



Fifth item on the agenda: Violence and harassment in the world of work

Reports of the Standard-Setting Committee on Violence and Harassment in the World of Work: Summary of proceedings ¹

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¹ The texts of the Convention, Recommendation and resolution submitted by the Committee for adoption by the Conference are published in *Provisional Record* No. 7A.

Introduction

1. The Standard-Setting Committee: Violence and Harassment in the World of Work (second discussion), established by the International Labour Conference (Conference) at its first sitting on 10 June 2019, was initially composed of 199 members (99 Government members, 34 Employer members and 66 Worker members). To achieve equality of strength, each Government member entitled to vote was allotted 34 votes, each Employer member 99 votes and each Worker member 51 votes. The composition of the Committee was modified nine times during the session and the number of votes attributed to each member adjusted accordingly.²
2. The Committee elected its Officers as follows:

Chairperson: Mr R. Patry (Government member, Canada)
at its first sitting

Vice-Chairpersons: Ms A. Matheson (Employer member, Australia) and
Ms M. Clarke Walker (Worker member, Canada)
at its first sitting

Reporter: Mr C. Jordan (Government member, Barbados)
at its ninth sitting

² The modifications were as follows:

- (a) 11 June: 158 members (108 Government members with 41 votes each, 41 Employer members with 108 votes each and 9 Worker members with 492 votes each);
- (b) 12 June: 132 members (114 Government members with 3 votes each, 9 Employer members with 38 votes each and 9 Worker members with 38 votes each);
- (c) 13 June: 137 members (119 Government members with 9 votes each, 9 Employer members with 119 votes each and 9 Worker members with 119 votes each);
- (d) 14 June: 140 members (122 Government members with 9 votes each, 9 Employer members with 122 votes each and 9 Worker members with 122 votes each);
- (e) 15 June: 139 members (122 Government members with 36 votes each, 9 Employer members with 488 votes each and 8 Worker members with 549 votes each);
- (f) 17 June: 139 members (122 Government members with 36 votes each, 8 Employer members with 549 votes each and 9 Worker members with 488 votes each);
- (g) 18 June: 139 members (122 Government members with 36 votes each, 8 Employer members with 549 votes each and 9 Worker members with 488 votes each);
- (h) 19 June: 140 members (123 Government members with 24 votes each, 8 Employer members with 369 votes each and 9 Worker members with 328 votes each);
- (i) 20 June: 141 members (124 Government members with 18 votes each, 8 Employer members with 279 votes each and 9 Worker members with 248 votes each);

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3. At its ninth sitting, the Committee appointed a Drafting Committee³ composed of the following members:

Government member: Ms I. Overett Somnier (United Kingdom), assisted by Mr K.E. Kobina (Côte d’Ivoire)

Employer member: Ms D. Rudelli (France), assisted by Mr M. Espinosa of the International Organisation of Employers (IOE)

Worker member: Ms R. Mackintosh (New Zealand), assisted by Ms C. King of the International Trade Union Confederation (ITUC)

4. To ensure that the Spanish translation of the proposed texts correctly reflected the English and French versions, the following observers attended the Drafting Committee: Ms A. Valcarcel Alonso (Government, Spain), Ms S. Casado Garcia (Government, Mexico), Mr J. Cordero (Employer, Argentina) and Ms M.R. Gómez Merayo (Worker, Spain).
5. The Committee had before it Report V(2A and 2B) entitled *Ending violence and harassment in the world of work*, prepared by the International Labour Office (the Office) for the fifth item on the agenda: “Violence and harassment in the world of work” (standard-setting, second discussion).
6. The Committee held 24 sittings.
7. The Chairperson observed that ending violence and harassment in the world of work was a moral, social and economic imperative and that the eyes of the world would be on the Committee. The discussion on violence and harassment in the world of work was long overdue but timely and necessary. Workplaces relied on national and international standards to make them safe and productive, and the tripartite partners had the opportunity to make a real, tangible and lasting impact on people’s lives around the world. He stressed the importance of both dialogue and compromise during the Committee’s discussions.
8. Setting out the mandate and objectives of the Committee, the Chairperson recalled the common desire of all three parties to engage in an informal consultation between the 107th and the 108th (Centenary) Sessions. An Informal Tripartite Consultation had accordingly been held in Geneva on 14 and 15 March 2019, attended by 16 Government representatives, eight Employer representatives, eight Worker representatives and 38 observers. The following points had been on the agenda of the consultation: the definition of “violence and harassment” and of “persons covered”; the scope of the world of work; and the list of groups disproportionately affected. In addition, participants had discussed the responsibilities of employers in relation to steps to be taken to prevent violence and harassment in the world of work. The informal consultation had served to clarify positions, and was characterized by a constructive atmosphere and a genuine spirit to find common ground. There was no official written report of the proceedings, and nothing discussed or agreed in that context had any binding implications on the Committee.

³ Pursuant to article 59(1) and article 6 of the Standing Orders of the International Labour Conference, a Committee Drafting Committee is tasked to ensure legal consistency of the texts of proposed Conventions and Recommendations and the concordance between the English and French versions, which become the authentic texts of Conventions and Recommendations. It also verifies that the proposed texts reflect the decisions of the Committee and makes changes of an editorial nature to align the texts with ILO terminology and reference style. In addition, the Committee Drafting Committee undertakes any other task referred to it.

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9. The representative of the Secretary-General, Ms Deborah Greenfield, Deputy Director-General for Policy, described the historical context in which the work of the Committee had originated, noting that the Governing Body had not taken the decision lightly when, at its 325th Session (October–November 2015), it had placed the standard-setting item on the agenda of the 107th Session of the Conference. Broad consensus had emerged during the first discussion in 2018 (107th Session) that there should be no place for violence and harassment at work, either at present or in the future. There had also been agreement that violence and harassment at work mirrored violence and harassment occurring in other walks of life. But the central role that work played in people’s lives made it a crucial and concrete entry point for action. The world was looking to the ILO for clear, useful and implementable guidance on how to prevent and tackle violence and harassment at work. The adoption of new standards on such a complex and topical issue proved the continued importance – not just relevance – of the century-old Organization to the structural changes that the world of work was undergoing and would continue to undergo.
 10. The Committee adopted its Tentative Plan of Work and approved the proposed delegation of authority to its Officers for the adoption of the report.

Opening statements ⁴

11. The Worker Vice-Chairperson noted that Report V(2A) showed broad consensus on the need to adopt an effective Convention and Recommendation to address violence and harassment in the world of work. She also highlighted the usefulness of the Informal Tripartite Consultation in March 2019, expressing appreciation for the constructive role of the Government representatives in supporting the parties to find common ground.
12. The draft instruments were an excellent basis on which to continue. Clarifying certain concepts, many of which had already been applied in some jurisdictions, would help resolve outstanding areas of concern. Regarding Article 1, while many countries had national legislation dealing with different forms of violence and harassment, those laws often acknowledged that there was no clear line between harassment and violence. Rigid and separate definitions would be both prescriptive and constraining, and would require many governments to make changes to national legislation. As such, the definition proposed in new subparagraph 1(b) was helpful.
13. Concerning Article 2, it was important that the scope of the Convention covered and protected a broad range of individuals in the world of work, including employees, workers, jobseekers, managers and supervisors, whether in the formal, informal, public, private or voluntary sectors. When finalizing the texts, it was important to have in mind those most in need of protection, such as domestic workers, street vendors, recent graduate job seekers, and millions of other women workers.
14. Her group broadly supported the scope of the world of work, as set out in the new proposed text of Article 3. She underlined that the Article did not attribute responsibilities, but merely described environments within, sufficiently linked to, or arising out of work, and where it could be reasonably expected that preventative action and redress should be taken. That the world of work could go beyond the workplace was already established, especially when addressing risks to occupational safety and health, or employers’ duty of care, and reference

⁴ Unless otherwise specified, all statements made by Government members on behalf of regional groups or intergovernmental organizations are reported as having been made on behalf of all Government members of the group or organization in question who are Members of the ILO and are attending the Conference.

was made in particular to the Occupational Safety and Health Convention, 1981 (No. 155), Article 3(c). The inclusion of violence and harassment by third parties in proposed Article 4 was vitally important, as teachers could face violence from their students' parents, nurses from the family members of their patients, or restaurant and hotel workers from their customers.

15. Concerning domestic violence, she recalled that the text of the proposed instruments sought recognition of the impact of domestic violence in the world of work, and Paragraph 18 of the proposed Recommendation provided examples of what could be done to mitigate that.
16. Regarding Article 10, she noted that it limited the responsibility of employers to taking only certain steps to prevent violence and harassment insofar as was "reasonably practicable". The specific measures enumerated were reasonable and standard requirements already existing. For a party to bear responsibilities did not necessarily mean that they would shoulder liability.
17. She concluded by stating that violence and harassment in the world of work constituted a serious human rights violation that impinged on exercising other fundamental labour rights, was incompatible with decent work, and a threat to dignity, security, health and well-being. As the ILO celebrated 100 years of accomplishments on social justice, it was important to make sure that the future of work was one in which violence and harassment was no longer accepted or tolerated.
18. The Employer Vice-Chairperson recalled that the Employers' group had started their work during the first discussion with the simple proposition that no one should be subjected to violence and harassment at work, which was an epidemic across the world that needed to end. That essential proposition had guided the Employers' group as they prepared for the second discussion on the topic, working toward a Convention, supplemented by a Recommendation, that could attract wide ratification and support.
19. Violent and harassing behaviours endangered harmonious and productive workplaces. Employers strived to achieve a shared understanding among all workplace participants about acceptable versus unacceptable ways in which people treated each other. While the causes of unacceptable human behaviour were complex and multidimensional, that should be no excuse for not producing effective and meaningful instruments. If done correctly, the work of the second discussion would significantly transform what was a disturbing reality for millions of people around the world.
20. The Employers' group intended to give careful consideration to the ability of member States to follow up on the Committee's work. Making a real difference in combating violence and harassment required joint commitment to an outcome that was flexible enough to be ratifiable and implementable in national law and practice by as many member States as possible. It was critical to ensure that persons considered vulnerable to discriminatory, humiliating and dangerous situations were not excluded from protection.
21. The Employers' group was concerned that the texts as drafted did not yet set out a clear framework for national legislators. In addition, regarding employer responsibilities, her group supported a risk-based approach. Employers, whether private or public, could not address dynamics which occurred outside their sphere of control; responsibilities had to be circumscribed by what was reasonably practicable. Certain operative parts of the text did not take into account the diverse range of businesses: many small and medium-sized enterprises (SMEs) would not have the capacity to comply with the responsibilities set out. Another key concern related to the definition of violence and harassment which the Employers' group considered to be overly broad, making practical implementation difficult, and conflated

different concepts. To be effective, regulations and practices needed to treat different violations with differentiated prevention efforts and legal responses.

22. She noted the importance of having instruments that protected everyone, whether they were a worker, an employer or a third party. Employers deserved protection and should explicitly be mentioned in Article 2 of the Convention. Violence and harassment against any person was unacceptable, regardless of their race, religion, gender identity, age, marital status, sexual orientation, gender identity, among others. The Employers' group was fully committed to equality and non-discrimination in employment and occupation for all persons.
23. Should the Committee fail in reaching its objective, it would be failing the victims of violence and harassment. The Employers' group expressed their commitment to finding a way forward for a successful outcome to the Committee's work, which would be clear evidence of the value of social dialogue and tripartism.
24. The Government member of France, speaking on behalf of the European Union (EU) and its Member States stated that in light of the seriousness of the problem and existing gaps, it was essential to address violence and harassment in a comprehensive and inclusive manner. The adoption of a first international instrument on the topic, on the occasion of the ILO Centenary, would be proof of the Organization's vitality and of the effectiveness of social dialogue and tripartism. The EU and its Member States had built a robust legal and policy framework for combating violence and harassment at work, which served as motivation for finding agreement on a Convention and Recommendation that would enjoy tripartite support and wide ratification. There was a marked need for an international instrument as no one should have to choose between their right to work and their right to live in dignity. Due to the structure of relevant EU legislation, the EU and its Member States had initially preferred separate definitions of the terms "violence" and "harassment", but the proposed text provided sufficient flexibility to address that concern. The transformation of the definition of worker into an article under the scope of the Convention was a positive development, and the EU and its Member States supported an inclusive list that would include employers as individuals as a compromise. The fact that gender-based violence and harassment and domestic violence were mentioned, was also welcomed. Particular attention had to be paid to vulnerable groups, to ensure that no one was left behind, and at least in the Recommendation, reference should be made to those who constitute vulnerable persons, and the EU and its Member States would be closely listening to find a way forward in that regard.
25. The Government member of Azerbaijan, speaking on behalf of the Africa group, the Asia and Pacific group (ASPAG), the group of industrialized market economy countries (IMEC), the group of Latin American and Caribbean countries (GRULAC) and the Western European group noted that the Government group was united in its commitment to reach a consensus. At present there was no comprehensive international treaty addressing violence and harassment in any international forum. Since the beginning of the process in 2015, the ILO constituents had come a long way on the matter and found common ground on many issues. He urged the Committee to continue working together in that spirit. The Government group considered that the present text of the Convention reflected the views expressed by the tripartite partners that violence and harassment in the world of work was unacceptable.
26. The Government member of Uruguay, speaking on behalf of GRULAC, noted that for decent work to be achieved, individuals needed a safe working environment in order to fully develop their potential. A common framework for governments, employers and workers would support the adoption and implementation of more effective policies, aligned with national realities. Given the diversity among countries and in the world of work, the details in the Recommendation would be helpful for policy development. A clear scope was important to identify the responsibilities of each and every one. GRULAC supported both instruments and was committed to ensuring the negotiations were successful.

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27. The Government member of Qatar, speaking on behalf of the Gulf Cooperation Council (GCC) countries, noted that violence and harassment at work was an obstacle to decent work. He expressed appreciation for the ILO's efforts to achieve decent work, which required ensuring working environments free from violence and harassment. That required comprehensive protection for all workers. The Convention should not exclude anyone and should be ratifiable and take into account changes in the world of work. He noted the importance of having precise definitions.
 28. The Government member of Uganda, speaking on behalf of the Africa group, considered that the Informal Tripartite Consultation in March 2019 had provided a good forum to move forward the discussion. The instruments were necessary, given the gaps in legislation and rules, and the growing demand for action. The approach was to be people-centred and it was critical to acknowledge that diverse religious and cultural norms meant a lack of homogeneity in approaches. A spirit of tolerance and compromise was called for in order to build consensus and momentum towards achieving a historic Convention, supplemented by a Recommendation.
 29. The Government member of the United Kingdom supported the statement made by the Government member of France, on behalf of the EU and its Member States, and was in favour of a legally binding instrument in the form of a Convention, supplemented by a Recommendation. She cited the United Kingdom's legal framework to prevent and address violence and harassment at work as well as innovative research into the prevention of violence. She called on ILO member States to also ratify the Protocol of 2014 to the Forced Labour Convention, 1930. The United Kingdom was looking forward to a Convention that would be broad in terms of its scope and persons covered. The Preamble should be amended to respect her Government's position that human rights can only be violated by States, and to clearly include existing human rights protections.
 30. The Government member of Belgium supported the EU and its Member States' statement. Violence and harassment were attacks on a person's dignity, their right to equality and non-discriminatory treatment, and their health. Citing relevant experience at national level, including the implementation of a new anti-sexism law, she stated that it was important to see the establishment of workplace prevention policies; a workplace culture based on mutual respect; confidential, informal and safe reporting procedures; a shift of the burden of proof to reduce barriers to justice; and the involvement of social partners. Women were most affected by violence and harassment at work while domestic violence also had an important impact on the world of work.
 31. The Government member of India recognized the unanimity on the need for an instrument to address violence and harassment. The instrument should be specific in terms of its definition and scope to ensure maximum potential for ratification. The intent to include all forms of violence and harassment in the instrument was appreciated, though the feasibility for achieving that should be subject to further deliberation. Responsibilities had to be assigned to all actors in the world of work. If the negotiations continued to support broad terms and concepts, his Government would support a Recommendation rather than a Convention.
 32. The Government member of Senegal supported global action to address violence and harassment and the adoption of a Convention and Recommendation. The revised draft instruments contained many positive elements, though he wished to reinforce the position of the Africa group to ensure that culture and social realities were reflected in a balanced and inclusive instrument.
 33. The Government member of Switzerland highlighted that the adoption of a Convention, supplemented by a Recommendation, would address violence and harassment in the world

of work at the global level for the first time. Its prevention was key for the promotion of social justice and rights at work. Gender equality was a precondition of sustainable development and growth that benefited all. Thinking about the future of work, and at a time when the use of modern technology for committing acts of violence and harassment created new risks that also had to be addressed, the adoption of such standards would confirm the relevance of the ILO's standard-setting role, and of the ILO itself.

