



WORKING

WITHOUT VIOLENCE

OR HARASSMENT



LET'S ACT TO ACHIEVE
THE RATIFICATION OF
CONVENTION NO.100
ON VIOLENCE AND HARASSMENT AT WORK
IN ALL COUNTRIES IN THE REGION



WORKING WITHOUT VIOLENCE OR HARASSMENT



WHAT IS CONVENTION NO. 190?

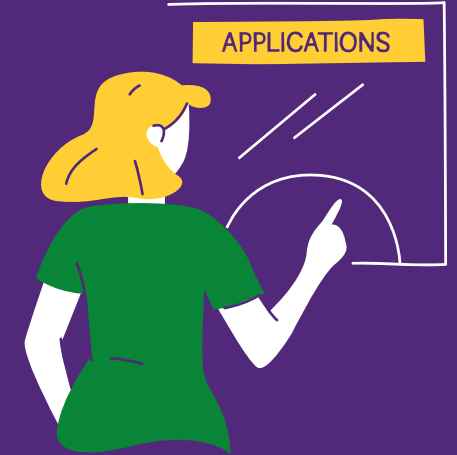
It is an international agreement that recognizes the rights of all people in the world to a world of work free of violence and harassment. The countries that ratify it have the obligation to respect, promote and ensure the enjoyment of this right.

HOW DOES CONVENTION NO. 190 DEFINE VIOLENCE?

Convention No. 190 defines violence and harassment at work as behaviors and practices, or threats thereof, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm. These situations may occur repeatedly or only once (Art. 1).

WHO IS PROTECTED BY CONVENTION NO. 190?

It protects all people linked to the world of work. In addition to working persons, it also protects others linked to the world of work such as those in training (including interns and apprentices), persons who have been made redundant, job seekers and job applicants (Art. 2).



WHERE DOES CONVENTION NO. 190 PROVIDE PROTECTION?

It protects against violence and harassment that occurs "in the course of, linked with or arising out of work", including work-related travel and social activities. Additionally, it covers communications related to work, including those made using technology (Art. 3).



**LET'S ACT TO ACHIEVE
RATIFICATION OF CONVENTION
NO. 190 ON VIOLENCE AND
HARASSMENT AT WORK IN ALL
COUNTRIES IN THE REGION.**

IF YOU WERE
THREATENED, IT IS
ALSO VIOLENCE.



LET'S ACT TO ACHIEVE THE RATIFICATION OF CONVENTION NO. 190 ON VIOLENCE AND HARASSMENT AT WORK IN ALL COUNTRIES IN THE REGION

Violence in the workplace is a widespread problem but it has not been given sufficient importance. The myths so common to other forms of violence also exist in the workplace. Such problems have been considered minor and infrequent, and are considered to fall within the realm of personal and private relationships rather than the public sphere, and so to be outside the responsibility of the state.

People who are subjected to violence and harassment at work often end up being identified as problematic and are seen as being responsible for causing what they experience. **For many such people, the only way to protect themselves is to quit their jobs.**

Educational work is not free of these problems. Furthermore, in all countries in the region teaching is a highly female-dominated profession, and many of the manifestations and dynamics of violence against women teachers are fraught with discrimination and sexist violence.

Concern about the existence of this violence has grown in recent years, with efforts being made to provide the world of work with an international tool to respond to this problem. This gave rise to ILO Convention No. 190 and Recommendation No. 206, which provide a historic opportunity to move towards workplaces free of violence and harassment.

WHAT IS A CONVENTION AND HOW CAN IT HELP US?

Conventions are laws of an international nature. That is, instead of being applied within a single country, a particular convention is in force in all those countries that ratify it. Countries that approve or ratify a convention acquire the obligation to implement its provisions and ensure compliance to it throughout their national territory. In order to monitor compliance with a convention, countries that have ratified it must send periodic reports on its implementation to the International Labour Organization (ILO).

TRADE UNIONS CAN ALSO SEND THEIR REPORTS TO THE ILO TO PROVIDE THEIR PERSPECTIVE AND ASSESSMENT OF THE SITUATION.

CONVENTIONS
ARE ABOVE NATIONAL
LAWS AND SOMETIMES
THE NATIONAL
CONSTITUTION



In some Latin American countries, human rights conventions are of a supraconstitutional character. That is, they are of the highest order, being even above the national Constitution.

In other countries they are of supralegal status; that is, they are above national laws, but below the Constitution.

