



► Preventing and addressing violence and harassment in the world of work through occupational safety and health measures



► Executive summary

Violence and harassment and the changing world of work

Violence and harassment (V&H) is an issue that affects a vast number of workplaces throughout all countries of the world. There is growing evidence that no individual, no enterprise, no sector and no society can claim to be entirely free from V&H. More than one in five persons in employment have experienced it during their working life, according to the ILO's most recent estimates.¹ This phenomenon is not confined to a specific workplace (office, workstation, factory, retail) but can occur when commuting to or from work, in the digital space through work-related communications, during work-related trips, events or social activities, and in home-based offices.

V&H comes at great cost to individual workers' health, well-being and livelihoods, to enterprises' prosperity through reduced productivity, replacement, retirement and reputational damage, and to society as a whole through the potential loss of productive workers and through increased pressure on social services and welfare. Looking into the future, the problem may be further exacerbated by a number of factors that are changing the nature of work, such as new forms of employment contracts, the ageing workforce, work intensification, digital surveillance and poor work-life balance.

The adoption of the ILO Violence and Harassment Convention, 2019 (No. 190), and of its accompanying Recommendation (No. 206) therefore marks a high-water mark of the international pledge to recognize the right of everyone to a world of work free from V&H. This commitment was strengthened in 2022, when the International Labour Conference decided to amend the ILO Declaration on Fundamental Principles and Rights at Work (1998) to include "a safe and healthy working environment" as a fundamental principle and right at work, which is one of the strategies to address V&H in the world of work. This move also reflects the decade-long evolution of occupational safety and health (OSH) at work from covering safety risks to overall concern for maintaining both physical and mental well-being at work.

The OSH framework as one of the key strategies to prevent violence and harassment in the world of work

ILO Convention No. 190 stresses the need to adopt an inclusive, integrated and gender-responsive approach to the prevention and elimination of V&H in the world of work (Article 4). The Convention further specifies preventive measures (Article 9), highlighting (among other things) the need to address psychosocial risks at work. V&H at work and psychosocial risks are mutually reinforcing; while V&H can be induced by several individual, social and organizational factors, evidence shows that there is a vicious circle as psychosocial risks become a contributory cause of V&H, and vice versa. V&H is situated at the intersection of individual (subjective) factors and collective (work organization) factors. Given this interrelation, until organization-level factors and other underlying causes of V&H in the workplace are addressed, V&H will continue to pose a challenge to the world of work.

Thus, in terms of long-term and workplace-related strategies to tackle V&H in the world of work, OSH represents one of the most direct entry points for addressing the problem. Focusing on the working environment and acting at the collective level, OSH is well equipped to address the root causes of V&H at work, provides structural and systematic responses to V&H, and has the capacity to mobilize actors in the world of work in the pursuit of a common goal addressing workplace V&H. This approach, based on a system of mutual rights and obligations between workers and employers, can facilitate implementation

¹ ILO, *Experiences of Violence and Harassment at Work: A Global First Survey*, 2022.

of strategies to prevent V&H through social dialogue and by building a collective commitment to creating working environments free from V&H.

Indeed, this report finds that two thirds of provisions on and in relation to workplace V&H in the 25 countries examined are found in labour and OSH legislation. Compared to other regulatory approaches, OSH legislation tends to be more detailed in setting forth preventive strategies and in defining both the general duty of care on the part of the employer to take necessary measures to protect the health and safety of workers, and the complementary responsibilities of workers to collaborate in achieving the objective of protecting health and safety in the world of work, by taking reasonable care of their own health and safety and that of others. In the Americas and in Europe and Central Asia, relevant provisions are found primarily in OSH and labour legislation, while in Asia and the Pacific and in the Arab States, the focus has been to address sexual harassment as a priority, and their efforts have been directed at devising a targeted legal framework to this end.

At the same time, half of the countries reviewed for this report have promoted the notion of dignity at work, which can be used as a basis to develop regulations and standards for psychosocial risk factors (and specifically V&H) in working environments.

Collective bargaining agreements as a complement to legal and policy responses

Collective bargaining agreements (CBAs) constitute another avenue for addressing V&H. In fact, CBAs at company or sector level can be crucial in implementing legislation on V&H in workplaces. Clauses on prohibiting and addressing workplace V&H have increasingly been incorporated into CBAs. Some 252 clauses dedicated to the issue of V&H have been included in 95 sector- and company-level CBAs representing 15 different countries.

Manufacturing, the public sector, agriculture, forestry and fishing, and transport, logistics and communications represent the four sectors that include the highest share of CBAs containing V&H clauses. These clauses mainly contain prohibition rules (on V&H in general, or specifically on sexual harassment), general principles of mutual respect, and rules at the level of response – that is, specifying the consequences that will follow if a V&H incident occurs in the workplace.

A review of these CBAs in 20 countries shows that employers and workers alike are raising concerns about workplace V&H and are negotiating specific clauses to address V&H in the world of work.

The role of guidance and tools in implementing OSH legislation on violence and harassment

Any legislation or policy is easier to operate in the realities of a workplace or enterprise if those – employers and workers alike – on whom it is incumbent to fulfil their workplace obligations to prevent and address V&H are equipped with practical means informing them how to use and implement laws and regulations.

In this regard, as Convention No. 190 specifies, guidance and tools can play an important role. The review of these tools in 20 selected countries confirms that they are often used to operationalize legislation on V&H in the workplace – to determine what steps are needed to prevent V&H and how to implement them.² They can also help to communicate and clarify legal provisions on work-related V&H, to tailor them to the needs of both employers and workers, and to navigate through the often complex web of laws and regulations.