- 34.** The Government member of Namibia supported the statement made by the Government member of Uganda on behalf of the Africa group, and expressed confidence that a consensus would be reached, based on a paradigm of respect and non-discrimination. In light of recent media reports in Namibia, the Government was conducting research, with assistance of the ILO, to uncover ways in which violence and harassment manifested themselves in the world of work. There was a need to adopt standards that would be relevant worldwide, taking account of different views and realities. The Informal Tripartite Consultation had demonstrated a collective will to reach agreement. A Convention, supplemented by a Recommendation, would be a fitting outcome of the Centenary Session of the International Labour Conference.
- 35.** The Government member of the Philippines recalled that a consensus had been reached during the previous session to adopt a Convention supplemented by a Recommendation. The discussions had led to deeper understanding and appreciation of each member State's diverse and unique cultural and political realities. The Philippines had promulgated gender-sensitive legislation to address gender inequalities and inequities.
- 36.** The Government member of Burkina Faso stated that violence and harassment in the world of work negatively affected human dignity and working conditions. Burkina Faso had addressed those issues both in the penal and the labour code, though was awaiting the discussion of the Committee to ensure all relevant aspects were covered. The protection of all actors in the world of work was of central importance.
- 37.** The Government member of Turkey stated that violence and harassment was contrary to equal opportunities, decent work, and peaceful work environments. The current gap in international instruments left victims unprotected against violence and harassment. The adoption of a Convention, supplemented by a Recommendation, would ensure a proactive position against violence and harassment in the world of work and contribute to the protection of human dignity.
- 38.** The Government member of Uruguay supported the adoption of a Convention supplemented by a Recommendation. The two instruments, understood as a whole, would support the development of national legislation. It was necessary to develop a monitoring system, updated regularly in line with the needs of the world of work, anticipating future needs, and resolving gaps that undermined decent work and prevented workers from developing their full potential. The proposed instruments should be ambitious and beneficial to those they covered.
- 39.** The Government member of Canada was confident that the Committee would adopt a ground-breaking Convention and Recommendation to eliminate violence and harassment in the world of work. Violence and harassment had profound effects on individuals, workplaces and employers while also creating barriers to diverse and inclusive workplaces. The Committee should work toward standards that would recognize mutual and complementary responsibilities and demonstrate that violence and harassment was not to be tolerated by anyone, anywhere.
- 40.** The Government member of Mexico had ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in November 2018, and its federal labour law had

subsequently been reformed in May 2019. Gender equality and non-discrimination had been established as cross-cutting issues in the work of the Government. The proposed instruments were important as they would fill gaps in those areas, and take into account that violence and harassment constituted a violation of human rights.

41. The Government member of Japan welcomed the establishment of a Convention and Recommendation, as violence and harassment affected workers' dignity and self-esteem and posed reputational risks for companies. The Government of Japan had adopted legislation against maternity-based, sexual and psychological harassment. It was important to develop new standards that were widely accepted among governments, employers and workers, and which could allow member States to move forward according to their circumstances.
42. The Government member of the United States expressed support for the Government group statement. She reiterated that violence and harassment in the world of work was unacceptable. No worker should have to suffer abuse to bring home a paycheck. The text of the proposed Convention and Recommendation reflected significant progress from the first discussion. Acknowledging the varying views on some of the issues before the Committee, her Government would be open to the discussion and ready to listen and work constructively to achieve texts that could be widely used by constituents in their efforts to end violence and harassment in the world of work.
43. The Government member of the Plurinational State of Bolivia supported the development of a Convention. National legislation had addressed violence and harassment against women, including those who enter the political sphere. It was not only workers who were affected by violence and harassment – one of the most extreme forms of discrimination – but also their family members.
44. The Government member of Cuba considered it was of great importance to make progress toward new standards, which had to take into account various realities and different levels of development. There was a need for consensus building and a positive spirit of mutual listening.
45. The Government member of the Republic of Korea supported the elaboration of a Convention supplemented by a Recommendation. A 2019 revision to the Labour Standards Act had included new provisions on workplace harassment and legal obligations for employers to protect against violence and harassment had been strengthened. As regards the proposed Convention, some further flexibility in the current wording would be needed.
46. The Government member of the Islamic Republic of Iran stated that all forms of violence were unacceptable and expressed commitment to eradicating violence in the world of work. He recalled that the diversity of countries and societies must be taken into account in the discussion in order to maximize the ratification and ensure ownership of the new instruments.
47. The representative of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) stated that everyone had the right to live their life without harassment and violence, no matter their gender, age, race, religion, ethnicity, disability, caste, sexual orientation, HIV status, citizenship, migration status or any other characteristic of their identity or status. She applauded the tripartite constituents for reflecting the lived realities of women and those who face multiple forms of discrimination and marginalization, and tackling the range of behaviours that constitute violence and harassment, especially gender-based violence. A wide scope of the world of work would make sense in a world where technology, places and ways of work were constantly evolving. She underlined the impacts of domestic violence on victims and perpetrators in the context of work, affecting individual well-being and resulting in costs to employers. She called on the Committee to adopt a strong, rights-based commitment that would stand the test of time.

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48. The representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that gender-based violence in the world of work was pervasive and persistent. In its thematic report on the issue of discrimination against women in economic and social life from 2014 (A/HRC/26/39), the Working Group on the issue of discrimination against women in law and practice (WGDAW) had expressed concern about how gender-based violence against women restricted women's economic and social potential. She pointed to a statement published by a group of independent human rights mechanisms, acknowledging that violence and harassment against women and girls was a human rights violation and should be recognized as such. Furthermore, the group was concerned about the regressive positions that some States had expressed during the negotiations. The Working Group welcomed the efforts of the Committee.
 49. The representative of Education International (EI), speaking on behalf of the Building and Wood Workers International (BWI), International Federation of Journalists (IFJ), International Transport Workers' Federation (ITF), International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF), Public Services International (PSI) and UNI Global Union, which together represented hundreds of millions of workers, called for the adoption of a meaningful Convention and Recommendation that would build on existing international human rights standards. Gender-based violence was prevalent in the world of work and affected all sectors, even in countries where laws were in place. She noted that a number of employers in many sectors had given their support to the new instruments.
 50. The representative of the International Cooperative Alliance (ICA) spoke on behalf of 1.2 billion members of cooperatives worldwide, constituting 10 per cent of the total employed population. The representative welcomed a Convention and Recommendation and stated that although both women and men experienced violence and harassment in the world of work, women were disproportionately affected due to unequal power relations. The fact that 59 countries had no legal remedies against sexual harassment at work underlined the need for instruments that included sexual harassment and a strong focus on gender-based violence.
 51. The representative of SOLIDAR shared the testimonies of two domestic workers, one whose employer locked her in the bathroom while she was cleaning until she got sick from the fumes of the cleaning products; and another who was sexually harassed by her male employer and subsequently victimized when she spoke up about it. She called on the Committee to recognize the need for social protection to enable victims to come forward.
 52. The representative of the International Catholic Migration Commission, speaking on behalf of Caritas Internationalis, International Young Christian Workers, International Coordination of Young Christian Workers, Kolping International, World Movement of Christian Workers, International Movement of Catholic Agricultural and Rural Youth and International Christian Union of Business Executives, shared the testimony of a 29-year old Filipino migrant domestic worker who was forced to sleep in the living room, and who had lost her job after experiencing sexual harassment at the hands of her employer. She urged the Committee to consider the need for efficient labour inspectorates and strong complaints mechanisms to ensure the implementation of the Convention.
 53. The representative of the International Domestic Workers Federation (IDWF) drew attention to the widespread violence and harassment in domestic work, driven in part by the isolation of the workplace. She called on the Committee to adopt a strong Convention and Recommendation that would reinforce the Domestic Workers Convention, 2011 (No. 189), and stressed the need for those rights to become a reality for all domestic workers.

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54. The representative of StreetNet International stated that informal economy traders and street vendors were victims of all types and forms of violence and harassment in the world of work, including physical, moral and sexual violence and harassment as well as evictions from their working places (which are public space and streets) and confiscation of goods. She called for effective preventive measures to protect informal economy workers from daily violence and harassment perpetrated by public authority and enforcement agents.
 55. The representative of the Women in Informal Employment: Globalizing and Organizing (WIEGO), a member of the National Association of Waste Pickers of Colombia, noted that more than 20 million waste pickers in the world were subjected to violence and harassment while working on landfills and in the street. She called for the proposed Convention to highlight the role of governments in promoting a general environment of tolerance and that all actors, including enforcement agencies, should refrain from violence and abuse.
 56. The Employer Vice-Chairperson expressed appreciation for the remarks made by several governments acknowledging that employers should also be protected from violence and harassment in the world of work, and the need for clear and precise definitions.
 57. The Worker Vice-Chairperson appreciated the efforts of Government representatives to reflect on the effect of violence on the individual and stated that the lives of workers mattered. The aim of the Committee was to make sure that every person who went to work could come home safely, and she called for a continued spirit of understanding to be able to achieve a Convention and Recommendation that would be enforceable and ratifiable, and that covered all workers.

Consideration of amendments to the proposed Convention

58. The Chairperson advised that discussions would begin on amendments to Articles 10, 2, 3, 4 and 1 of the proposed Convention,⁵ as those Articles were closely interlinked, followed by the Preamble. Those Articles would not be adopted until they had all been discussed as a whole. The sequence proposed was in line with the approach taken during the Informal Tripartite Consultation of March 2019, and had the support of the Vice-Chairpersons.

Preamble

Preambular paragraph 1

59. Preambular paragraph 1 was adopted.

Preambular paragraph 2

60. Preambular paragraph 2 was adopted.

⁵ The numbers of articles and paragraphs used in this report were those of the proposed texts submitted to the Conference in Report V(2B) as a basis for discussion. For ease of reference, the report is set out in the same order as the provisions of the proposed texts.

Preambular paragraph 3

61. Preambular paragraph 3 was adopted.

Preambular paragraph 4

62. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete “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,” after “Recalling”; and to delete “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” after “Discrimination against Women.”. He stated that the Universal Declaration of Human Rights was not a legally binding instrument and could not be placed at the same level as the other instruments cited, and in addition, only the Convention on the Elimination of All Forms of Discrimination against Women was relevant to the Committee’s discussions.
63. The Employer member from France (Ms D. Rudelli), speaking on behalf of the Employers’ group, the Worker Vice-Chairperson, and the Government members of Argentina, Costa Rica and France, speaking on behalf of the EU and its Member States, did not support the amendment, indicating that the international instruments listed were important in the context of violence and harassment in the world of work.
64. The amendment was not adopted.
65. Preambular paragraph 4 was adopted.

Preambular paragraph 5

66. The Employer member from France, speaking on behalf of the Employers’ group, introduced an amendment to delete “the right of” after “Recognizing” and to replace “to” with “shall enjoy” before “a world of work”, indicating that the Preamble should remain general, and also that reference to a right would have legal implications. She asked for the secretariat to comment on whether the Committee could recognize a right that did not already exist in an ILO instrument.
67. The deputy representative of the Secretary-General confirmed that the International Labour Conference had the authority to set new standards and establish new rights. The right to a world of work free from violence and harassment had not yet been articulated in those terms. However, the International Covenant on Economic, Social and Cultural Rights recognized in Article 7(b) the right to the enjoyment of just and favourable conditions of work, including safe and healthy working conditions. Further, the Committee on Economic, Social and Cultural Rights had consistently stressed factors such as freedom from violence and harassment including sexual harassment as being fundamental to guaranteeing just and favourable conditions of work. In a number of existing Conventions a right was stated in the operational part together with actions to be taken in relation to it, including in Article 3(2) of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).
68. The Worker Vice-Chairperson did not support the amendment because the objective of the proposed Convention was to achieve zero tolerance of violence and harassment.

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69. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, indicating that a rights-based approach was essential.
 70. The Government members of Argentina, Barbados and Ecuador did not support the amendment.
 71. The Government member of the Russian Federation supported the amendment, indicating that it would support wider ratification.
 72. The Government member of the United States supported the amendment since the paragraph that followed in the Preamble dealt with rights.
 73. The amendment was not adopted.
 74. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete “a world of” and “free from violence and harassment, including gender-based violence and harassment, and”, and to insert “the enjoyment of just and favourable conditions of” before “work”. The rationale for the amendment was that the wording, as contained in the International Covenant on Economic, Social and Cultural Rights, was more precise, included freedom from both violence and harassment, and was recognized by the international community.
 75. The Worker Vice-Chairperson did not support the amendment as the wording was too narrow. There was a need to be forward-looking as the Organization headed into its second centenary.
 76. The Government members of Argentina, Ecuador, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the amendment.
 77. The Employer member from France, speaking on behalf of the Employers’ group, and the Government member of Nicaragua, supported the amendment.
 78. The amendment was not adopted.
 79. Preambular paragraph 5 was adopted.

Preambular paragraph 6

80. The Government member of the United States, speaking also on behalf of the Government members of Australia and New Zealand, introduced an amendment that replaced the word “Recalling” with “Recognizing”; added before the word “violence” the phrase “some forms of”; deleted the phrase “is a form of” and replaced it with “are”; changed the word “violation” to “violations” and added after it the phrase “or abuses, and that violence and harassment”. The amendment aimed to clarify and strengthen the text and ensure the text’s legal accuracy. States had responsibility for protecting human rights and only States could violate them. Contraventions to human rights by non-state actors were referred to as abuses in the UN system. She provided examples of UN resolutions that referred to both violations and abuses of human rights. The draft Convention would address actions by both state and non-state actors and thus both terms should be referred to. While a number of international and regional bodies had acknowledged that some forms of violence and harassment contravened human rights, human rights law did not define violence and harassment as a human rights violation in the broad terms used in the proposed Convention. The amendment also avoided treating all violence and harassment in the world of work the same, recognizing, for example, that not all harassment rises to the level of a human rights violation or abuse. Finally, the

amendment acknowledged that all violence and harassment in the world of work is unacceptable, and a threat to equal opportunities and decent work.