**AN INTERNATIONAL CONVENTION
COMMITTS STATES TO TAKING
ACTION IN CERTAIN AREAS, IN THIS
CASE AGAINST VIOLENCE AND
HARASSMENT AT WORK.**

CONVENTIONS ARE ACCOMPANIED BY RECOMMENDATIONS

These complement the convention, providing more specific guidance on its implementation.
Recommendations are not binding.

CONVENTION NO. 190 AND RECOMMENDATION NO. 206 **TOOLS TO MOVE TOWARDS A WORLD OF WORK FREE OF VIOLENCE AND HARASSMENT**

The adoption of Convention No. 190 on harassment and violence, and Recommendation No. 206 in the 2019 International Labour Conference (ILC) is historical since it establishes “for the first time in international law, the specific recognition of the right of everyone to a world of work free from violence and harassment, and establishes the obligation to respect, promote and ensure the enjoyment of this right (Art. 4)”. (ILO, n.d., p. 1).

In some Latin American countries, laws have been adopted against various forms of violence, including sexual harassment at work and harassment at work. Convention No. 190 and Recommendation No. 206 are tools to advance in this direction in all countries, and also to confront all possible expressions of violence that may occur at work that national laws do not yet contemplate.

HOW IS VIOLENCE AND HARASSMENT DEFINED IN CONVENTION NO. 190?

Sometimes violence and harassment in the workplace and in industrial relations become customary, part of the work environment. It bothers us, but it becomes naturalized and we don't identify it as violence. Naming and defining violence and harassment at work helps to identify that we are living in a situation that violates our rights and that should not be allowed. Moreover, when it comes to regulations, this is particularly important, as it defines under which situations protection should be provided and preventive measures taken.

Convention No. 190 defines violence and harassment at work as behaviors and practices, or threats thereof, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm. These are situations that may occur repeatedly or only once (Art. 1).

Gender-based violence and harassment are covered by Convention No. 190. These are manifestations of violence and harassment that are directed against people on the basis of their sex or gender. Gender-based violence and harassment is also considered to occur when a manifestation of violence disproportionately affects persons of a particular sex or gender. This is the case, for example, of sexual harassment given that the majority of those who suffer from it are women (Art. 1).

FROM SEXUAL HARASSMENT TO WORKPLACE HARASSMENT

Convention No. 190 establishes that some forms of violence in the world of work disproportionately, although not exclusively, affect women. This is the case with sexual harassment. This is a "behavior based on sex, which is unpleasant and offensive to the person victim to it" (ILO, 2007, p. 1).

Sexual harassment can take the form of blackmail to get the person to engage in sexual behavior, and promises of job improvements such as retaining employment, salary increases, etc. (ILO, 2007).

It can also occur through the creation of a hostile work environment that involves situations of intimidation or humiliation of the harassed worker (ILO, 2007). A dynamic often associated with sexual harassment is when the harassed person does not accede to harasser's requests, and this latter creates a critical, stressful work environment, with public jokes, questioning and criticisms of the victim's private life, including rumors, false allegations and other types of covert or accepted practices in the environment.

**THESE ARE NOT JOKES, THEY'RE VIOLENCE.
THEY ARE NOT HARMLESS RUMORS,
THEY ARE WORKPLACE HARASSMENT.**



***VIOLENCE AND HARASSMENT* IN THE WORKPLACE OF TEACHERS**

Unfortunately, there are many situations of violence that occur in the world of work. This is also the reality of many female teachers.

A study carried out by EILA in 8 Latin American countries to investigate the impact of the pandemic and the measures adopted by governments in this framework on female teachers shows that manifestations of violence such as virtual harassment and workplace harassment are the most frequent for female teachers in this period (CEFEMINA-EILA, 2021).

**IF THERE ARE THREATS,
IT'S VIOLENCE AT WORK.
IT ONLY HAPPENED ONCE?
IT'S STILL VIOLENCE.
IF IT MADE YOU FEEL BAD,
IT'S VIOLENCE AT WORK.
IF YOU ARE INSULTED, SLIGHTED, OR
BEATEN, IT'S ALSO VIOLENCE AT WORK.
RACIST, SEXIST, XENOPHOBIC OR
HOMOLESBITRANSOPHOBIC JOKES?
THEY ARE ALSO VIOLENCE AT WORK.
IF YOU ARE TOUCHED, OR ARE ASKED TO
HAVE UNWANTED SEXUAL CONTACT,
IT IS ALSO VIOLENCE AT WORK.
IF YOU ARE NOT PAID WHAT IS
ESTABLISHED BY LAW, YOUR PAY
IS CONDITIONED OR WITHHELD,
IT IS ALSO VIOLENCE AT WORK.**

WHO IS PROTECTED BY C190?



