



The Concept of Gender-based Violence within the ILO's Report “Ending Violence and Harassment in the World of Work”

Exchange on the ILO's standard-setting process on violence and harassment in the world of work
Gender Equality Commission, Council of Europe
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Eric Stener Carlson





The International Labour Organization (ILO) is the only United Nations specialized agency that is tripartite - composed of government, employer and worker representatives

The ILO is the UN agency responsible for setting international labour standards.

The ILO's annual International Labour Conference establishes and adopts international labour standards.

Conventions: binding international treaties open to ratification by member States;

Recommendations: guidelines which are not binding;





**ILO CONVENTION (NO. 111)
CONCERNING DISCRIMINATION
(EMPLOYMENT AND OCCUPATION)**

UNITED STATES CONGRESS SENATE



These standards – whether binding or non-binding – can have significant impact on national legislation.

The ILO is carrying out a standard-setting process on “Violence and harassment against women and men in the world of work”.

This process could result in the first international labour standard or standards on the topic.

As a part of this process, the ILO recently published its Report V(2), **Ending Violence and Harassment in the World of Work** (also known as the “Yellow Report”).



http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_619730.pdf

The Yellow Report contains responses from governments and employers' and workers' organizations to a questionnaire – on **the scope and content of the proposed instrument or instruments.**

Questionnaire

At its 325th Session (October 2015), the Governing Body decided to place a standard-setting item on violence against women and men in the world of work on the agenda of the 107th Session (June 2018) of the International Labour Conference for a double discussion. At its 328th Session (October 2016), following the Meeting of Experts on Violence against Women and Men in the World of Work (October 2016),¹ the Governing Body decided to replace the term “violence” with “violence and harassment” in the title of the item placed on the agenda of the 107th Session (June 2018) of the Conference.²

The purpose of the questionnaire is to request the views of member States on the scope and content of the proposed instrument or instruments, after consultation with the most representative organizations of employers and workers. Replies received should enable the International Labour Office to prepare a report for the Conference. The Office would be grateful if the replies could reach the Office by 22 September 2017. Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit their replies electronically to the following email address: VIOLENCEHARASSMENT@ilo.org. Respondents may also submit their replies in hard copy to the Conditions of Work and Equality Department (WORKQUALITY) at the International Labour Office in Geneva.

I. **Form of the international instrument or instruments**

1. *Should the International Labour Conference adopt an instrument or instruments concerning violence and harassment in the world of work?*

Comments:

There was a substantial response to the questionnaire, with responses from:

- **85** governments;
- **29** employers' organizations;
- **179** workers' organizations.

Responses to the ILO questionnaire:

Q#1: “Should the International Labour Conference adopt an instrument or instruments concerning violence and harassment in the world of work?”

Q#2: “If so, should the instrument or instruments take the form of: (a) a Convention? (b) a Recommendation? (c) a Convention supplemented by a Recommendation, as two separate instruments or a single instrument comprising binding and non-binding provisions?”

	QUESTION 1			QUESTION 2		
	GOV	EMPL	WORK	GOV	EMPL	WORK
Yes	79	13	177	-	-	-
No	0	10	0	-	-	-
Other	4	3	1	5	10	0
Convention	-	-	-	2	1	9
Recommendation	-	-	-	30	11	5
Convention and Recommendation	-	-	-	48	4	164
Total	83	26	178	85	26	178
N/A	0	0	0	0	2	0
Blank	2	3	1	0	1	1

The Yellow Report contains “**Proposed Conclusions**”, drafted on the basis of the responses to the questionnaire.

They are intended to serve as a basis for a first discussion by the International Labour Conference (ILC) in June 2018, followed by a second discussion in 2019.

PROPOSED CONCLUSIONS

The following are the proposed Conclusions which have been prepared on the basis of the replies received which are summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the fifth item on the agenda of its 107th Session (June 2018).

A. FORM OF THE INSTRUMENTS

1. The International Labour Conference should adopt standards on violence and harassment in the world of work.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. DEFINITIONS AND SCOPE

3. For the purposes of these standards:
 - (a) the term “violence and harassment” should be understood as a continuum of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, having the aim or effect of causing physical, psychological, sexual or economic harm, and includes gender-based violence;
 - (b) the term “gender-based violence” should be understood as violence and harassment that is directed at persons because of their sex or gender, or that affects persons of a particular sex or gender disproportionately;

*It is important to underline that the ILC decides whether there will be a Recommendation, a Convention or both.