81. The Employer member from France, speaking on behalf of the Employers' group, supported the amendment. The definition in Article 1 of the proposed Convention encompassed a wide range of situations, which may not all constitute human rights violations. A minor offence, such as an inappropriate remark, would constitute a human rights violation under the existing definition. She referred to the opinion expressed by the ILO Legal Adviser during the first discussion in 2018, in which it was clarified that "violence and harassment might, but might not, always constitute a human rights violation".
82. The Worker Vice-Chairperson did not support the amendment due to the insertion of "some forms", which was too limiting. The Convention was directed at States, who could be human rights violators.
83. The Government members of Brazil, Costa Rica and Mexico supported the amendment.
84. The Government member of Argentina did not support the amendment, stating that being free from all forms of violence and harassment was an essential element of the right to decent work.
85. The Government member of France, on behalf of the EU and its Member States, did not support the amendment, as protections offered in an ILO Convention should not be less than other international legal instruments.
86. The Government member of Barbados wanted to clarify that all forms of violence and harassment could be violations and abuse of human rights. He proposed a subamendment to delete "some" and replace it with "all", and to add the word "either" before "human rights violation".
87. The subamendment was seconded by the Worker Vice-Chairperson and the Government member of Argentina.
88. The Employer member from France, speaking on behalf of the Employers' group, did not support the subamendment.
89. The Government member of Ecuador proposed a further subamendment to delete "all forms of" before the word "violence"; replace "are either" with "is a" before "human rights"; and replace "violations or abuses" with "violation or abuse".
90. The Government members of Barbados, and France, on behalf of EU Member States, seconded the subamendment.
91. The Worker Vice-Chairperson supported the subamendment because it removed the qualifier before violence and harassment.
92. The Employer member from France, speaking on behalf of the Employers' group, did not support the subamendment given the broad definition of violence and harassment in the Convention, which could result in any inappropriate behaviour potentially being considered a human rights violation.
93. The Government member of the United States stated that a distinction needed to be made between the generic use of the term "abuse" and "human rights abuse" in the legal sense. She proposed a further subamendment to insert the word "some" before "violence and harassment", and to delete the word "that" before "violence and harassment is a threat".

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94. The Government members of Brazil, Costa Rica, Mexico and the Russian Federation seconded the further subamendment.
 95. The Worker Vice-Chairperson did not support the further subamendment as it took the discussion backwards.
 96. The Employer member from France, speaking on behalf of the Employers' group, supported the subamendment proposed by the Government member of the United States. The wording proposed was realistic and clarified that the concept of violence and harassment covered a range of different situations, as per the definition in Article 1, not all of which could be considered a human rights violation.
 97. The Government member of the Russian Federation noted that the preambular paragraph should be read in conjunction with the rest of the Convention, particularly Article 1. He proposed a further subamendment to delete the word "some" before "violence and harassment" and replace "are human rights violations or abuses" with "can constitute a human right violation or abuse".
 98. The Government members of the Islamic Republic of Iran, and Uganda, on behalf of the Africa group, seconded the subamendment.
 99. The Worker Vice-Chairperson was concerned that the word "can" could be ambiguous, and she wanted to ensure that its inclusion would not undermine the acknowledgment in many international instruments and guidance acknowledging that violence and harassment was a human rights violation. She recalled that the discussion was focusing on the Preamble of the Convention, and not on the definition.
 100. The Employer member from France, speaking on behalf of the Employers' group, supported the subamendment.
 101. The Government member of France, speaking on behalf of the EU and its Member States, did not support the subamendment.
 102. The Government members of Australia, Chile, Costa Rica, speaking also on behalf of Mexico, New Zealand, Qatar, and the United States, supported the further subamendment.
 103. The amendment was adopted as subamended. As a result, a subsequent amendment to preambular paragraph 6 fell.
 104. The Government member of France, speaking on behalf of EU Member States, introduced an amendment to insert a new paragraph after preambular paragraph 6 of the proposed Convention, which would read: "Recognizing the importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment, and". Creating a culture of mutual respect was essential to preventing violence and harassment, as it would address in part its root causes.
 105. The Employer Vice-Chairperson and Worker Vice-Chairperson, as well as the Government members of Argentina, Barbados, Brazil, speaking on behalf of GRULAC, New Zealand, Norway, the Russian Federation, Switzerland, and Uganda, speaking on behalf of the Africa group, supported the amendment.
 106. The amendment was adopted.
 107. New preambular paragraph after paragraph 6 was adopted.

Preambular paragraph 7

108. Preambular paragraph 7 was adopted.

Preambular paragraph 8

109. The Government member of Bangladesh submitted an amendment which was not seconded and therefore fell.

110. Preambular paragraph 8 was adopted.

Preambular paragraph 9

111. Preambular paragraph 9 was adopted.

Preambular paragraph 10

112. Preambular paragraph 10 was adopted.

Preambular paragraph 11

113. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete “gender-based” after “Acknowledging that”, as well as after “and unequal”, and to insert “between women and men” after “power relations”. The Office text narrowed the scope of that provision to violence and harassment directed toward women, while violence and harassment may not always be gender-based. As regards power relations, the language should be aligned with international law.

114. The Worker Vice-Chairperson did not support the amendment as unequal power relations were often gender-based, and linked to socially ascribed gender roles, and were often at the root of violence and harassment.

115. The Employer Vice-Chairperson, and the Government members of Argentina, Canada, Ecuador, Israel and the Philippines, did not support the amendment.

116. The amendment was not adopted.

117. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the words “and girls” after the words “affects women”, as their inclusion implicitly promoted child labour.

118. The Employer Vice-Chairperson did not support the amendment.

119. The Worker Vice-Chairperson did not support the amendment. It was important to acknowledge the continuum of violence and harassment and the ascribed gender roles and unequal power relations that many women began experiencing as girls.

120. The Government members of Argentina, the Plurinational State of Bolivia, Brazil, Colombia, France, speaking on behalf of the EU and its Member States, and the Philippines, did not support the amendment.

121. The amendment was not adopted.

122. The Employer Vice-Chairperson withdrew an amendment to insert “the abuse of” before “unequal gender-based power relations”.

123. Preambular paragraph 11 was adopted.

Preambular paragraph 12

124. The Employer Vice-Chairperson, and the Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, both withdrew identical amendments to delete the paragraph. The Employer Vice-Chairperson noted that domestic violence needed to be addressed, and required a change in attitudes at home, at schools and in daily life. Everyone had a role to play in that regard. The language of the paragraph could however be improved.

125. The amendments were withdrawn.

126. An amendment introduced by the Government member of China was not seconded and so fell.

127. The Worker Vice-Chairperson introduced an amendment to add the words “the effects of” before the words “domestic violence”. Domestic violence had an impact on job performance and productivity, and increased the risk of violence and harassment in the world of work. The workplace was also the one place where abusers could target their victims. While Governments and social partners were not responsible for the occurrence of domestic violence, the amendment clarified that they could nevertheless take steps to address its effects.

128. The Employer Vice-Chairperson supported the amendment and introduced a subamendment to replace the word “help” with the word “contribute to”, and to replace the words “, as part of other measures, to recognize, respond to, and address” with the words “recognizing and responding to”.

129. The Government member of New Zealand did not support the subamendment. The paragraph concerned the role not just of employers’ and workers’ organizations, but also of governments. Removing the term “addressing” would mean that action would only be taken in response to and after domestic violence had occurred, which was insufficient. Also the root causes of domestic violence should be addressed to prevent it from occurring.

130. The Government member of Canada did not support the subamendment. Domestic violence should be addressed, and employers’ and workers’ organizations could minimize its impact through prevention measures.

131. The Worker Vice-Chairperson did not support the subamendment because it did not include the word “address”.

132. The Government member of New Zealand proposed a further subamendment, seconded by the Government members of Barbados and the United States, to introduce the word “preventing”, such that the text would read: “Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers’ and workers’ organizations and labour market institutions can contribute to preventing domestic violence, as well as recognizing and responding to its effects, and”.

133. The Employer Vice-Chairperson did not support the further subamendment because in light of other provisions, it could be seen to expand employers’ responsibilities, including having to impose themselves in people’s homes.

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134. The Government member of Ecuador did not support the further subamendment because governments should address domestic violence by adopting policies or other measures and the notion of prevention was inadequate in that case.
 135. The Government member of New Zealand withdrew the further subamendment.
 136. The Government members of Australia, Canada, Ecuador, France, speaking on behalf of the EU and its Member States, New Zealand, and Qatar, speaking on behalf of the GCC countries, supported the amendment.
 137. The Employer Vice-Chairperson withdrew her group's subamendment, but introduced another subamendment to replace the word "effects" with the word "impact".
 138. The Worker Vice-Chairperson, as well as the Government members of Australia, Canada, Japan, New Zealand and the United States, supported the subamendment.
 139. The amendment was adopted as subamended.
 140. Preambular paragraph 12 was adopted.

Preambular paragraph 13

141. Preambular paragraph 13 was adopted.

Preambular paragraph 14

142. Preambular paragraph 14 was adopted.

Preambular paragraph 15

143. Preambular paragraph 15 was adopted.
144. The Preamble was adopted as amended.

Part I. Definitions

Title

145. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the title of Part I of the proposed Convention, stating that that was in line with the practice followed in other Conventions of the ILO. For the same reason, he also proposed that the amendment should be considered together with another amendment, to delete paragraph 1 of Article 1, which read "1. For the purposes of this Convention:".
146. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of France, speaking on behalf of the EU and its Member States, Qatar, speaking on behalf of the GCC countries, and Uganda, speaking on behalf of the Africa group, did not support the proposed amendments.
147. The proposed amendments were not adopted.

148. The title of Part I was adopted.

Article 1

Paragraph 1, chapeau

149. The chapeau of paragraph 1 was adopted.

Paragraph 1, subparagraph (a)

150. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment, to replace the text of subparagraph (a) with the following words: “For the purpose of this Convention the term “violence” means any act against women and men that results in, or is likely to result in, physical, sexual and psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. That wording was based on Article 1 of the United Nations Declaration on the Elimination of Violence against Women. The amendment should be seen in conjunction with two other amendments to ensure that the Convention would have one definition of violence, one definition of harassment, and no definition of gender-based violence.
151. The Worker Vice-Chairperson, did not support the amendment, noting that there was presently no definition of the term “violence and harassment” at the global level.
152. The Employer Vice-Chairperson did not support the amendment, though they had similar doubts about the breadth of the definition, but considered that a later amendment would provide the opportunity to address their concerns
153. The Government members of Canada, Costa Rica, Ecuador, France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
154. The Government member of Qatar, speaking on behalf of the GCC countries, supported the amendment, indicating that the definition of violence could be a useful foundation for legislation in various countries.
155. The Government member of Argentina said that the Convention should define the concepts of acceptability and non-acceptability, independently of the question whether violence and harassment was defined as a single concept or not.
156. The amendment was not adopted.
157. The Employer Vice-Chairperson introduced an amendment to delete the words “the term” at the beginning of subparagraph (a) and to insert the words “that depart from reasonable conduct,” after the word “practices”. The definition as currently proposed did not specify to whom a particular behaviour or practice was unacceptable. The rationale for the amendment was to clarify that a behaviour or practice needed to depart from reasonable conduct, thereby excluding actions such as making workers redundant (and thereby causing them economic harm) as a result of the restructuring of a business, which might be necessary to save jobs, but were considered by the worker to be “unacceptable”. Another example was dismissing workers for reasons that could be reasonably justified, but were unacceptable to the worker.
158. The Worker Vice-Chairperson did not support the amendment, stating that as unacceptable practices were necessarily those that departed from reasonable conduct, the amendment was redundant. The word “unacceptable” was also widely used and understood in many legal

frameworks. In addition, the proposal to delete the words “the term” compromised, at least in the French and Spanish versions of the text, the single concept of violence and harassment.

159. The Government member of Canada did not support the amendment, as it was redundant. Managing the workplace was clearly an acceptable practice, and did not become unacceptable merely because a worker did not agree with a particular decision.
160. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, considering it to be redundant. He observed that European Union law had established what European societies considered as “unacceptable”. “Unacceptable” and “reasonable” both had objective elements, and something could not be unacceptable and at the same time reasonable.
161. The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, also considering it to be redundant.
162. The Government member of Barbados did not support the amendment. What was unacceptable would be decided by the courts, taking into account what was considered reasonable in the particular context. When persons lost their jobs as part of economic measures, for example, that was not unacceptable.
163. The Government member of the United States supported the amendment, indicating that while it could be redundant, it could also provide some clarification.
164. The Government members of Brazil, Ecuador and Panama did not support the amendment, considering that the term “unacceptable” was more understandable than the reference to a departure from reasonable conduct, particularly when Article 1 was read as a whole.
165. The Government member of New Zealand did not support the amendment. He stated that both unacceptable and unreasonable were situational and subject to interpretation. The instrument clearly concerned unacceptable behaviours. Job redundancies could be operated in both acceptable and unacceptable ways, the latter for example when bullying was involved.
166. The Government member of Israel did not support the amendment, preferring the term “unacceptable”.
167. The Government member of Colombia did not support the amendment, indicating that adding the word “reasonable” could lead to problems of interpretation.
168. The Government member of Argentina stated that if each country was to determine its own practices and establish what was “acceptable” or “unacceptable”, then the ILO supervisory bodies would decide if that was appropriate in the context of the Convention. He considered that both reasonable and unacceptable involved value judgements.
169. The Employer Vice-Chairperson was open to other solutions, for example, the phrasing could be changed to “range of objectively unacceptable behaviours”. She also indicated that perhaps deleting the term “unacceptable” could deal with the issue of redundancy.
170. The Government member of Brazil proposed a subamendment, seconded by the Government member of Colombia, which replaced “reasonable” with “acceptable” so that the text would refer to “practices that depart from acceptable conduct”.

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171. The Government member of Ecuador considered that “acceptable” and “reasonable” were subject to interpretation, suggesting that both could be removed from the text. The Government member of Costa Rica concurred with that view.
 172. The Employer Vice-Chairperson stated that objectivity in the provision was important as sanctions could be applied and was required regarding what people could be punished for. The term “reasonable” had some objectivity and was used in various legislation, such as in Canada.
 173. The Government member of New Zealand did not support the subamendment. He noted that the assessment of violence and harassment claims would always be determined taking into account both subjective and objective considerations, including the broader context.
 174. The Government member of Chile said that keeping at least one of the two words in the text was more important than their respective meaning. Excluding them meant that any act could generate responsibility.
 175. The Chairperson stated that the use of “reasonable conduct” had no precedent in an international labour standard.
 176. The Employer Vice-Chairperson reiterated that a qualifier was needed in the text, stating that the issue was only arising because of the conflation of “violence” and “harassment” into a single concept. “Violence” had a clear definition and objective criteria with which to define it, whereas “harassment” did not. She asked whether those qualifiers had been used in other international labour standards.
 177. The deputy representative of the Secretary-General confirmed that no international labour standards used the expression “reasonable conduct”, “reasonable act”, “reasonable behaviour”, or a similar term. The term “unacceptable”, referring to “hazards and risks” was found in Paragraph 8 of the Private Employment Agencies Recommendation, 1997 (No. 188). The wording was also found in the Framework agreement on harassment and violence at work (2007), adopted by the European social partners, which stated that “harassment and violence are due to unacceptable behaviour by one or more individuals”.
 178. The Employer Vice-Chairperson noted that there was a reference to “reasonable conduct” in the ILO’s *Code of practice on workplace violence in services sectors and measures to combat this phenomenon*, and that the term “reasonable” was used in the Termination of Employment Convention, 1982 (No. 158), and in Convention No. 155.
 179. The amendment was not adopted.
 180. The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel, Japan, New Zealand, Norway and Switzerland, introduced an amendment to delete the words “the term” before the words “violence and harassment”. The proposed deletion aimed to strengthen the definition and make it clearer and would be consistent with Article 1(2).
 181. The Worker Vice-Chairperson did not support the amendment as it could be seen as moving the text away from the consideration of “violence and harassment” as a single concept, particularly in the French and Spanish versions. She reiterated her group’s support for a single definition.
 182. The Employer Vice-Chairperson supported the amendment because it provided somewhat more flexibility, although it did not resolve the legal uncertainty resulting from the term “violence and harassment”.

