

C190 - Violence and Harassment Convention, 2019 (No. 190)

Convention concerning the elimination of violence and harassment in the world of work

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 108th (Centenary) Session on 10 June 2019, and

Recalling that the Declaration of Philadelphia affirms 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, and

Reaffirming the relevance of the fundamental Conventions of the International Labour Organization, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of Persons with Disabilities, and

Recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment, and

Recognizing that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work, and

Recognizing the importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment, and

Recalling that Members have an important responsibility to promote a general environment of zero tolerance to violence and harassment in order to facilitate the prevention of such behaviours and practices, and that all actors in the world of work must refrain from, prevent and address violence and harassment, and

Acknowledging that violence and harassment in the world of work affects a person’s psychological, physical and sexual health, dignity, and family and social environment, and

Recognizing that violence and harassment also affects the quality of public and private services, and may prevent persons, particularly women, from accessing, and remaining and advancing in the labour market, and

Noting that violence and harassment is incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity, and

Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work, and

Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers’ and workers’ organizations and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence, and

Having decided upon the adoption of certain proposals concerning violence and harassment in the world of work, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year two thousand and nineteen the following Convention, which may be cited as the Violence and Harassment Convention, 2019:

I. DEFINITIONS

Article 1

1. For the purpose of this Convention:

(a) the term “violence and harassment” in the world of work refers to 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;

- (b) the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.
2. Without prejudice to subparagraphs (a) and (b) of paragraph 1 of this Article, definitions in national laws and regulations may provide for a single concept or separate concepts.

II. SCOPE

Article 2

1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, 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.
2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

Article 3

This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work:

- (a) in the workplace, including public and private spaces where they are a place of work;
- (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;
- (c) during work-related trips, travel, training, events or social activities;
- (d) through work-related communications, including those enabled by information and communication technologies;
- (e) in employer-provided accommodation; and

- (f) when commuting to and from work.

III. CORE PRINCIPLES

Article 4

1. Each Member which ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment.
2. Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence and harassment involving third parties, where applicable, and includes:
 - (a) prohibiting in law violence and harassment;
 - (b) ensuring that relevant policies address violence and harassment;
 - (c) adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;
 - (d) establishing or strengthening enforcement and monitoring mechanisms;
 - (e) ensuring access to remedies and support for victims;
 - (f) providing for sanctions;
 - (g) developing tools, guidance, education and training, and raising awareness, in accessible formats as appropriate; and
 - (h) ensuring effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates or other competent bodies.
3. In adopting and implementing the approach referred to in paragraph 2 of this Article, each Member shall recognize the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.

Article 5

With a view to preventing and eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and

rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.

Article 6

Each Member shall adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.

IV. PROTECTION AND PREVENTION

Article 7

Without prejudice to and consistent with Article 1, each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.

Article 8

Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:

- (a) recognizing the important role of public authorities in the case of informal economy workers;
- (b) identifying, in consultation with the employers' and workers' organizations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and
- (c) taking measures to effectively protect such persons.

Article 9

Each Member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including genderbased 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 policy referred to in subparagraph (a) of this Article.

V. ENFORCEMENT AND REMEDIES

Article 10

Each Member shall take appropriate measures to:

- (a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
- (b) ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as:
 - (i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;
 - (ii) dispute resolution mechanisms external to the workplace;
 - (iii) courts or tribunals;
 - (iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and
 - (v) legal, social, medical and administrative support measures for complainants and victims;
- (c) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and

confidentiality are not misused;

- (d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;
- (e) provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;
- (f) recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work;
- (g) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management; and
- (h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law.

VI. GUIDANCE, TRAINING AND AWARENESS-RAISING

Article 11

Each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
- (b) employers and workers and their organizations, and relevant authorities, are provided with guidance, resources, training or other tools, in accessible formats as appropriate, on violence and harassment in the world of work, including on gender-based violence and harassment; and
- (c) initiatives, including awareness-raising campaigns, are undertaken.

VII. METHODS OF APPLICATION

Article 12

The provisions of this Convention shall be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary.

VIII. FINAL PROVISIONS

Article 13

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 14

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 15

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 16

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 17

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered in accordance with the provisions of the preceding Articles.

Article 18

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 19

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 20

The English and French versions of the text of this Convention are equally authoritative.