The Yellow Report notes that:

“A recurring theme among governments and employers’ and workers’ organizations was the need to deal with **gender-based violence in particular**, and, at the same time, to **mainstream gender** using an intersectional approach throughout the instrument(s).”*

*Source: ILO. 2018. Report V(2) Ending violence and harassment in the world of work, page 4.

As an input to the standard-setting process, the ILO held a “Meeting of Experts on violence against women and men in the world of work” in Geneva in October 2016.

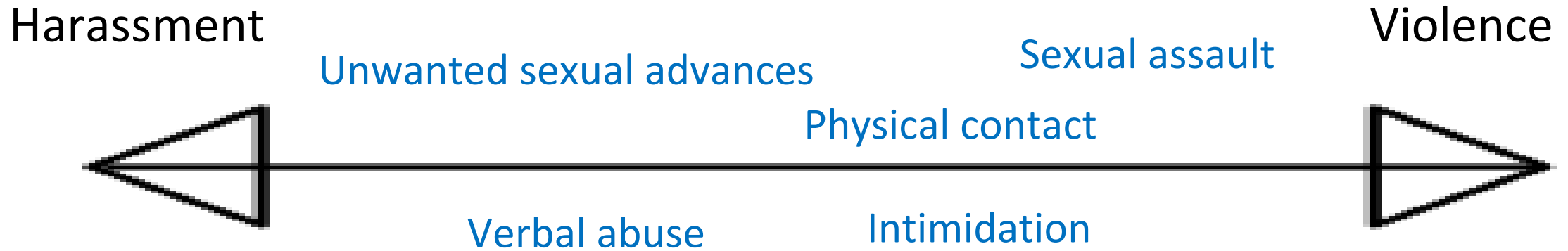
These experts – representatives from governments and workers’ and employers’ organizations from all around the world – proposed a concept they called the **“continuum of violence and harassment”**.

The ILO's Meeting of Experts:

“While terminology might vary across countries, the rubric of ‘violence and harassment’ includes a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering. **A particular focus needs to be placed on gender-based violence.**”*

*Source: ILO. 2017. *Report of the Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva). GB.329/INS/INF/3, Appendix I, para 3.

The continuum of violence and harassment: The example of sexual harassment



Responses to ILO questionnaire:

Q#9: “For the purposes of the instrument or instruments should the expression ‘violence and harassment’ be understood as a continuum of unacceptable behaviours and practices – whether a single occurrence or repeated – having the aim or effect of causing physical, psychological or sexual harm?”

	Yes	No	Other
Governments	69	2	14
Employers’ organizations	14	4	7
Workers’ organizations	173	2	4

“[T]o ensure that there is no confusion as to whether [gender-based violence] is included in the term ‘violence and harassment’”*:

3(a): the term “violence and harassment” should be understood as a continuum of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, having the aim or effect of causing physical, psychological, sexual or economic harm, **and includes gender-based violence;**

*Source: ILO. 2018. Report V(2) Ending violence and harassment in the world of work, page 25.

“The [International Labour] Office notes that gender-based violence has only been defined in international law specifically in relation to women.”*

In order to avoid a narrow understanding of gender-based violence, the Yellow Report suggests the following:

Source: ILO. 2018. Report V(2) Ending violence and harassment in the world of work, page 25. The Yellow Report cites Office of the United Nations High Commissioner for Human Rights, Committee on the Elimination of Discrimination Against Women, Eleventh session (1992), General recommendation No. 19: Violence against women, para. 6: “‘violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.’”

The “Proposed Conclusions” suggest the following understanding of gender-based violence:

3(b): the term “gender-based violence” should be understood as violence and harassment that is directed at **persons** because of their sex or gender, or that affects **persons** of a particular sex or gender disproportionately;

There was strong support in the questionnaire responses to include domestic violence in both the “Proposed Conclusions with a View to a Recommendation” and the “Proposed Conclusions with a View to a Convention”.

The Proposed Conclusions recognizes the relevance of domestic violence, when it impacts on the workplace, and points to measures the world of work can take to end it.

*Source: See ILO. 2018. Report V (2) Ending violence and harassment in the world of work, page 5. See also Points 6(j), 13(e), 19 (a) and 31 (a-g) of the Proposed Conclusions.

The Proposed Conclusions make reference to the broader risk factors of **unequal power relations, gender stereotypes, and gender, cultural and social norms** that support violence and harassment.

*Source: See Points 6(i) and 12(c) of the Proposed Conclusions.

The concept of gender-based violence figures significantly in the responses of the ILO's tripartite partners to the questionnaire.

How the representatives of governments and employers' and workers' organizations continue this dialogue, in their first discussion at the ILC in June 2018, will be of great importance.