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- 183.** The Government member of Costa Rica proposed to modify the Spanish translation of the amendment to align it with the English text, to maintain the integrity of violence and harassment as a single concept.
- 184.** The Government member of Canada withdrew her support for the amendment, as it seemed to be moving away from a single concept of violence and harassment in the French and Spanish texts.
- 185.** The Government member of the United States withdrew the amendment.
- 186.** The amendment was withdrawn.
- 187.** The Government member of India introduced an amendment, which was seconded by the Government members of Bangladesh and Qatar, speaking on behalf of the GCC countries, to insert “, as per national context,” after “practices” in subparagraph (a). Governments would thus have the flexibility to define what unacceptable behaviour and practices meant in accordance with their national contexts and cultures.
- 188.** The Employer Vice-Chairperson supported the amendment, although it left unresolved the core issues of the definition of violence and harassment.
- 189.** The Worker Vice-Chairperson did not support the amendment, stating that the aim of Committee was to try to set a global minimum standard on violence and harassment in the world of work. The courts in each country would determine what was acceptable behaviour and what was not. Article 1, paragraph (2), of the proposed Convention would allow for a definition of violence and harassment at national level.
- 190.** The Government member of the Islamic Republic of Iran supported the amendment.
- 191.** The Government members of Argentina, Barbados, Costa Rica, Ecuador, France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 192.** The amendment was not adopted.
- 193.** An amendment submitted by the Government member of India was not seconded and therefore fell.
- 194.** The Employer Vice-Chairperson introduced an amendment to insert after subparagraph (a) the clauses:
- “(i) the term violence shall mean all acts or threats exerted through coercion or arbitrary deprivation of liberty that have the purpose or reasonably foreseeable effect of causing physical, psychological, sexual harm or suffering;
 - (ii) the term harassment should mean any form of unwanted comment or conduct which has the purpose or reasonably foreseeable effect of creating an intimidating, degrading, or offensive environment for the person;”.
- 195.** She explained that the intended effect of the amendment was to make the text of the proposed Convention more operational by delineating the boundaries between violence and harassment more clearly, while respecting the single concept of violence and harassment in the chapeau. While criminal law typically addressed violence, the legal response to harassment was less clear and was open to more subjective interpretation. The amendment

sought to assuage major concerns on issues like prevention and the implementation of policies on economic harm.

196. The Worker Vice-Chairperson did not support the amendment because it would introduce violence and harassment as two separate concepts. National legislation had acknowledged that there was no clear line between violence and harassment. The amendment would therefore make the proposed Convention more prescriptive and pose barriers to ratification. Moreover, a reference to practices was not included in the amendment but was essential. During the Informal Tripartite Consultation held in March 2019, experts had largely been in favour of the original wording.
197. The Government members of Canada, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment, and preferred a single concept of violence and harassment. Paragraph 2 of Article 1 of the Convention would provide enough flexibility to put the provisions into law.
198. The amendment was not adopted.
199. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “harassment encompasses a continuum of unacceptable and unwelcome behaviour and practices of offensive nature;” after subparagraph (a).
200. The Worker Vice-Chairperson, as well as the Government members of Barbados, Canada, Ecuador, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the amendment.
201. The Employer Vice-Chairperson did not support the amendment, stating that she did not consider that it would resolve the difficulties that the Employers’ group had with the Article.
202. The amendment was not adopted.
203. Subparagraph (a) was adopted.

Paragraph 1, subparagraph (b)

204. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete subparagraph (b). Since both the members were absent, the amendment fell.
205. The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel, Japan, New Zealand, Norway, and Switzerland, withdrew an amendment to delete the words “the term”.
206. The Government member of Bangladesh submitted an amendment that was not seconded and therefore fell.
207. The Government member of Canada, speaking also on behalf of the Government members of Australia, Israel and New Zealand, introduced and immediately withdrew an amendment to add the words “or presumed sex or gender,” after the text “because of their sex or gender,”.
208. The Government member of the United States, speaking also on behalf of the Government member of Japan, introduced an amendment to add the words “otherwise creating a hostile work environment for persons of a particular sex or gender, or” after the words “because of

their sex or gender.”. The intent was to clarify that not all gender-based violence was directed specifically at a person, but it could nonetheless create a hostile work environment.

209. The Worker Vice-Chairperson did not support the amendment. She stated that the changes did not seem necessary, as the definition of violence and harassment already included gender-based violence, which would encompass the concept of a hostile work environment.
210. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment because “hostile work environment” was already covered by implication.
211. The Government members of Barbados and Costa Rica supported the amendment. The Government member of Barbados specified that the inclusion of the concept under subparagraph (b) would provide clarity, even if the concept was already implied in subparagraph (a).
212. The Employer Vice-Chairperson did not support the amendment because it did not add any further clarity.
213. The amendment was not adopted.
214. Subparagraph (b) was adopted.

Paragraph 2

215. The Employer Vice-Chairperson introduced an amendment to substitute the word “may” with “shall” and to add the word “further” after the word “defined”. The amendment aimed to ensure clear legal guidance would be established at the national level, including regarding definitions and responsibilities.
216. The Worker Vice-Chairperson, as well as the Government members of Barbados, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment because it would make the text too prescriptive.
217. The Government members of Australia and New Zealand could not support the amendment due to the combination of the words “shall” and “further”.
218. The Employer Vice-Chairperson introduced a subamendment to delete the word “further”.
219. The Worker Vice-Chairperson did not support the subamendment. She further noted that Article 8 of the proposed Convention already called on member States to adopt laws and regulations to prohibit violence and harassment.
220. The Government member of Costa Rica did not support the amendment as it potentially undermined the universality of the proposed Convention. Moreover, Governments should be able to choose to define violence and harassment through legislation or through regulations or policies.
221. The Government members of Argentina, Brazil and Colombia supported the subamendment.
222. The Government member of Canada could not support the amendment or the subamendment because it placed further obligations on the governments. She noted, however, that such definitions could be adopted in the context of Article 10 including through workplace policies.

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223. The Government members of Barbados, and France, speaking on behalf of the EU and its Member States, did not support the subamendment.
224. The Employer Vice-Chairperson noted that they had tried to arrive at a practical definition of violence and harassment, but in the absence of a clear definition in the Convention, the amendment and subamendment were aimed at ensuring that there was an obligation on States to introduce that clarity and certainty.
225. The Government member of New Zealand noted that the amendment as subamended did not seem to address the concerns of the Employers' group, as governments could still choose to adopt a single concept and definition of violence and harassment. Using a combination of "may" and "further" in the text could be more suitable.
226. The Employer Vice-Chairperson clarified that some States might indeed adopt a single definition, but it could still be more clearly defined and qualified.
227. The Government member of Uganda, speaking on behalf of the Africa group, observed that the proposed Convention did indeed contain a definition of violence and harassment, referring to unacceptable behaviours and practices that had certain outcomes. He stressed that countries would legislate, and that was already reflected in the text of the instrument.
228. The Government member of Panama noted that taking into account the universality of the concept could be important.
229. In order to seek consensus, and as a starting point for further discussion, the Employer member from France, speaking on behalf of the Employers' group, proposed to delete Article 1 in its entirety and replace it with: "Violence and harassment and/or gender-based violence and harassment may be defined by national law and regulation as a single concept or separate concepts." Employers needed clear definitions at the national level as definitions would have implications for obligations, rights and responsibilities, including for employers. Even if there were a general definition in the Convention, workers would not be protected without a clear definition at national level.
230. The Government member of France, speaking on behalf of the EU and its Member States, did not support the proposal.
231. The Government member of Ecuador did not support the proposal, stating that a basic minimum definition was essential for the Convention.
232. The Government member of Uganda, speaking on behalf of the Africa group, did not support the proposal, as the absence of an internationally accepted definition would undermine the integrity of the Convention, since there would be no common understanding of what violence and harassment was, and indeed, what the entire Convention was aiming to address.
233. The Government member of Barbados did not support the proposal, concurring with the Government member of Uganda, and adding that for definitions to be determined solely at the national level would render the Convention meaningless.
234. The proposal was not supported. The discussion of amendments resumed.
235. The Government member of France, speaking on behalf of EU Member States, introduced a subamendment, to insert "and 1(b)" before the words "of this Article" and to replace the text after "this Article," with "the definition adopted at the national level may provide for a single concept or separate concepts". That would allow for flexibility at national level while not imposing supplementary obligations on member States.

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236. The Employer member from France, speaking on behalf of the Employers' group, supported the subamendment, and asked that it be considered together with her group's proposed amendment to Article 8 to include reference to the definitions set out in Article 1. Her group was not trying to tell governments what to do, but rather wanted governments to tell employers what they needed to do, which required precision in definitions.
 237. The Worker Vice-Chairperson supported the subamendment, stating that keeping the reference to paragraph 1 would be important for States in developing national legislation, and legislators could further elaborate on the definition if needed. She also introduced a further subamendment to pluralize "paragraphs" and "definitions".
 238. The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendments. The goal was to develop international definitions to guide individual countries, and the subamendments did not provide clarity on whether definitions referred to "violence and harassment" only or also to other terms used in the proposed Convention.
 239. The Government member of New Zealand supported the subamendments.
 240. The Government member of Australia supported the subamendment.
 241. The Government member of France, speaking on behalf of EU Member States, introduced a further subamendment to insert "of violence and harassment" after "definitions", in order to respond to the concerns of the Africa group.
 242. The Government member of Qatar, speaking on behalf of the GCC countries, supported the subamendment.
 243. The Government member of Namibia raised concerns regarding the sequencing: since the obligation of member States to adopt national laws and regulations would only come in Article 8, therefore it did not seem logical to refer to definitions adopted at the national level in Article 1.
 244. The Worker Vice-Chairperson proposed a further subamendment to put "violence and harassment" in inverted commas.
 245. The Government members of Canada and Chile supported the subamendment.
 246. The Government member of Brazil supported the subamendment.
 247. The Government member of the Plurinational State of Bolivia stated that it was necessary to have clear definitions in the Convention to support member States when adopting new national laws and regulations.
 248. The Government member of Costa Rica proposed to move Article 1, paragraph 2, to Article 8, thereby inserting a new paragraph 2 in Article 8, to address the issue of sequencing raised by the Government member of Namibia.
 249. The Government members of Barbados, and Uganda, speaking on behalf of the Africa group, supported the proposal made by Costa Rica.
 250. The Government member of the United States did not support the proposal made by Costa Rica as ILO Conventions generally set out definitions in the beginning, and then later outlined the operative aspects. It would be important to maintain consistency and retain paragraph 2 of Article 1, in its current position.

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251. The deputy representative of the Secretary-General, responding to the query by the Government member of Namibia, agreed that Article 1, paragraph 2, was the first mention of the adoption of laws and regulations at the national level. She suggested that the issue could potentially be addressed by deleting “adopted at the national level” and inserting “in national laws and regulations” before “may provide for”. The singular of “definition” was used as the term “violence and harassment” was in inverted commas, following an earlier subamendment by the Workers’ group.
252. The Worker Vice-Chairperson introduced a further subamendment to delete “the” before “definition”, so as to refer to the process of defining.
253. The Employer member from France, speaking on behalf of the Employers’ group, proposed a further subamendment to delete the quotation marks around “violence and harassment”, as they did not serve any purpose. It could be misinterpreted as a means to preserve the definition of violence and harassment as a single concept rather than offering member States the desired flexibility to define violence and harassment as a single concept or separate concepts.
254. The deputy representative of the Secretary-General confirmed that removing the quotation marks would have no implications, since the proposed Convention provided that national legislation could define violence and harassment as a single concept or as separate concepts. Quotation marks were normally only used in the context of defining a term, as in paragraph 1.
255. The Government member of the United States proposed to delete “of violence and harassment” before “in national laws”.
256. The Government members of Argentina, Australia (also speaking on behalf of the Government members of China, Indonesia, Malaysia, New Zealand, Singapore and Thailand), Colombia, France, on behalf of the EU and its Member States, India, the Republic of Korea, Qatar, on behalf of the GCC countries, and Uganda, on behalf of the Africa group, supported the amendment as subamended.
257. The amendment was adopted as subamended.
258. Paragraph 2 was adopted as amended.
259. Article 1 was adopted as amended.
260. Part I was adopted as amended.

Part II. Scope

Title

261. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment that deleted “II. Scope”, the title of Part II. He stated that the amendment was introduced to align the text with other ILO Conventions that did not have such titles.
262. The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment, highlighting that a title would add clarity to the Convention.
263. The amendment was not adopted.

264. The title of Part II was adopted.

Article 2

265. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment that deleted all the text after “law and practice” in Article 2. He stated that the text to be deleted included several categories which were not defined under international law, such as distinctions between the formal and the informal economy, as well as urban and rural areas, and would make the instrument unnecessarily broad.
266. The Employer Vice-Chairperson noted that as the amendment excluded employers, her group would not support the amendment.
267. The Worker Vice-Chairperson did not support the amendment, reiterating that her group sought a Convention with broad coverage, which the proposed amendment did not offer. Numerous examples existed of adversely affected persons who were interns or volunteers.
268. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment, for the reasons advanced by the Workers’ group. Her group also considered that it was inconceivable to deny such protections to anyone, as they were also part of occupational safety and health protections.
269. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, as they had consistently called for broad coverage.
270. The Government members of Argentina, Ecuador and Qatar did not support the amendment.
271. The amendment was not adopted.
272. The Worker Vice-Chairperson introduced an amendment to delete “and other persons” after “workers”, add “and other persons, including” before “persons in training,” and delete “including” before “interns”. She explained that separating paid versus unpaid persons in the world of work would provide further clarity to the text, and all kinds of categories of persons had to be covered to ensure the instruments would be forward-looking.
273. The Employer Vice-Chairperson did not support the amendment because it would narrow the coverage to workers only.
274. The Government member of Canada supported the amendment, but proposed a subamendment to include the phrase “in the world of work” after “persons”, so that the subamended text would read “and other persons in the world of work, including persons in training.”.
275. The Government members of Argentina, Australia, Mexico and Switzerland seconded the subamendment.
276. The Worker Vice-Chairperson supported the subamendment.
277. The Employer Vice-Chairperson did not support the subamendment, as it would hinder a future amendment by the Employers’ group.
278. The Government member of Ecuador queried whether there were implicit distinctions in the text regarding direct or indirect victims of violence and harassment.