第 190 號 暴力及騷擾公約

—消除勞動世界的暴力及騷擾(2019 年 6 月 21 日通過)

第一章 定義

第一條

1. 本公約的目的：
 - (a) 勞動世界中的“暴力和騷擾”一詞是指讓人無法接受的行為和做法，無論是單次發生還是重複發生，可能或已經造成身體、心理、性或經濟上的傷害，包括了基於性別的暴力和騷擾；
 - (b) “基於性別的暴力和騷擾”一詞是指因性別或性別而針對某人的暴力和騷擾，或對特定性別或性別的人造成不成比例的暴力和騷擾，並包括性騷擾。
2. 在不違背本條第 1 款 (a) 和 (b) 項的情況下，國家法律和條例中的定義可規定單一概念或個別概念。

第二章 範圍

第二條

1. 本公約保護勞動世界中的勞工和其他人，包括國家法律和實務上界定的受雇者，並且不論他的工作是基於何種契約關係，包含培訓中人員(如實習生和學徒)、工作已經終止的勞工、志工、求職者，以及行使雇主權力、職責或責任的個人。
2. 本公約適用於正規和非正規經濟中的所有私營或公共部門，無論是在城市還是農村地區。

第三條

本公約適用於在工作過程中發生，或與工作有關，或由工作引起的工作領域的暴力和騷擾：

- (a) 在工作地點，包括作為工作地點的公共及私人處所；
- (b) 在勞工獲得報酬的地方，休息或用餐，或使用衛生，洗滌和更換設施；
- (c) 在與工作有關的旅行，旅行、訓練、活動或社交活動期間；
- (d) 與工作有關的通訊，包括透過訊息和科技通訊；

(e) 在雇主提供的住宿；和

(f) 上班和下班時。

第三章 核心原則

第四條

1. 批准本公約的每個成員國應尊重，促進和實現人人享有免於暴力和騷擾的工作世界的權利。
2. 各成員國應根據國家法律和情況，並與有代表性的雇主組織和勞工組織進行協商，採取具包容性、全面和促進性別平等的方法，以預防和消除勞動世界中的暴力和騷擾。這種方法應考慮到涉及第三方的暴力和騷擾（如適用），包括：
 - (a) 禁止法律上的暴力和騷擾；
 - (b) 確保有處理暴力和騷擾的相關政策；
 - (c) 採取全方位的戰略，以實施預防和打擊暴力和騷擾的措施；
 - (d) 建立或加強執法和監督機制；
 - (e) 確保受害者獲得補救措施和支持；
 - (f) 制定相關法律；
 - (g) 以適當的方式開發工具、指導原則、教育、訓練及提高意識；和
 - (h) 確保有效地檢查和調查暴力和騷擾案件，包括通過勞動檢查或其他主管機構。
3. 在採用和實施本條第 2 款所述方法時，各成員國應認識到政府、雇主和勞工及其各自組織的不同和互補的作用和職能，考慮到各自責任的性質和範圍。

第五條

為了防止和消除勞動世界中的暴力和騷擾，每個成員應尊重、促進和實現工作中的基本原則和權利，即結社自由且有效承認集體協商權，消除一切形式的強迫或強制勞動，有效廢除童工，消除就業和職業方面的歧視，並促進尊嚴勞動。

第六條

每個成員國應通過法律、法規和政策，確保在就業和職業中享有平等和

不受歧視的權利，包含女性勞工，以及在勞動世界中受到暴力和騷擾不成比例影響的脆弱群體中屬於一個或多個弱勢群體，或群體的勞工和其他人員。

第四章 保護及防治

第七條

在不損害第 1 條的情況下，每個成員國都應通過法律和法規來界定和禁止勞動世界中的暴力和騷擾，包括基於性別的暴力和騷擾。

第八條

每個成員國應採取適當措施，防止勞動世界中的暴力和騷擾，包括：

- (a) 承認公權力在非正規經濟勞工中的重要作用；
- (b) 與雇主組織及勞工組織諮詢以確定哪些部門或職業和工作安排，會使勞工和其他有關人員更容易遭受暴力和騷擾；
- (c) 採取措施以有效保護這些人。

第九條

每個成員國應通過法律和法規，要求雇主採取與其控制程度相當的適當步驟，以防止勞動世界中的暴力和騷擾，包括基於性別的暴力和騷擾，特別是在合理可行的範圍內，包含以下方面：

- (a) 與勞工及其代表協商，制定工作場所關於暴力和騷擾防治的政策；
- (b) 在職業安全與衛生管理方面上，考慮到暴力和騷擾，以及相關的心理社會風險；
- (c) 在勞工及其代表的參與下，識別危害並評估暴力和騷擾的風險，並採取措施預防和控制它們；和
- (d) 向勞工和其他有關人員以適當的方式提供關於已認定的暴力和騷擾的危害和風險，以及相關的預防和保護措施的資訊及培訓，包含有關本條(a)項所述政策的勞工和其他有關人員的權利和責任。