Convention No. 190 seeks to protect all persons linked to the world of work. **This implies that all working people, including female teachers, are included** (Art. 2).

In addition to working persons, it also **protects others linked to the world of work such as those in training (including interns and apprentices), persons who have been made redundant, job seekers and job applicants and also individuals who in the world of employment exercise authority and perform the duties or responsibilities of employers** (Art. 2).

In the case of education, Convention No. 190 also protects those who are doing internships or who are still training as teachers. In addition, it includes those who are applying for any job in the educational field, even if they have not yet obtained it.

Recommendation No. 206 indicates that particular attention should be paid to the risks of violence involving third parties such as customers, service providers, users, patients and the public (paragraph 8b). In the case of teaching, it is particularly important to pay attention to violence against students and their families, and persons performing administrative and support work.

VIOLENCE AT WORK DOES NOT AFFECT EVERYONE EQUALLY.

Women, Indigenous people, domestic workers, Afro-descendants, migrants, and LGBTIQ people face more violence at work.

Recommendation No. 206 states that it is desirable that measures be taken that comprehend the reality and particularities of the sectors that are most exposed to violence and harassment at work. It further notes that one of the most unprotected sectors is education (paragraph 9).

WHERE DOES C190 PROVIDE PROTECTION?

In order to provide maximum protection through the implementation of Convention No. 190, limitation to specific places is not made. It applies to violence and harassment that occurs “in the course of, linked with or arising out of work” (Art. 3).

In practice this means that the convention takes into account the place of work, whether public or private, but also other spaces and situations. For example, places where payments are received, where breaks are taken, where meals are eaten, as well as bathrooms and changing rooms. It also includes work-related travel and social activities. It additionally takes into account work-related communications, including those made using information and communication technologies (Art. 3).

IF YOU ARE THREATENED ONLINE, IT'S ALSO VIOLENCE AT WORK

It is often considered that violence at work is limited to what happens in the workplace, for example, in the case of female teachers, that this only occurs at school. However, Convention No. 190 includes other circumstances related to the world of work beyond the physical workplace. For example, it includes travel from home to work and from work to home. In the case of education in Latin America, this can involve highly risky environments, mainly for female teachers who live or work in areas of high insecurity. The presence of armed groups or organized crime may require the adoption of additional measures to guarantee the safety of these workers.

Social activities, such as New Year's Eve parties, celebrations, etc., which are carried out within the framework of labor relations are also taken into account. These are activities that can occur outside of the workplace and working hours, however, they also represent violence in the world of work.

Furthermore, in the context of the pandemic we have become more aware of the importance that communications made through technology can have for work. In this sense, threats, harassment, insults or any other form of violence made using these means in the framework of the employment relationship is also violence in the world of work.





PREVENTING AND PROTECTING AGAINST VIOLENCE

In the scope of regulations and protection of the right to work without violence or harassment, countries ratifying the Convention, have the obligation to:

- Define and prohibit violence and harassment in the world of work (Art. 4).
- Establish sanctions (Art. 4).
- Ensure easy access to safe, equitable and effective avenues of recourse and redress. Among other things, this includes establishing clear complaint procedures, measures to protect those making denunciations, witnesses and informants from revictimization and reprisals, and providing recourse to legal, social, medical and administrative assistance (Art. 10).
- Guarantee that there are effective means of inspection and investigation of cases of violence and harassment, including through labor inspectorates or other competent bodies (Art. 4).

The countries of the region already have some laws that protect us from violence in the world of work. **Convention No. 190 is an opportunity to review these laws, identify their limitations and promote new proposals that will provide us with better protection from violence.**

In addition, countries ratifying Convention No. 190 have the obligation under the scope of prevention to:

- Take into account that violence does not affect everyone equally, since some groups are in a situation of greater exposure and lack of protection (Art. 6).
- Ensure that the relevant policies address violence and harassment (Art. 4).
- Adopt a comprehensive strategy to implement measures to prevent and combat violence and harassment (Art. 4).
- Establish or strengthen mechanisms to monitor implementation and follow-up (Art. 4).
- Develop educational and training tools, guidance and activities, and awareness-raising activities, in an accessible form, as appropriate (Art. 4).

Convention No. 190 also assigns responsibilities to employers regarding the prevention of and protection against violence. They must take measures such as:

- Adopting internal policies against violence and harassment at work.
- Identifying hazards, assessing risks and the taking of measures to control these.
- Providing information about violence and harassment at work.
- Taking violence and harassment into account, along with their associated psychosocial risks, in the management of safety and health at work (Art. 9)

These measures should be implemented in consultation with women workers and their representatives (Art. 9).