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279. The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
280. The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment nor the subamendment because both narrowed the scope.
281. Following an informal consultation among Committee members, both the subamendment and the amendment were withdrawn.
282. The Government member of Canada introduced an amendment, speaking also on behalf of the Government members of Australia, Israel, Japan, Switzerland and the United States, to add “in the world of work” after “other persons”.
283. The Employer Vice-Chairperson supported the amendment.
284. The Worker Vice-Chairperson supported the amendment.
285. The Government members of Brazil, Chile, Colombia, Costa Rica, France, speaking on behalf of the EU and its Member States, and Mexico, supported the amendment.
286. The amendment was adopted.
287. The Employer Vice-Chairperson introduced an amendment to delete the words “workers whose employment has been terminated” and “jobseekers”. She indicated that in the absence of assurances on the breadth of employer responsibility under Article 10 of the proposed Convention, Article 2 would be too broad, extending protection to persons over which the employers had no control or relationship with.
288. The Worker Vice-Chairperson did not support the amendment, stating that no one should be left behind. Media reports and studies had shown that groups such as jobseekers and those whose employment had been terminated had been subjected to significant abuses and needed protection, and she described a number of specific examples, including of a retail jobseeker who had been required to try on a uniform in front of the employer, and a domestic worker who was raped in a potential employer’s home.
289. The Government members of Costa Rica, Ecuador, France, speaking on behalf of the EU and its Member States, New Zealand, Qatar, on behalf of the GCC countries, and Uganda, on behalf of the Africa group, did not support the amendment.
290. The Government member of Argentina considered that jobseekers should not be covered whereas for workers whose employment had been terminated coverage was required, yet both had been deleted through the amendment.
291. The amendment was not adopted.
292. An amendment by the Government member of India was not seconded and therefore fell.
293. The Government member of Australia, speaking on behalf of the Government members of Canada, Israel, Japan, Switzerland and the United States, introduced an amendment to add “and persons with managerial or supervisory duties,” before “in all sectors,” in order to include the concept of employers as individuals under the proposed Convention’s coverage.
294. The Worker Vice-Chairperson supported the amendment, even though managers were generally included in the term “worker”.

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- 295.** The Employer Vice-Chairperson proposed a subamendment to replace “and persons with managerial or supervisory duties” with “and employers as natural persons”. The 2016 Tripartite Meeting of Experts on Violence against Women and Men in the World of Work had agreed that all actors in the world of work should be covered. The Employers’ group did not want to interfere in legitimate industrial action, and the proposed subamendment did not raise the issue of the right to strike. She cited numerous decisions of the Committee on Freedom of Association (such as paragraph 955 of the 2018 *Compilation of decisions of the Committee on Freedom of Association* which indicated that “Penal sanctions should only be imposed if, in the framework of a strike, violence against persons and property or other serious violations of the ordinary criminal law are committed ...”) and comments of the Conference Committee on the Application of Standards that referred to the unacceptability of violence in the context of industrial action. Violence perpetrated anywhere was unacceptable, and it was imperative to protect employers under the proposed Convention. Her group was willing to accept the compromise discussed during the Informal Tripartite Consultation of referring to “employers as natural persons”. Their intention was to cover employers as individuals and not legal entities.
- 296.** The Worker Vice-Chairperson did not support the subamendment, as her group remained concerned that the change in Article 2 would impact on other articles, including limiting Article 10 to apply only to employers as natural persons. She cautioned against limiting the scope of the entire Convention.
- 297.** The Government member of Namibia, speaking on behalf of the Africa group, stated that while all key world of work actors should be covered by the Convention, there remained an issue of how best to frame that intention vis-à-vis employer coverage.
- 298.** The Government members of Colombia, and Qatar, speaking on behalf of the GCC countries, supported the amendment.
- 299.** The Government member of France, speaking on behalf of the EU and its Member States, agreed that it was important to protect employers as individuals, while not interfering with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the comments of the ILO supervisory bodies. So long as those points were taken into account, he was flexible as to the precise wording.
- 300.** The Government member of Uganda, speaking on behalf of the Africa group, considered that a further amendment to Article 2 that the Committee would consider in due course, to include “and employers”, could be helpful in moving forward the discussion.
- 301.** The Government member of Canada queried whether appropriate wording including reference to individuals who were business owners or individuals who were sole proprietors could be found.
- 302.** The Government member of New Zealand observed that if the term “employer” was defined for the purpose of one clause, it might limit its application for the rest of the Convention. The difficulty with the proposed subamendment was to define an employer in the sense of an individual in the context of protection, while not detracting from the legal definition of “employer” that was used in the rest of the instrument. He suggested that wording such as “persons exercising the authority of an employer” might be appropriate in Article 2, and requested a legal opinion on the impact of the use of the term employer in Article 2 on the rest of the text of the Convention.

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303. The Employer Vice-Chairperson proposed a further subamendment to replace the words “and persons with managerial or supervisory duties” with the words “and persons exercising the authority, duties or responsibilities of an employer”.
 304. The Worker Vice-Chairperson questioned whether such wording would cover employers as legal entities.
 305. The Government members of Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, France, speaking on behalf of the EU and its Member States, Mexico, and Namibia, speaking on behalf of the Africa group, supported the further subamendment as proposed by the Employer Vice-Chairperson.
 306. In response to the question raised by the Government member of New Zealand, the ILO Legal Adviser confirmed that the proposed language under discussion would not have an impact on Article 10, since the respective references to employers related to different notions. The intention of Article 2 was to refer to the individuals protected under the Convention. As such, reference to employers in Article 2 was limited to individual employers, in the sense of potential victims of situations of violence and harassment while Article 10 was applicable to employers in general, including as legal entities. He indicated, however, that consideration might be given to whether the word “covers” used in Article 2 was the most appropriate term, as that could be misunderstood to mean that it defined the scope of application of the entire Convention, which did not seem to be the intention. Moreover, he noted the overlap between the reference to “victims” in Article 4, and those covered under Article 2, which may need to be addressed to avoid potential difficulties of interpretation.
 307. In light of the opinion of the Legal Adviser, the Worker Vice-Chairperson proposed two further subamendments, to replace the word “covers” with the word “protects” and to replace the word “persons” with the word “individuals”.
 308. The Employer Vice-Chairperson and the Government members of Argentina, Australia, Brazil, Colombia, Costa Rica, Dominican Republic, France, speaking on behalf of the EU and its Member States, Mexico, New Zealand, Switzerland, and the United States, supported the amendment as subamended.
 309. The Government member of Ecuador questioned whether the title of Part II, Scope, should be changed as well.
 310. The Government member of Canada supported the amendment as subamended and recalled that, at the Informal Tripartite Consultation held in March 2019, the question of changing the title of Part II had already been discussed.
 311. The Worker Vice-Chairperson, as well as the Government member of Chile, considered that the title “Scope” was sufficiently broad.
 312. The Government members of China, Namibia, speaking on behalf of the Africa group, Norway, Peru and the Philippines, supported the amendment as subamended.
 313. The subamendment was adopted.
 314. The amendment was adopted as subamended.
 315. The Employer Vice-Chairperson withdrew an amendment to insert the words “; and employers;” after the words “job applicants”.

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- 316.** The Worker Vice-Chairperson proposed an amendment to add a full stop after “applicants”, followed by the words “This Convention applies”, as her group considered that the Article would be much clearer if it were split into two sentences.
- 317.** The Employer Vice-Chairperson and the Government members of Argentina, Brazil, Central African Republic, Costa Rica, speaking also on behalf of Ecuador, Dominican Republic, France, speaking on behalf of the EU and its Member States, Mexico, speaking also on behalf of Panama, Peru, Philippines, Timor Leste, and Uganda, speaking on behalf of the Africa group, supported the proposed amendment.
- 318.** The amendment was adopted.
- 319.** The Employer Vice-Chairperson introduced an amendment to add “whether private or public,” after the word “sectors,”. The proposal aimed to make clear that persons in both the private and public sector would be protected.
- 320.** The Worker Vice-Chairperson and the Government members of Brazil, speaking on behalf of GRULAC, Canada, France, speaking on behalf of the EU and its Member States, Philippines, and the Republic of Korea, supported the amendment.
- 321.** The Government member of Namibia, speaking on behalf of the Africa group, introduced a subamendment to add, after the words “duties or responsibilities of an employer”, the words, “and third parties, including clients, customers, service providers, users, patients and members of the public who may be threatened or harmed by violence and harassment in the world of work”. The proposed Convention should introduce a new paradigm in the world of work, wherein third parties, such as customers, clients, patients, and guests who were either subject to, or perpetrators of, violence and harassment, would be expressly covered.
- 322.** The Government member of Brazil, speaking on behalf of GRULAC, did not support the subamendment, as it would include third parties only as victims and not as perpetrators. Moreover, measures to address third parties should be taken in accordance with national laws and regulations.
- 323.** The Government members of Canada and the United States did not support the subamendment, indicating that it moved into the area of public safety and beyond the aim of the Convention.
- 324.** The Government members of France, speaking on behalf of the EU and its Member States, New Zealand, and Peru, speaking on behalf of GRULAC, did not support the subamendment, as the Convention was sufficiently broad to cover third parties
- 325.** The Worker Vice-Chairperson did not support the subamendment.
- 326.** The Government member of Uganda, speaking on behalf of the Africa group, disagreed that the inclusion of third parties entered into the realm of public safety. The Article needed to be read in conjunction with Article 3 of the proposed Convention, which circumscribed its scope of application to “the world of work occurring in the course of, linked with or arising out of work”.
- 327.** The subamendment was not adopted.
- 328.** The amendment was adopted.
- 329.** Article 2 was adopted as amended.

Article 3

Chapeau

- 330.** The Government member of Belarus, speaking also on behalf of the Russian Federation, introduced an amendment to add “in accordance with national law and practice” after the word “applies”, stating that ratifying a Convention was only possible if done in accordance with national law and practice. She indicated that the amendment was necessary due to the lack of consensus on Article 1.
- 331.** The Employer Vice-Chairperson supported the amendment.
- 332.** The Worker Vice-Chairperson did not support the amendment. The intention of adopting international instruments was to establish global minimum standards and establish a level playing field for all.
- 333.** The Government members of Argentina, Australia, Barbados, the Plurinational State of Bolivia, Brazil, Canada, Costa Rica, Dominican Republic, France, speaking on behalf of the EU and its Member States, New Zealand, Panama, Philippines, South Africa, and Uganda, speaking on behalf of the Africa group, did not support the amendment. Conventions aim to set higher minimum standards, and countries that ratified would need to tailor their law and practice to them.
- 334.** The Government members of Bangladesh, China, East Timor, India, Indonesia, the Islamic Republic of Iran, the Republic of Korea, Nicaragua, Singapore and Thailand, supported the amendment.
- 335.** The amendment was not adopted.
- 336.** The Employer Vice-Chairperson introduced an amendment to delete, after the word “harassment”, the phrase “in the world of work”, indicating that without that amendment, the text of the Article would place responsibilities on employers beyond their sphere of control. The 2018 Conference Report V(1) on *Ending violence and harassment against women and men in the world of work* showed that, of 80 countries examined, 17 per cent had legislation addressing workplace violence and harassment beyond the physical workplace. In 30 per cent, labour laws explicitly applied only to the physical place of work. In 53 per cent, the term “workplace” was either undefined or defined too vaguely to draw conclusions. As Article 3 was intended to set the scope of application of the Convention, more precise language was needed.
- 337.** The Worker Vice-Chairperson did not support the amendment, as there was no other place in the proposed Convention that set out what is meant by “the world of work”. The Tripartite Meeting of Experts on Violence and Harassment against Women and Men in the World of Work, held in 2016, had determined that the world of work included commutes, social events and public spaces. Such a scope was important, so as to ensure coverage of street vendors, homeworkers and domestic workers.
- 338.** The Government member of France, speaking on behalf of the EU and its Member States, New Zealand, the Philippines, and Uganda, speaking on behalf of the Africa group, did not support the amendment, in line with the arguments put forward by the Workers’ group.
- 339.** The amendment was not adopted.
- 340.** The Government member of the Russian Federation, speaking also speaking on behalf of Belarus, introduced an amendment to replace “linked with or arising out of work” with “due

to or on the occasion of work”. The wording proposed was considered more legally appropriate as the current text could lead to contradictory interpretations.

- 341.** The Worker Vice-Chairperson did not support the amendment, indicating that the current text was established language and clearer.
- 342.** The Employer Vice-Chairperson supported the amendment, explaining that the proposed wording drew a clear nexus with work.
- 343.** The Government members of Brazil, Canada, France, speaking on behalf of the EU and its Member States, New Zealand, Philippines, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 344.** The Government members of Argentina, Colombia, Nicaragua and Qatar supported the amendment.
- 345.** The amendment was not adopted.
- 346.** The Employer Vice-Chairperson introduced an amendment to add at the end of the chapeau the words “, so far as is reasonably practicable”. The proposed qualification would help to circumscribe employer responsibility. The wording had already been used in Report V(2B), and during the Informal Tripartite Consultation of March 2019, in the context of qualifying “commuting to and from work”. Placing it in the chapeau would make it applicable to the different situations described in the following subparagraphs. Moreover, the term was used in the context of Convention No. 155, in the context of the national OSH policy to be established.
- 347.** The Worker Vice-Chairperson did not support the amendment, stating that the Article was not about attributing responsibilities but rather describing the environments that were sufficiently linked with or arising out of work, and noting that several actors had responsibilities, not only employers.
- 348.** The Government members of Argentina, Australia, Barbados, Canada, France, speaking on behalf of the EU and its Member States, New Zealand, Philippines, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 349.** The amendment was not adopted.
- 350.** The chapeau of Article 3 was adopted.

Subparagraph (a)

- 351.** Subparagraph (a) was adopted.

Subparagraph (b)

- 352.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to add, at the end of the subparagraph, the words “to the extent that these places are organized or made available by the employer”.
- 353.** The Worker Vice-Chairperson did not support the amendment, reiterating that the discussion was about the scope of the world of work and not about responsibilities and liabilities.
- 354.** The Employer Vice-Chairperson did not support the amendment.

355. The Government members of France, speaking on behalf of the EU and its Member States, Philippines, and Uganda, speaking on behalf of the Africa group, did not support the amendment.

356. The amendment was not adopted.

357. The Employer Vice-Chairperson withdrew an amendment to insert “in the workplace” at the end of subparagraph (b).

358. Subparagraph (b) was adopted.

Subparagraph (c)

359. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the word “training,” in subparagraph (c).

360. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to insert “or” before “events”, to delete “or social activities” and to insert “strictly related to work” at the end of subparagraph (c).

361. Subparagraph (c) was adopted.

Subparagraph (d)

362. The Government member of the United States, speaking also on behalf of the Government member of Canada, introduced an amendment to insert the words “, including those” after “communications”. The purpose was to clarify that there could be communications other than electronic ones, for instance in paper form. The amendment would make subparagraph (d) more comprehensive.

363. The Employer Vice-Chairperson, the Worker Vice-Chairperson, as well as the Government members of Brazil, speaking on behalf of GRULAC, France, speaking on behalf of the EU and its Member States, Philippines, Qatar, speaking on behalf of the GCC countries, the Republic of Korea, and Uganda, speaking on behalf of the Africa group, supported the amendment.

364. The amendment was adopted.

365. Subparagraph (d) was adopted as amended.

Subparagraph (e)

366. Subparagraph (e) was adopted.

Subparagraph (f)

367. Three identical amendments that had been proposed by the Workers’ group, the Government member of India, and the Employers’ group, were discussed together. They proposed deleting “so far as is reasonably practicable,” before “when commuting”.

368. The Employer Vice-Chairperson withdrew her group’s amendment. A previous amendment proposed by the Employers’ group had aimed at inserting “so far as is reasonably

practicable” in the chapeau of Article 3. As that amendment had not been adopted, her group could not support the deletion of the same wording in subparagraph (f).