The review of 20 countries also shows that guidance and tools on V&H at work take various forms, including codes of practice, guidelines, national standards, training programmes and materials, practical tools, and information and consultation services. These types of guidance and tools have different yet complementary

² Note that the 20 countries covered in this review are different from the 25 that were reviewed from the perspective of incorporating V&H in OSH and anti-discrimination legislation.

strengths and advantages. OSH management systems and their elements are generally central topics in the guidance and tools produced by all 20 countries reviewed in this report. These include workplace policies and risk assessment, and particularly (guidance on) training and information for workers, and risk control measures in relation to V&H. However, some guidance and tools fail to tap their full potential to support implementation measures, either because they do not further specify how measures are to be implemented or because they are not comprehensive enough, leaving out certain types of V&H (among other things).

Despite their important and multifaceted role, the number of guidance and tools available at national level differs considerably. Countries with a relatively high number of pieces of guidance and tools tend to more frequently address specific sectors, work situations, types of employment and/or types of V&H with dedicated guidance and tools, thereby providing guidance tailored to the needs of the target group. Meanwhile, the reviewed guidance and tools tend to cover the main forms of V&H comprehensively, although there are slight differences across regions and income groups: while sexual V&H tends to be addressed slightly more frequently in Asia and the Pacific, psychological V&H is slightly more often the topic of guidance and tools in high-income countries and in Europe and Central Asia.

Variety in country-level approaches to promoting OSH frameworks in relation to violence and harassment

Although OSH frameworks represent one of the most direct entry points for preventing V&H in the world of work, countries differ considerably in their approaches to preventing and addressing V&H through OSH. This is shown, in particular, by in-depth studies conducted in seven countries around the world – Bangladesh, Barbados, Denmark, El Salvador, Georgia, Spain and Tunisia.

In Denmark the OSH legislation includes a comprehensive set of provisions dedicated to preventing V&H at work. Also in El Salvador, OSH legislation explicitly recognizes V&H as a psychosocial risk, but the provisions on managing such psychosocial risks are relatively broad and outcome-based.

OSH legislation in Spain and Tunisia does not explicitly refer to V&H, but it is so broadly formulated that it can in principle also be applied to V&H. However, only Spain has confirmed this interpretation, by issuing comprehensive guidance and tools that recognize V&H as a psychosocial risk and elaborate on how to embed V&H in OSH management systems in the workplace.

Barbados and Bangladesh have specific legal provisions on sexual harassment at work, but these are limited to workplace policies, training and complaint procedures and do not include further provisions on OSH management systems. The OSH legislation of both countries focuses solely on hazards and risks in relation to physical health and safety, as is also the case in Georgia, despite considerable efforts in recent years by the Georgian Government to amend its OSH law.

It is clear, then, that the role and availability of guidance and tools differ considerably across the seven countries. Providing guidance and tools to prevent and address V&H through OSH involves multiple actors, especially in Denmark, Spain and Bangladesh – even or particularly in the absence of explicit legislation – ranging from public authorities and the social partners to civil society and other private actors. The social partners, in particular, play a decisive role in specifying and tailoring relevant information to the specific needs of sectors and work occurrences. Meanwhile, both public authorities and the social partners in Georgia and Barbados have provided little or less comprehensive guidance and tools.

OSH as a key instrument in an inclusive, integrated and gender-responsive approach to preventing and eliminating violence and harassment in the world of work

The ILO Violence and Harassment Convention, 2019 (No. 190), recognizes the crucial importance of a comprehensive strategy that involves an inclusive, integrated and gender-responsive approach in designing a response to the issue of workplace violence.

To date, many of the legal and policy initiatives on V&H have been concentrated more on remedial action and legislation, and not so much on preventive frameworks. While punitive, restorative and compensatory legal provisions play an important role as part of an inclusive, integrated and gender-responsive approach and cannot be overlooked, prevention as a strategy allows the actors in the world of work to pay adequate attention to the deeper structural problems at play. An OSH framework tackles V&H at work on a far broader basis by allowing preventive action to be taken before specific manifestations of V&H arise in the workplace. Furthermore, legislation on the working environment also generally helps to address collateral aspects that frequently contribute to workplace V&H, such as working time, dismissals, salaries and job security. An OSH framework also has the advantage of facilitating social dialogue and participatory mechanisms, which can mobilize all actors in the world of work towards a common objective.

There is no one-size-fits-all approach to the problem of V&H in the world of work, and a targeted response may require a context-specific assessment. Country-level experiences underline the importance and benefits of collecting comprehensive data on V&H, as such data help public authorities and the social partners to identify developments and to monitor, evaluate and improve appropriate legal or policy responses where needed.

Even in countries that have a strong legal framework on work-related V&H and comprehensive guidance and tools, organizations may encounter difficulties in effectively utilizing these instruments and devising suitable solutions to their specific challenges pertaining to V&H. Various factors can impede the process, ranging from lack of resources to resource-demanding parallel work processes. Consequently, the provision of more intricate and tailored information, alongside individualized support and consultation services for employers and workers, becomes increasingly vital. Moreover, given the ongoing changes in working conditions and the emergence of new psychosocial risks, effective legal and policy responses require continuous monitoring and evaluation, improvement and adaptation to accommodate these new developments.