第五章 強制及補救措施

第十條

各成員國應採取適當措施：

- (a) 監督和執行有關勞動世界暴力和騷擾的國家法律和法規；

- (b) 確保在勞動世界發生暴力和騷擾的情況下，能夠輕鬆獲得適當和有效的補救措施以及安全、公平和有效的報告，和爭議解決機制及程序，例如：
- (i) 申訴和調查程序，以及在適當情況下工作場所的爭議解決機制；
 - (ii) 工作場所以外的爭議解決機制；
 - (iii) 法院或法庭；
 - (iv) 防止對申訴人、受害人、證人和舉報人進行傷害或報復；和
 - (v) 對申訴人和受害者的法律、社會、醫療和行政援助措施；
- (c) 盡可能酌情保護所涉及的個人的隱私和保密，並確保不濫用隱私和保密要求；
- (d) 酌情就勞動世界中的暴力和騷擾案件提供制裁；
- (e) 規定勞動世界基於性別的暴力和騷擾的受害者能夠有效地獲得性別敏感、安全和有效的投訴和爭議解決機制，並提供支持、服務和補救措施；
- (f) 承認家庭暴力的影響，並在合理可行的範圍內，減輕其對勞動世界的影響；
- (g) 確保勞工在有合理的理由相信這些工作情況會因暴力和騷擾而對生命、健康或安全構成急迫的嚴重危險時，他們有權離開工作狀態，而不會遭受報復或其他不當後果，以及免於告知管理層的責任；和
- (h) 確保勞動檢查機構和其他主管機關有權處理勞動世界中的暴力和騷擾，包括發布要求立即執行措施的命令，以及在即將發生對生命、健康或安全構成危險的情況下停止工作的命令，但有權向法律規定的司法或行政當局提出上訴。

第六章 指導、培訓及意識提升

第十一條

每個成員國與代表性雇主組織和勞工組織協商時，應確保：

- (a) 勞動世界中的暴力和騷擾在國家政策中有相關的處理，例如有關職業安全與衛生，平等和不歧視，以及移工的政策；

(b) 雇主和勞工及其組織，以及有關主管機關提供關於勞動世界暴力和騷擾適當的指導、資源、培訓或其他工具，包括基於性別的暴力和騷擾；和

(c) 倡導，包括提高對於關於勞動世界暴力和騷擾認識的活動在內。

第七章 實施方法

第十二條

本公約的規定應透過國家法律和法規，以及透過符合國家慣例的集體協議或其他措施落實，包括擴大或調整現有的職業安全和衛生措施，以涵蓋暴力和騷擾，並在必要時制定具體措施。

第八章 最終條款(附則)

第十三條

本公約的正式批准書應送交國際勞工局局長登記。

第十四條

1. 本公約應僅對國際勞工組織的成員國具有約束力，其國際勞工組織的批准書已經向國際勞工局局長登記。
2. 自兩個成員國的批准書向局長登記之日起十二個月後生效。
3. 此後，本公約應在其批准書登記之日起十二個月後對所有成員國生效。

第十五條

1. 已批准本公約的會員國，自本公約初次生效之日起滿 10 年後，可向國際勞工局局長提出退出的登記。該退出不得在其註冊之日起一年內。
2. 已批准本公約並且在前一款所述十年期限屆滿後的一年內未行使本條規定的退出權的成員國，將延長十年有效期，此後，可以根據本條規定的條款在每個新的十年期限的第一年內退出本公約。

第十六條

1. 國際勞工局局長應將本組織成員所傳達的所有批准書和退出書的登記情況通知國際勞工組織所有成員。
2. 在本組織成員已經提出第二份批准書時，局長應提請本組織成員注意本公約生效的日期。

第十七條

國際勞工局局長應按照“聯合國憲章”第一百零二條的規定，通知聯合國秘書長，並按照規定登記的所有批准書和退出書的全部詳情。

第十八條

在必要的時候，國際勞工局理事會應向大會提交一份關於本公約運作情況的報告，並應審查是否有必要將其修訂的全部或部分問題列入大會議程。

第十九條

1. 如果會議通過一項修訂本公約的新公約，除非新公約另有規定，否則：
 - (a) 成員批准新的修訂公約，如果新的修訂公約生效，即使有上述第 15 條的規定，也必須立即退出本公約；
 - (b) 自新的修訂公約生效之日起，本公約不再公開供成員國批准。
2. 本公約的實際形式和內容，在任何情況下對其已批准但尚未批准修訂公約的會員國，仍然有效。

第二十條

本公約的英文和法文版本具有同等效力。