- 369.** The Worker Vice-Chairperson introduced her group’s amendment, stating that the qualifier was not necessary as the Article was describing places where violence and harassment could occur, rather than assigning responsibilities. Her group supported a broad and inclusive scope of the world of work which must extend to transportation and commuting, as that was when violence and harassment often occurred. Unsafe commutes were also a major constraint to women’s participation in the labour force globally.
- 370.** The Government members of Barbados, Costa Rica, Ecuador, Japan, New Zealand, the Plurinational State of Bolivia, and Uganda, speaking on behalf of the Africa group, supported the amendment as Article 3 described where the Convention would be applied, whereas responsibilities of not only employers but also member States were dealt with elsewhere, including Articles 9, 10 and 11.
- 371.** The Government members of Brazil, France, speaking on behalf of the EU and its Member States, Switzerland, and the United States, did not support the amendment as the original language served to clarify the scope.
- 372.** The amendment was adopted.
- 373.** The Employer Vice-Chairperson withdrew an amendment that inserted “in employer-provided transportation” after “work”.
- 374.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment that added “that are organized by the employer” after “work”, indicating that clarification was needed as transportation could also be organized by parties other than employers.
- 375.** The Worker Vice-Chairperson did not support the amendment as the discussion was about scope, not responsibilities.
- 376.** The Employer Vice-Chairperson did not support the amendment as she had observed general agreement within the Committee that Article 3 was not intended to define employers’ responsibilities.
- 377.** The Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 378.** The amendment was not adopted.
- 379.** An amendment submitted by the Government member of India was not seconded and therefore fell.
- 380.** Subparagraph (f) was adopted as amended.
- 381.** Article 3 was adopted as amended.

Article 4

- 382.** The Government member of Canada, speaking on behalf of the Government members of Australia, Japan, Norway and the United States, introduced an amendment to move Article 4 after Article 2 to better link the two.

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- 383.** The Employer Vice-Chairperson supported the amendment, indicating that the placement would be more logical, as discussed during the Informal Tripartite Consultation in March 2019.
- 384.** The Worker Vice-Chairperson supported the amendment.
- 385.** The amendment was adopted.
- 386.** The Worker Vice-Chairperson introduced an amendment to delete and replace the text in Article 4 with, “For the purposes of this Convention, perpetrators of violence and harassment in the world of work can be third parties, including clients, customers, service providers, users, patients and members of the public.”. Violence and harassment perpetrated by third parties was an extremely important aspect that should be addressed as workers faced serious risks in that regard, particularly in some sectors.
- 387.** The Employer Vice-Chairperson supported the amendment.
- 388.** The Government member of Namibia, speaking on behalf of the Africa group, queried the absence of a reference to third parties as victims, as they too could be victims of violence and harassment. The proposed Convention should promote a paradigm of respectful and peaceful relations in the world of work. Employers and workers could also be perpetrators of violence and harassment, including against third parties.
- 389.** The Worker Vice-Chairperson noted that she had no objection to including the term “victim” in the amendment.
- 390.** The Government member of Canada was concerned that the proposed amendment was moving the Convention into the realm of public safety. She queried whether third parties would have access to remedies through the proposed Convention.
- 391.** The Government member of Ecuador echoed the concerns expressed by the Government member of Canada, and noted that the amendment omitted reference to prevention measures and to victims of violence and harassment.
- 392.** The Government member of Uganda, speaking on behalf of the Africa group, proposed a subamendment to insert the words “victims and” before the word “perpetrators” and to insert the words “workers, employers, and” after the words “can be”. It was important that the Convention identified who could be victims and perpetrators.
- 393.** The Government member of Chile did not support the amendment, and stated that the subamendment did not resolve the issues raised. He believed that the Office text of Article 4 was clearer.
- 394.** The Government member of New Zealand noted that Article 4 was solely declaratory and did not link with any other provision. Article 2 specified who the proposed Convention should protect; Article 3 described where violence and harassment could occur; and other articles obliged member States to develop laws and practices to eliminate violence and harassment, regardless of who perpetrated it. The focus should not be on who perpetrated violence and harassment, but on how to deal with it, including through actions by governments and employers to prevent, mitigate and penalize such acts. It was implicit that anyone, including third parties, could be a perpetrator or victim. Article 4 was therefore unnecessary.
- 395.** The Worker Vice-Chairperson recalled that, when her group had submitted the proposed amendment, they had been concerned about the relationship between Article 2 and Article 4.

While they could have suggested deleting Article 4, violence and harassment by third parties remained a subject of significant concern, as reflected in Paragraph 8 of the proposed Recommendation.

396. Following informal consultations, the Worker Vice-Chairperson and Employer Vice-Chairperson agreed to the deletion of Article 4. The Chairperson indicated that the Committee could move ahead on the basis of that proposal if there was broad support from the other members of the Committee.
397. The Government members of Australia, Barbados, Canada, Chile, China, France, speaking on behalf of the EU and its Member States, Japan, Indonesia, Mexico, Norway, Qatar, speaking on behalf of the GCC countries, the Russian Federation, and the United States, supported the deletion of Article 4.
398. The Government members of Ecuador and the Philippines did not support deletion, indicating that reference to victims and perpetrators would be important for clarity and to guide member States in the Convention's implementation.
399. The Government members of Namibia and Uganda, speaking on behalf of the Africa group, emphasized the importance of ensuring that third parties would be protected by the proposed Convention, as they too may be subject to abuse by workers and employers.
400. The Government member of Costa Rica requested the secretariat to explain the consequences of deleting Article 4 from the Convention.
401. The deputy representative of the Secretary-General clarified that Article 4 was a declaratory article, therefore, its deletion would not impact on the rights and obligations set out in the Convention. The Convention focused on the harm resulting from violence and harassment regardless of who perpetrated it or who is affected. The objective, which was clear in Article 5 and the articles that followed, was to ensure a world of work free from violence and harassment. If patients were harassed by workers in a hospital, for example, that would not result in a world of work free from violence and harassment. Specific measures were set out in the Convention, in the context of the inclusive, integrated and gender-responsive approach that were relevant for third parties. She referred in particular to Article 8 of the proposed Convention requiring that violence and harassment be prohibited, which was circumscribed only by "in the world of work". Article 9 had been drafted with the aim of addressing sectors where interaction with third parties was significant. It was intended to mitigate, control and prevent the risks of third party violence and violence towards third parties. The 2018 Conference Report V(1), entitled *Ending violence and harassment against women and men in the world of work*, had identified a number of sectors and third party interfaces that generated risks by and to third parties. Article 10 of the proposed Convention required employers to take steps to address violence and harassment, including through the adoption of a workplace policy, and through the identification of hazards and risks of violence and harassment, which would include third parties as perpetrators and as victims. Violence and harassment, regardless of who is the victim or perpetrator, impacted the working environment for all, and therefore needed to be addressed. In response to a follow-up question by the Government member of Namibia, she also confirmed that no harm would be done in making explicit reference to third parties in the Convention, but that it was not needed.
402. The Government members of Chile, speaking on behalf of GRULAC, Mexico, and Uganda, speaking on behalf of the Africa group, did not support the proposal to delete the Article.
403. The Government member of Australia, speaking on behalf of ASPAG, and France, speaking on behalf of the EU and its Member States, supported the proposal to delete Article 4,

indicating that consideration could be given to including a reference to third parties elsewhere in the text.

404. The Employer member from France, speaking on behalf of the Employers' group, stated that her group would continue to give due consideration to any proposals that were made to include third parties elsewhere in the text.

405. The Worker Vice-Chairperson stated that it was their intention and belief that third parties would be included, both as victims and, more particularly, as perpetrators of violence and harassment. The secretariat had clarified that third parties were included in the proposed Convention.

406. The amendment was adopted as subamended.

407. As a result, Article 4 was deleted and subsequent amendments to Article 4 fell.

Part III. Core principles

Title

408. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the title of Part III.

409. The Title of Part III was adopted.

Article 5

Paragraph 1

410. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the paragraph. The paragraph was trying to establish a new right that did not exist in international human rights instruments or international labour standards. Ratifying the proposed Convention would therefore require some governments, such as his own, to change their Constitution.

411. The Employer Vice-Chairperson did not support the amendment, referring to the discussion in the context of the Preamble on a related point.

412. The Worker Vice-Chairperson, and the Government members of Colombia, Ecuador, France, on behalf of the EU and its Member States, and the Philippines, did not support the amendment.

413. The Government member of the Islamic Republic of Iran supported the amendment.

414. The amendment was not adopted.

415. The Government member of the United States introduced an amendment, seconded by the Government member of Australia, to replace the words "recognize the right to" with the words "take measures to achieve". As drafted, the provision simply reiterated a preambular paragraph. Since the text under discussion was in the operative section of the proposed Convention, it should focus on how member States take action to implement the Convention, and the amendment aimed to do that.

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416. The Worker Vice-Chairperson did not support the amendment. The Committee had a historic opportunity to make absolutely clear that everyone – workers and managers alike – had the right to work free from violence and harassment.
417. The Employer Vice-Chairperson supported the amendment. While it was important to prevent, respond to, and eradicate violence and harassment in the world of work, that was already reflected in the Preamble. The operative parts of the proposed Convention should strive for more legal precision.
418. The Government member of New Zealand supported the amendment. In addition to sounding declaratory, rather than operational, the paragraph raised questions about whether the proposed Convention would be self-executing. The objective of eradicating violence and harassment was clear, and taking measures as stipulated in proposed Article 5 was the way in which member States would achieve that objective.
419. The Government members of Ecuador, and France, speaking on behalf of the EU and its Member States, did not support the amendment. Standards such as the proposed Convention were indeed intended to establish rights, as well as measures to enact and implement those.
420. The Government members of the Islamic Republic of Iran, the Russian Federation, Singapore, Sri Lanka, Thailand and Turkey supported the amendment.
421. The Government members of the Plurinational State of Bolivia and the Philippines did not support the amendment, nor did the Government member of Uganda, speaking on behalf of the Africa group, who specified that it would be impossible to achieve a world of work free from violence and harassment without recognizing it as a right.
422. The Government member of Mexico asked whether previous Conventions reintroduced in an article a principle that was already recognized in the Preamble.
423. The deputy representative of the Secretary-General indicated that there were precedents for referring to a right and then the measures to operationalize it. She cited in particular the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). In the case of the current discussion, the paragraph could be worded as follows: “Each member which ratifies the Convention shall take measures to promote and realize the right to a world of work free from violence and harassment”.
424. The Government member of Uganda, speaking on behalf of the Africa group, did not support the secretariat’s suggestion. The Committee had already recognized in the Preamble, as a general principle, the right of everyone to a world of work free of violence and harassment, and that should also feature in the operative provisions.
425. The Government member of Ecuador introduced a subamendment, seconded by the Government member of Colombia, to replace the words “recognize the rights to” with the words “protect the rights of all people”.
426. The Worker Vice-Chairperson introduced a further subamendment to replace “protect the rights” with “respect, promote and realize the right” before “all people”, as that language followed the ILO Declaration on Fundamental Principles and Rights at Work, 1998.
427. The Government members of Barbados, France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, supported the subamendment.
428. The Government member of the Russian Federation did not support the subamendment.

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429. The Government member of the United States proposed a further subamendment, seconded by the Government members of Australia, Mexico and Ecuador, to replace “all people” with “everyone” to clarify that the provision referred to individuals and to align it with the Preamble.
430. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
431. The Government member of the Islamic Republic of Iran did not support the subamendment.
432. The amendment was adopted as subamended.
433. Subsequently, one amendment fell.
434. Paragraph 1 was adopted as amended.

Paragraph 2

435. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace the words “an inclusive, integrated and gender-responsive” with “a comprehensive” before “approach”, as the proposed qualifier was considered broader.
436. The Employer Vice-Chairperson did not support the amendment.
437. The Worker Vice-Chairperson did not support the amendment, noting that gender-based violence was a prevalent form of violence and harassment reinforcing the subordinate status of women in society.
438. The Government members of Ecuador, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
439. The Government members of India and the Islamic Republic of Iran supported the amendment.
440. The amendment was not adopted.
441. The Government member of Uganda, speaking on behalf of the Africa group, introduced an amendment to insert “prevention and” before “elimination”. Prevention of violence and harassment was needed before it could be eliminated.
442. The Employer Vice-Chairperson supported the amendment as prevention was an important part of national frameworks to tackle violence and harassment in the world of work.
443. The Worker Vice-Chairperson, and the Government members of Argentina, speaking on behalf of GRULAC, Costa Rica, France, speaking on behalf of the EU and its Member States, Mexico, New Zealand, and Qatar, speaking on behalf of the GCC countries, supported the amendment.
444. The amendment was adopted.
445. The Government member of Namibia, speaking on behalf of the Africa group, introduced an amendment to Article 5, paragraph 2. Although that amendment was submitted outside the amendment process, the Committee agreed to discuss the proposal to delete the word “that” and insert “as it affects persons identified in Article 2 and third parties. Such an approach”

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- before “includes?”. It was important to restore a reference to the protection of third parties as Article 4 had been deleted, and in order to acknowledge that violence and harassment could also be directed at third parties.
- 446.** The Employer Vice-Chairperson stated that a reference to third parties would be better placed in Article 5, subparagraph 2(c).
- 447.** The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment.
- 448.** The Government member of Qatar stated that Article 5 of the proposed Convention was under Part III on core principles, thus it was not relevant to introduce issues of scope at that point.
- 449.** The Government member of Brazil asked for clarification from the secretariat on the legal repercussions of using the word “affects”.
- 450.** The deputy representative of the Secretary-General stated that the word “affects” was used in many ILO instruments, including the Employment Policy Convention, 1964 (No. 122), the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), and the HIV and AIDS Recommendation, 2010 (No. 200). The word “affects” meant “having an impact”, or “impacts on persons” and thus, was stronger than “concerned persons”.
- 451.** The Government member of Namibia, speaking on behalf of the Africa group, introduced a subamendment to replace “affects” with “involves” to clarify that third parties could be both victims and perpetrators of violence and harassment.
- 452.** The Employer Vice-Chairperson and the Government member of New Zealand did not support the subamendment.
- 453.** The Government member of Cuba introduced a further subamendment, aimed at accommodating the different concerns, that was not seconded and was therefore not discussed.
- 454.** Following an informal consultation, the Government member of Canada introduced a proposal to replace “as it involves persons identified in Article 2 and third parties. Such an approach” with “Such an approach should take into account violence and harassment involving third parties, where applicable, and” before “includes?”.
- 455.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the proposal.
- 456.** The Government members of Australia, Barbados, Brazil, speaking on behalf of GRULAC, France, speaking on behalf of the EU and its Member States, India, Japan, Qatar, speaking on behalf of the GCC countries, and Uganda, speaking on behalf of the Africa group, supported the proposal.
- 457.** The proposal was adopted.

Subparagraph (a)

- 458.** Subparagraph (a) was adopted.

Subparagraph (b)

459. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to replace “ensuring” with “promoting”.

460. Subparagraph (b) was adopted.

Subparagraph (c)

461. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace “adopting a comprehensive strategy in order to implement measures to prevent and combat” with “taking” and inserted “into account in the prevention policy” following the word “harassment”. The intention was to allow governments to exercise discretion in choosing to adopt a specific policy on violence and harassment or integrating the issue into a broader policy, such as on decent work.

462. The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment.

463. The Government members of Argentina, Barbados, Brazil, speaking on behalf of GRULAC, and Uganda, speaking on behalf of the Africa group, did not support the amendment. The Government member of Barbados added that the reference to “comprehensive strategy” provided sufficient flexibility.

464. The amendment was not adopted.

465. Subparagraph (c) was adopted.

Subparagraph (d)

466. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to insert “, when deemed necessary,” before “enforcement and”.

467. Subparagraph (d) was adopted.

Subparagraph (e)

468. The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, introduced an amendment that replaced “ensuring” with “providing” to recognize that governments may not be able to ensure access, but should do everything they could to provide it.