In the educational environment

In accordance with Recommendation No. 206, educational institutions should have policies that declare zero tolerance for violence and harassment. They should also establish prevention programs and provide information on complaint procedures, among other aspects (paragraph 7).

DOMESTIC VIOLENCE ALSO AFFECTS THE WORLD OF WORK

Although domestic violence is rarely considered to be work-related, this form of violence also directly affects employment. For this reason, Recommendation

No. 206 proposes measures such as:

- The creation of leave for those living in situations of domestic violence.
- Implementing work modalities that are tailored to the support and protection needs of those experiencing domestic violence.
- The establishment of temporary protection mechanisms against dismissal for victims of domestic violence.
- The inclusion of domestic violence in workplace risk assessments.
- Raising awareness on the effects of domestic violence (paragraph 18).

DOMESTIC VIOLENCE IN EDUCATIONAL INSTITUTIONS

When a teacher experiences a situation of domestic violence, this directly affects her work. Due to the closeness that teachers' homes often have to the educational institutions where they work, aggressors can control them more easily, even abusing them in the workplace.

For the same reasons, when students' mothers are the victims of domestic violence, this form of aggression can become present in schools. Although the aggressors may not directly come into schools, colleges, universities and training centers, the effects they have on their families and their environment are present.

The educational community becomes affected by the domestic violence experienced by its women members. Convention No. 109 helps to deal with these situations and seek solutions.



IT IS NOT DIGNIFIED WORK IF THERE IS VIOLENCE AND HARASSMENT

Violence at work impacts on those who experience it, affecting “the psychological, physical and sexual health of people, their dignity, their family and their social environment” (C. 190, paragraph 10).

Violence and harassment make employment precarious and impede dignified work.

This effect is not exclusive to those experiencing the violence, it impacts all those interacting in the world of work. As a result, violence impedes dignified work in schools and the education system.

It also undermines the quality of public and private services. When it comes to education, this means a deterioration in the quality of education that also affects children's rights to education.

Violence and harassment do not allow the development of sustainable workplaces, affecting productivity and the reputation of workplace companies.

IF THERE IS VIOLENCE AND HARASSMENT AT WORK,
IT IS NOT DIGNIFIED WORK.

IF THERE IS VIOLENCE AND HARASSMENT AT WORK,
THERE ARE NO QUALITY SERVICES.

WHAT CAN WE DO TO ACHIEVE *THE RATIFICATION* OF C190 IN LATIN AMERICA?

IN OUR TRADE UNION ORGANIZATIONS, WE CAN:

- Disseminate Convention No. 190 and Recommendation No. 206 among affiliated persons and in their workplaces.
- Study which expressions of violence and harassment at work occur in the field of education and how these can be prevented.
- Develop proposals to implement in educational institutions
- Develop proposals to include in collective agreements.
- Prepare proposals to include in the legislation that the state must reform or approve, and in the public policies that it must implement.
- Carry out analysis and informative activities on violence and harassment at work and the proposals that the organization proposes.
- Promote agreements with other trade union organizations to jointly advance the ratification of Convention No. 190.
- Prepare reports for the ILO on violence and harassment at work.

WITH OTHER SOCIAL ORGANIZATIONS, WE CAN:

- Propose agreements to jointly advance the ratification of Convention No. 190, especially with the organizations that defend the rights of workers most affected by violence and harassment at work, such as women's and feminist organizations, and those of migrants, Afro-descendants, Indigenous people, domestic workers and the LGBTIQ community.
- Propose joint reporting to the ILO on violence and harassment at work.

WITH THE STATE, WE CAN:

- Include analysis of Convention No. 190 and Recommendation No. 206 in negotiation and joint tables with Ministries of Education and propose the elaboration of a joint strategy with other sectors for its approval. Where these tables do not exist, propose the formation of an entity to perform this task.
- Submit to the Executive proposals for public policy in the areas in which Convention No. 190 and Recommendation No. 206 indicate responsibilities.
- Propose jointly as a trade union movement, and possibly with other social sectors, a specific law on violence and harassment at work, or where applicable, reforms to existing laws, such that these include all expressions of violence and harassment recognized in Convention No. 190 and Recommendation No. 206, as well as all the state responsibilities assumed in these instruments.

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AMÉRICA LATINA POR LA
**RATIFICACIÓN DEL
C190 DE LA OIT**



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