violence, we will give you support. In the case of domestic violence, we will give you support such as routes to access support services, unpaid time off work to address matters such as legal, health, childcare and education etc.

MAKING IT HAPPEN – Next step to Imagine, to Breaking Through and to Including You

➤ VIOLENCE AND HARASSMENT	We assess the risk factors associated with your work and have practical measures to help protect you
	We engage with suppliers across our total supply chain to achieve zero tolerance of violence and harassment.
	As work changes (eg digitalisation, intensification etc) we commit to assess impacts and address any issues arising.
➤ VIOLENCE THAT IMPACTS THE WORLD OF WORK	If you are suffering from domestic violence we will give you paid leave to access support services, to address matters such as legal, health, childcare and education etc.

Use of Information

UNI would like to publicise the commitment level of your company, union or organisation. This will be done by showing your logo, along with those of other organisations giving the same level of commitment.

We aim to show that the vast majority of employers have effective policies and procedures to tackle violence and harassment, so we can encourage waverers to follow the good example you set.

Please reply to UNI, letting us know which level of commitment your company provides. Thank you.

Additional Information on Violence, such as Domestic Violence, Impacting People at Work

Domestic violence can impact an employee's performance and attendance and reduce productivity. Violence often follows the employee to work, such as through email, phone calls, etc. The perpetrator may also come to the workplace and be violent to any of the people encountered.

Work is often the safest place to access support services.

Keeping a victim of domestic violence in paid employment gives them economic independence to they can make life changing decisions to keep themselves and their families safe.
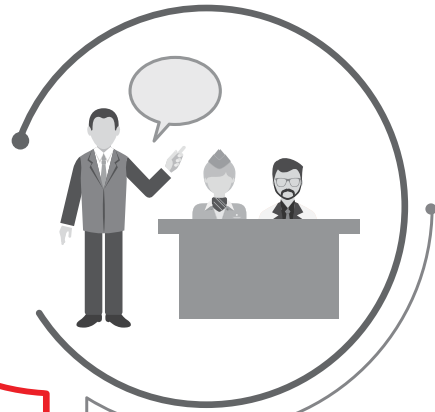
Resources

● **POLICIES AND PROCEDURES**

● **Ideal policies and procedures can be found on the UNI website at**
(http://en.breakingthecircle.org/)

● **Practical Guide to Establish Equality Policies in Union Organization**

http://uniglobalunion.org/sites/default/files/imce/3-_booklet_on_equality_en.pdf

04

LAW AND PRACTICE REPORT
FOR THE ILO CONVETION

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05

QUESTIONNAIRE FOR
MEMBERS STATES FOR THE
ILO CONVENTION: IDEAL
MODEL FOR ANSWERS

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