469. The Worker Vice-Chairperson did not support the amendment.

470. The Government member of Qatar, speaking on behalf of the GCC countries, supported the amendment.

471. The Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment.

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472. The Government member of Canada did not support the amendment and noted that the term “ensuring” entailed making sure that certain measures were taken, which was a clear role of governments.
473. The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, withdrew the amendment.
474. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to add the words “in accordance with national law and practice” at the end of the subparagraph.
475. The Worker Vice-Chairperson did not support the amendment since Article 5, paragraph 2, already made reference to national law and circumstances.
476. For the same reason, the Employer Vice-Chairperson, and the Government members of Brazil, speaking on behalf of GRULAC, France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
477. The amendment was not adopted.
478. Subparagraph (e) was adopted.

Subparagraph (f)

479. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete subparagraph (f), since sanctions were a matter of national law not of international law. Furthermore, remedies were already provided for in subparagraph (e).
480. The Worker Vice-Chairperson did not support the amendment as sanctions were needed for deterrence.
481. The Employer Vice-Chairperson, and the Government members of Argentina, Barbados and the Plurinational State of Bolivia, did not support the amendment.
482. The Government member of India supported the amendment but asked the secretariat to define the term “sanctions”.
483. The Government member of Cuba, seconded by the Government member of Panama, proposed a subamendment to insert the words “providing for appropriate responses to acts of violence and harassment, including, where appropriate, sanctions;”.
484. The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendment as the Committee had already agreed to prevention and response measures, and reference to sanctions was needed for deterrence.
485. The deputy representative of the Secretary-General explained that a sanction was a consequence of ill-behaviour and could range from a fine or removal of a licence to dismissal or imprisonment. The nature of a sanction would depend on the circumstances and the behaviour being punished. She also noted that the subamendment proposed by the Government member of Cuba was already covered by Article 11, subparagraph (d), of the proposed Convention.

486. The Worker Vice-Chairperson and Employer Vice-Chairperson did not support the subamendment.

487. The Government member of Cuba withdrew the subamendment.

488. The amendment was not adopted.

489. Subparagraph (f) was adopted.

Subparagraph (g)

490. The Government member of Israel introduced an amendment to insert after “raising awareness” the words “including, as appropriate, in accessible formats” as it was important to ensure that tools, guidance, education and training were not only available but also accessible to all.

491. The Worker Vice-Chairperson, the Employer Vice-Chairperson, and the Government members of Argentina, Chile, speaking on behalf of GRULAC, France, speaking on behalf of the EU and its Member States, New Zealand, Qatar, speaking on behalf of the GCC countries, and Uganda, speaking on behalf of the Africa group, supported the amendment.

492. The amendment was adopted.

493. Subparagraph (g) was adopted.

Subparagraph (h)

494. The Employer Vice-Chairperson introduced an amendment to delete the words “through labour inspectorates or other competent bodies” at the end of the subparagraph, because a range of people were involved in inspection and investigation of cases of violence and harassment, not only labour inspectorates, and because it was not clear who “competent bodies” was referring to.

495. The Worker Vice-Chairperson, and the Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment, since there was a need to refer to the important role of labour inspectorates.

496. The Government members of the Russian Federation and India supported the amendment, since cases of violence and harassment were not handled by labour inspectorates in their countries.

497. The Government member of the Russian Federation proposed a subamendment to add “, including through labour inspectorates or other competent bodies” after “harassment”.

498. The Worker Vice-Chairperson did not support the subamendment.

499. The Employer Vice-Chairperson and the Government members of the Plurinational State of Bolivia, China, France, speaking on behalf of the EU and its Member States, Indonesia, Malaysia, New Zealand, and Uganda, speaking on behalf of the Africa group, supported the subamendment.

500. The amendment was adopted as subamended.

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- 501.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to replace “labour inspectorates or other” with “relevant”.
- 502.** Subparagraph (h) was adopted as amended.
- 503.** Paragraph 2 was adopted as amended.

Paragraph 3

- 504.** The Government member of the United States, speaking also on behalf of the Government members of Israel, Norway and Switzerland, introduced an amendment to insert the words “different and” before “complementary roles and functions” so as to recognize the reality of the distinct roles played by tripartite actors in the world of work.
- 505.** The Worker Vice-Chairperson supported the amendment, observing that it helped clarify that not all actors bore the same responsibilities.
- 506.** The Employer Vice-Chairperson supported the amendment.
- 507.** The Government members of Barbados, Brazil, speaking on behalf of GRULAC, France, speaking on behalf of the EU and its Member States, India, and Uganda, speaking on behalf of the Africa group, supported the amendment.
- 508.** The amendment was adopted.
- 509.** The Employer Vice-Chairperson introduced an amendment to insert the word “respective” before the word “organizations” with the purpose of clarifying the text.
- 510.** The Worker Vice-Chairperson supported the amendment.
- 511.** The Government members of Canada, Costa Rica, speaking on behalf of GRULAC, the Russian Federation, Uganda, speaking on behalf of the Africa group, and the United States, supported the amendment.
- 512.** The amendment was adopted.
- 513.** The Worker Vice-Chairperson withdrew an amendment that would have replaced the word “varying” with the words “differences in the” before the word “nature”.
- 514.** The Employer Vice-Chairperson introduced an amendment to insert the words “as well as their specific resources and constraints.” at the end of the paragraph after the words “respective responsibilities”. Measures such as awareness raising, providing guidance and education on violence and harassment should be tailored to organizations’ varying resources and sizes.
- 515.** The Worker Vice-Chairperson did not support the amendment as Article 10 and Article 5 already provided sufficient flexibility.
- 516.** The Government member of the Russian Federation supported the amendment.
- 517.** The Government members of Barbados and France, speaking on behalf of the EU and its Member States, did not support the amendment, indicating that the reference to “reasonably practicable” in Article 10 was sufficient.

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- 518.** The amendment was not adopted.
- 519.** Paragraph 3 was adopted as amended.
- 520.** Article 5 was adopted as amended.

Article 6

- 521.** The Government member of Uganda, speaking on behalf of the Africa group, introduced an amendment to insert the words “preventing and” before the word “eliminating” in the first line of the Article. The amendment was similar to the one proposed by the Africa group for Article 5, paragraph 2, and aimed at emphasizing the importance of prevention in addressing violence and harassment.
- 522.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Australia, the Plurinational State of Bolivia, Brazil, speaking on behalf of GRULAC, Canada, France, speaking on behalf of the EU and its Member States, New Zealand, and Qatar, speaking on behalf of the GCC countries, supported the amendment.
- 523.** The amendment was adopted.
- 524.** The discussion moved to two identical amendments submitted by the Employers’ group, and by the Government member of Bangladesh. The amendments proposed to delete “, 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” before the words “as well as promotes safe and decent work”.
- 525.** The Employer Vice-Chairperson introduced the amendment, stating that the proposed Convention should be future-proof and not be too specific about what constituted fundamental principles and rights at work. The amendment would allow flexibility for new principles and rights to be recognized in the future.
- 526.** The Worker Vice-Chairperson did not support the amendment. The wording used in Article 6 was based on the ILO Declaration on Fundamental Principles and Rights at Work and was critical for the instruments being discussed by the Committee.
- 527.** The Government members of Barbados, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 528.** The Government member of the Islamic Republic of Iran supported the amendment.
- 529.** The amendment was not adopted.
- 530.** The Employer Vice-Chairperson introduced an amendment which proposed to delete the words “safe and” before the words “decent work”. That would bring the text in line with the ILO Declaration on Social Justice for a Fair Globalization.
- 531.** The Worker Vice-Chairperson did not support the amendment, as safety was at the heart of the topic being discussed by the Committee.
- 532.** The Government member of New Zealand stated that “decent work” encompassed “safe work”, although he was also not opposed to leaving the notion of safety in the text.

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- 533.** The Government member of Costa Rica aligned herself with the statement made by the Government member of New Zealand.
- 534.** The Government members of Qatar, speaking on behalf of the GCC countries, and Uganda, speaking on behalf of the Africa group, supported the amendment, indicating that it was superfluous to have a reference to both safe and decent work.
- 535.** The amendment was adopted.
- 536.** Article 6 was adopted as amended.
- 537.** The Government member of New Zealand raised the question of what implications it would have if the Committee of the Whole, which sat in parallel to the present Committee would decide to recognize occupational safety and health as a fundamental principle and right at work in the ILO Centenary Declaration for the Future of Work. He was concerned that Article 6 would then be out of date.
- 538.** The deputy representative of the Secretary-General clarified that the proposed Convention could reflect occupational safety and health as a fundamental principle and right at work if it were established by the ILO Centenary Declaration and if so desired by the Committee before it ended its work. However, she recalled there was a practical difficulty since the ILO Centenary Declaration of the Committee of the Whole would be adopted in the Plenary of the 108th Session of the International Labour Conference after the proposed Convention and Recommendation had been considered by the Plenary.
- 539.** The Government member of the United States stated that originally it seemed that it would be preferable to have the fundamental principles and rights at work explicitly mentioned in the proposed Convention. However, in listening to the discussion, she was persuaded that it would make sense not to spell them out so that the text would be sufficiently flexible to accommodate any changes that might be needed to be applied in future contexts.
- 540.** The Government member of Barbados suggested replacing the word “namely” with the word “including” before listing the currently existing fundamental principles and rights at work.
- 541.** The Worker Vice-Chairperson, and the Government members of Costa Rica, Cuba, and France, speaking on behalf of the EU and its Member States, supported the proposal made by the Government member of Barbados.
- 542.** The Employer Vice-Chairperson said that the proposal to add the term “including” in Article 6 could not be supported.
- 543.** The Government member of Uganda, speaking on behalf of the Africa group, said that they would not reconsider the amendments to proposed Article 6.
- 544.** The Chairperson said that as Article 6 had already been adopted, and there was no consensus to reopen discussions, the previous decision to maintain the list of what constituted fundamental principles and rights at work would have to stand.

Article 7

- 545.** The Government member of the Islamic Republic of Iran introduced an amendment, seconded by the Government member of Singapore, to include “, as appropriate,” after the words “Each Member shall adopt”, to recognize that some countries may not need to adopt further laws, regulations and policies.

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- 546.** The Worker Vice-Chairperson did not support the amendment, as it invited governments to decide that adopting laws, regulations or policies was not appropriate for their national context. That would not be in line with the intention to produce global minimum standards.
- 547.** The Employer Vice-Chairperson did not support the amendment.
- 548.** The Government members of Colombia, speaking on behalf of GRULAC, Costa Rica, New Zealand, Uganda, speaking on behalf of the Africa group, and the United States, did not support the amendment.
- 549.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment because it was understood that governments would not need to adopt new laws if the existing ones provided sufficient coverage. He further suggested to discuss Article 7 of the proposed Convention and Paragraph 13 of the proposed Recommendation together.
- 550.** The amendment was not adopted.
- 551.** The Employer Vice-Chairperson and the Worker Vice-Chairperson, as well as the Government members of Indonesia, the Islamic Republic of Iran, the Russian Federation and Switzerland, supported the proposal. The discussion therefore continued on the basis of the proposal to discuss Article 7 of the Convention and Paragraph 13 of the Recommendation together.
- 552.** The Government member of the United States, speaking also on behalf of the Government member of Norway, withdrew an amendment to replace the word “ensuring” with the word “providing”.
- 553.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “for all workers” after the word “occupation”, to delete the word “for” before the words “women workers” and to delete the remainder of the paragraph after the words “women workers”. The amendment aimed to ensure broad applicability of the proposed Convention by allowing governments to define vulnerable groups as per their national contexts.
- 554.** The Employer member from the United States (Ms G. Herzog), speaking on behalf of the Employers’ group, and the Government members of Barbados, Costa Rica, speaking on behalf of GRULAC, and New Zealand, did not support the amendment.
- 555.** The amendment was not adopted.
- 556.** The Employer member from the United States, speaking on behalf of the Employers’ group, introduced an amendment to add the words “and employers” after the word “workers”, which she then subamended to delete the words “as well as for workers and employers” after the words “women workers”.
- 557.** The Worker Vice-Chairperson did not support the subamendment, since the proposed Article intended to target workers, both men and women, belonging to one or more vulnerable groups or groups in situations of vulnerability.
- 558.** The Government member of Costa Rica did not support the subamendment. It was important to recognize that one might face discrimination as a woman, as a woman worker, or on the basis of a variety of intersecting grounds.

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- 559.** The Employer member from the United States, speaking on behalf of the Employers' group, observed that workers as a general category were not vulnerable, and therefore the reference to workers (and employers) generally should not be necessary.
- 560.** The Government member of Canada did not support the subamendment. She introduced a further subamendment, seconded by the Government members of France, speaking on behalf of EU Member States, and Peru, to insert, after the words "women workers", the phrase: ", as well as for workers".
- 561.** The Government members of Barbados and Ecuador supported the subamendment.
- 562.** The amendment was adopted as subamended.
- 563.** The Worker Vice-Chairperson withdrew an amendment to replace the word "that" with the words "due to multiple and intersecting forms of discrimination and inequality who", after the word "vulnerability".
- 564.** The Government member of the Islamic Republic of Iran proposed to replace the word "shall" with the words "should consider, as applicable and consistent with relevant national legal frameworks, adopting" after "Each member".
- 565.** The Worker Vice-Chairperson, the Employer member from the United States, speaking on behalf of the Employers' group, and the Government members of Costa Rica, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the proposal.
- 566.** The Government member of the Russian Federation supported the proposal, although indicating that it would have to be adjusted to make it more suitable for a legally binding instrument.
- 567.** The deputy representative of the Secretary-General replied to two questions posed by the Government member of Japan regarding the relationship between Articles 7 and 12. She explained that regarding the lack of explicit language on tripartite consultation in Article 7, unlike in Article 12, that would need to be read in conjunction with Article 5, which provided for such consultation in adopting the integrated approach, which also covered issues under Article 7. Regarding references to equality and non-discrimination in Article 7 and Article 12, she clarified that the articles needed to be read in conjunction with Article 6 that underlined the importance of fundamental principles and rights at work, including non-discrimination. Article 12 focused on ensuring violence and harassment would be integrated into a range of national policies, including non-discrimination and occupational safety and health.
- 568.** In view of the agreement that had been reached on the text of Paragraph 13 of the Recommendation, Article 7 was adopted as amended.

Part IV. Protection and prevention

Title

- 569.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the title of Part IV.
- 570.** The title of Part IV was adopted.

Article 8

- 571.** The Employer member from France, speaking on behalf of the Employers' group, proposed that the words "In accordance with Article 1," be inserted before "Each Member" and to insert "define and" before "prohibit", to further support clear and precise definitions at national level. She indicated that her group was not trying to tell governments what to do but rather wanted governments to tell employers what they needed to do, which required precision in definitions.
- 572.** The Government member of New Zealand stated that the Employers' group's proposal for Article 8 could be considered, though it was unnecessary as legislation prohibiting violence and harassment would need to define those terms.
- 573.** The Government member of Barbados did not consider that a reference to "define" in Article 8 was needed, as defining violence and harassment was needed in order to prohibit it.
- 574.** The Government member of Australia supported the proposal as a compromise.
- 575.** The Government member of Qatar, speaking on behalf of the GCC countries, did not support the proposal.
- 576.** The Government members of Canada, Chile and the United States supported the proposal for Article 8.
- 577.** The Government member of Brazil supported the proposal for Article 8, indicating that the reference to "define" in Article 8 would make it clear that member States could adopt a definition if needed, though that was already implied.
- 578.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the proposal regarding Article 8, as that could potentially allow States to lower the standards set in the Convention. Definitions used at national level would also be subject to tripartite consultation. The Government member of Uganda, speaking on behalf of the Africa group, added that it was not necessary to insert the words "In accordance with Article 1" at the beginning of Article 8.
- 579.** The Worker Vice-Chairperson supported the Employers' group proposal.
- 580.** The Government member of France, speaking also on behalf of EU Member States, introduced a subamendment to replace the words "In accordance" with the words "Without prejudice to and consistent". That would provide governments with the necessary flexibility, while respecting the scope and definitions set out in Article 1 of the proposed Convention.
- 581.** The Employer member from France, speaking on behalf of the Employers' group, the Worker Vice-Chairperson, as well as the Government members of Argentina, Australia (also speaking on behalf of China, Indonesia, Malaysia, New Zealand, Singapore and Thailand), Canada, and Uganda, speaking on behalf of the Africa group, supported the subamendment.
- 582.** The proposal was adopted as subamended. As a result two amendments fell.
- 583.** Article 8 was adopted as amended.

Article 9

Chapeau

- 584.** The Government members of Belarus and the Russian Federation had submitted an amendment to insert the words “, according to national law and practice,” after the words “Each Member shall”. Since both members were absent, the amendment was not introduced and fell.
- 585.** The chapeau of Article 9 was adopted.

New subparagraph before subparagraph (a)

- 586.** The Worker Vice-Chairperson introduced an amendment to insert a new subparagraph before subparagraph (a) that would read: “recognizing the important role of public authorities in the case of informal economy workers;”. Informal economy workers represented 60 per cent of all workers and were particularly exposed to violence and harassment. Many of those, such as street vendors and waste pickers, worked in public spaces and faced harassment from public authorities in the form of confiscated goods, sexual favours, or forceful dispersion.
- 587.** The Employer Vice-Chairperson, as well as the Government members of Barbados and Uganda, speaking on behalf of the Africa group, supported the amendment.
- 588.** The amendment was adopted.
- 589.** New subparagraph (a) was adopted.

Subparagraph (a)

- 590.** The Government member of France, speaking on behalf of EU Member States, introduced an amendment to replace the “,” between “sectors” and “occupations” by “or”, so as to allow for a more comprehensive approach.
- 591.** The Employer Vice-Chairperson supported the amendment.
- 592.** The Worker Vice-Chairperson did not support the amendment because “sectors” and “occupations” were not interchangeable, and the use of the word “or” might result in gaps in risk assessments.
- 593.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment for the reasons expressed by the Workers’ group.
- 594.** The Government member of France, speaking on behalf of EU Member States, clarified that the objective was not to allow governments to choose between sectors or occupations, but rather to allow for a more comprehensive approach, if so desired.
- 595.** The Government members of Costa Rica, Norway, Switzerland and the United States supported the amendment.
- 596.** The amendment was adopted.
- 597.** The Employer Vice-Chairperson introduced an amendment to insert the words “, employers” before the words “and other persons concerned”, which, in the light of the amended version of Article 2, she subamended to replace the words “workers, employers and other persons

concerned” with the words “persons referred to in Article 2”. Employers should also be protected from violence and harassment, and using that language would ensure coherence with the scope set out in Article 2 of the proposed Convention.

- 598.** The Worker Vice-Chairperson did not support the amendment or the subamendment.
- 599.** The Government member of Namibia, speaking on behalf of the Africa group, asked the secretariat to clarify if that amendment would include third parties.
- 600.** The deputy representative of the Secretary-General observed that Article 9, subparagraph (a) was aimed at ensuring the identification of sectors, occupations and work arrangements giving rise to increased risk of violence and harassment, which in practice often resulted from the enhanced interaction with third parties, such as in the services sector. The original text intended to cover those referred to in Article 2. In Article 5, a reference was added to third parties as, indeed, third parties could also be exposed to violence and harassment by workers. Employers would have responsibility for sound organization of work so as not to overburden the worker, to minimize stress, and address factors that could lead to violence and harassment, including by workers towards third parties.
- 601.** The Government members of Costa Rica, speaking also on behalf of Ecuador, New Zealand, and the Russian Federation supported the amendment as subamended.
- 602.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, since the phrase “workers and other persons concerned” was text used consistently in the proposed Convention, and “concerned” ensured a further level of specificity.
- 603.** The amendment was not adopted.
- 604.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace the words “and other persons concerned” with the words “as referred to in Article 2”.
- 605.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
- 606.** The Government member of the Russian Federation withdrew the amendment.
- 607.** Subparagraph (a) was adopted.

Subparagraph (b)

- 608.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace the words “such persons” with “workers as referred to in Article 2”.
- 609.** The Employer Vice-Chairperson did not support the amendment and introduced a subamendment to replace the word “workers” with the word “persons”.
- 610.** The Worker Vice-Chairperson did not support the amendment or subamendment.
- 611.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendment because it was not consistent with Article 9(a).
- 612.** The subamendment was not adopted.

613. The amendment was not adopted.

614. Subparagraph (b) was adopted.

615. Article 9 was adopted.

616. Part IV was adopted.

Article 10

Chapeau

617. The Government member of India submitted an amendment which was not seconded and therefore fell.

618. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “as appropriate” after the words “laws and regulations”, in recognition of the fact that not all countries would have legislative gaps.

619. The Worker Vice-Chairperson, as well as the Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the amendment, as member States would not be required to adopt new laws and regulations if their existing legislation was in conformity with the Convention. The Worker Vice-Chairperson added that the inclusion of those words would make it possible for governments to take no action, even when their laws were not in line with the Convention and Recommendation.

620. The Government members of Argentina and the Islamic Republic of Iran supported the amendment.

621. The Employer Vice-Chairperson did not support the amendment.

622. The amendment was not adopted.

623. The Government members of Australia, Canada, Israel, Switzerland and the United States, and the Employers’ group submitted two identical amendments to insert the word “appropriate” before the word “steps” and to insert the words “commensurate with their degree of control” after the word “steps”. The Government member of Canada, speaking also on behalf of the Government members of Australia, Israel, Switzerland and the United States, noted that that formulation seemed to provide a way forward during the Informal Tripartite Consultation held in March 2019, and would help to address concerns about the potential reach of Articles 2 and 3.

624. The Worker Vice-Chairperson noted that the Article already included the broad qualifier “so far as is reasonably practicable”, and did not impose onerous responsibilities. The amendment sought to add further qualifiers, which might prevent the necessary action being taken and could constitute a barrier to ratification. She proposed a subamendment to replace the words “commensurate with their degree of control” with “to mitigate risk and”.

625. The Employer Vice-Chairperson did not support the subamendment. In order to achieve a Convention, it was essential to introduce the notion of control to circumscribe employers’ responsibilities. Employers could not be responsible for people who were outside of their control, such as jobseekers with whom they did not come into contact, or for situations where workers, for example, faced violence and harassment during an offsite break. Examples of

the notion of control could be found in a number of international labour standards, including the Safety and Health in Mines Convention, 1995 (No. 176), the Safety and Health in Agriculture Convention, 2001 (No. 184), the Prevention of Major Industrial Accidents Convention, 1993 (No. 174), as well as Convention No. 155. The original amendment provided a compromise solution.

- 626.** The Government member of Ecuador stated that the expression “mitigating risks” was usually linked to the environment and climate change. In the context of violence, including against women, it was preferable to use the terms “prevention” and “elimination”.
- 627.** The Government members of Qatar and the Russian Federation supported the subamendment.
- 628.** The Government member of the United States did not support the subamendment and considered that subparagraphs (b) and (c) addressed risk mitigation.
- 629.** The Government members of France, speaking on behalf of the EU and its Member States, and Saudi Arabia supported the amendment but not the subamendment.
- 630.** The subamendment was not adopted.
- 631.** The Government members of Argentina, Namibia, the Philippines and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 632.** The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment as it was a good compromise, striking a balance between those situations in which employers did have control, and those in which they did not. He recalled the importance of clarifying the scope of employers’ responsibilities, also in light of the text of Articles 1, 2 and 3.
- 633.** The Government member of Cuba proposed that the expression “take appropriate steps” be kept, but not the phrase “commensurate with their degree of control”. The role of employers would thus be limited to the world of work.
- 634.** The Government member of Japan supported the amendment, considering it to be clearer than the Office text.
- 635.** The Government member of the Russian Federation did not support the amendment, considering that it would allow employers, such as transnational enterprises, to outsource their functions and thus avoid their responsibilities.
- 636.** Following an inconclusive indicative show of hands, the Chairperson proposed to bracket the proposed text of the amendment.
- 637.** The Government member of Uganda questioned the difference between the proposed text “commensurate with their degree of control” and the text “so far as reasonably practicable”, suggesting that degree of control was implicitly included in the concept of “reasonably practicable” measures.
- 638.** The Employer Vice-Chairperson clarified that “reasonably practicable” referred to how practicable it would be to implement a given action, whereas control referred to the reach of employers. She noted that asking employers to reach beyond the scope of their control could also imply that they might invade workers’ privacy.

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- 639.** The Worker Vice-Chairperson recalled that her group was not expecting employers to take actions that were not reasonably practicable. One reasonably practicable way for employers to reduce risks would be, for example, to put into place security measures to prevent harassment of workers when leaving the workplace, if the risk of violence and harassment was deemed significant.
- 640.** The Government member of Uganda, speaking on behalf of the Africa group, noted that Article 10 needed to be read in the light of Article 3, which already limited the scope of reach to what occurred in the course of, linked with or arising out of work.
- 641.** The Employer member from France, speaking on behalf of the Employers' group, recalled that the suggested wording introduced the notion of control and clarified the level of responsibility of employers. That was essential for the Employers' group.
- 642.** The Worker Vice-Chairperson supported the amendment as a compromise, though she considered the proposed qualifiers unnecessary.
- 643.** The Government members of Argentina, France, speaking on behalf of the EU and its Member States, and New Zealand, supported the amendment.
- 644.** The Government member of Namibia, speaking on behalf of the Africa group, introduced a subamendment to replace the words "commensurate with their degree of control" with "so far as reasonably practicable", and delete the reference to "and in particular, so far as is reasonably practicable" at the end of the chapeau, indicating that "commensurate with their degree of control" would not provide clarity in respect of what or who was to be controlled.
- 645.** The Employer member from France, speaking on behalf of the Employers' group, did not support the subamendment because the notion of control with regard to persons, situations and places would be lost, and that was essential for the Employers' group.
- 646.** The Worker Vice-Chairperson did not support the subamendment in the spirit of wider compromise, although the Workers' group would feel more comfortable with it than with the amendment.
- 647.** The Government members of Barbados, Canada, Chile and New Zealand did not support the subamendment.
- 648.** The Government member of Uganda, speaking on behalf of the Africa group, stated that the Convention should be drafted in line with the "Manual for drafting ILO instruments", which used "so far as is reasonably practicable". He sought clarification from the secretariat with respect to how that term differed from "commensurate with their degree of control".
- 649.** The deputy representative of the Secretary-General clarified that the terms "under their control" "commensurate" and "so far as is reasonably practicable" had been used in ILO instruments. "Commensurate with" was meant to convey the meaning of proportionality. "So far as is reasonably practicable", in the context of Article 10, qualified the list of enumerated measures set out in subparagraphs (a)–(d): while all employers needed to take such measures, flexibility was provided, so that the measures could be adapted to what could be considered to be reasonable in the light of the circumstances of the particular employer (size, activities, etc.), in terms of effort, time and resources.
- 650.** The Government member of Canada, speaking also on behalf of the Government members of Australia, Israel, Switzerland, and the United States, confirmed that the secretariat's explanation was in line with the intention of the amendment.

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651. The subamendment was not adopted.
 652. The amendment was adopted.
 653. The Government member of the United States, speaking also on behalf of the Government member of Israel, introduced an amendment to include the words “including gender-based violence and harassment” after the words “world of work,” in recognition of the fact that violence and harassment could particularly affect women.
 654. The Worker Vice-Chairperson, as well as the Government members of Colombia, Costa Rica, Ecuador, New Zealand and the Philippines, supported the amendment.
 655. The Government member of Mexico sought clarification from the secretariat on the implication of the amendment given that the definition in Article 1 of the proposed Convention already included the concept of gender-based violence and harassment.
 656. The deputy representative of the Secretary-General stated that as Article 1 already included gender-based violence and harassment in the definition of violence and harassment, the proposed amendment would only serve to emphasize gender-based violence and harassment.
 657. The Government member of Uganda, speaking on behalf of the Africa group, proposed a subamendment to add the words “respond to” after the word “prevent”, in order to further strengthen the text.
 658. The Chairperson stated that the further subamendment could not be accepted as it did not modify the tabled amendment. Moreover, the issues of prevention fell under another section of the proposed Convention.
 659. The Government member of Uganda, speaking on behalf of the Africa group, withdrew the subamendment.
 660. The Government member of the Russian Federation did not support the amendment, as it was redundant.
 661. The Employer Vice-Chairperson had no objection to the amendment, although it had no operative purpose.
 662. The amendment was adopted.
 663. The chapeau of Article 10 was adopted as amended.

Subparagraph (a)

664. The Employer Vice-Chairperson introduced an amendment to add the words “as appropriate” after the word “representatives” such that the text would read “adopt and implement, in consultation with workers and their representatives, as appropriate, a workplace policy on violence and harassment;”. While consultation was valuable, and while there should be no infringement on freedom of association, there were circumstances in which consultations would not be possible, such as in some remote areas, in the case of some small enterprises, or when there were no representatives to consult, as not all workers were unionized. Moreover, some measures might be non-negotiable, such as those aimed at preventing certain abuses and to protect health and safety.
665. The Worker Vice-Chairperson did not support the amendment, emphasizing that it was vital to consult with workers at any workplace. Consultations would allow workers to take

ownership of policies, and ensure effective implementation. Consultation could not take place only when the employer felt like it.

- 666.** The Government member of Uganda, speaking on behalf of the Africa group, agreed with the Workers' group and did not support the amendment.
- 667.** The Government member of Namibia, also objecting to the amendment, stressed that workplace policies were the stock and trade of social dialogue, and that even small enterprises should be able to discuss such policies with workers. She also questioned who would decide when it would be appropriate to hold consultations.
- 668.** The Government members of Israel, Qatar, the Russian Federation, and the United States supported the amendment.
- 669.** The Government member of Brazil recognized that there may be some cases in which representatives would not be available, or when it would be difficult for small businesses to consult with workers.
- 670.** The Government member of Zimbabwe did not support the amendment, noting that representatives need not be limited to trade unions. Employers could also dialogue with worker representatives other than trade union representatives.
- 671.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment, considering it unnecessary in light of the text of the chapeau of Article 10 and Article 13 of the proposed Convention, as well as the general framework on consultation in occupational safety and health.
- 672.** The amendment was not adopted.
- 673.** Subparagraph (a) was adopted.

Subparagraph (b)

- 674.** An amendment submitted by the Government member of India was not seconded and therefore fell.
- 675.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to add the words "the psychological risks of" before the words "violence and harassment", and delete the words "and associated psychosocial risks", with the intention of achieving greater clarity.
- 676.** The Employer Vice-Chairperson did not support the amendment noting that it changed the intent of the subparagraph and was too limiting.
- 677.** The Worker Vice-Chairperson did not support the amendment, as it undermined the intention of the proposed subparagraph which was to highlight the psychosocial risks that were otherwise often overlooked in occupational safety and health risk assessments. Moreover, the terms "psychological" and "psychosocial" had different meanings, wherein the term "psychosocial" reflected both psychological and social impacts workers might be exposed to in the world of work.
- 678.** The Government members of Costa Rica, Ecuador, France, speaking on behalf of the EU and its Member States, Indonesia, and Uganda, speaking on behalf of the Africa group, did not support the amendment.

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- 679.** The amendment was not adopted.
- 680.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to add the words “in the workplace” after the word “risks” to bring the text into line with the spirit of the proposed Convention.
- 681.** The Worker Vice-Chairperson did not support the amendment and stressed that it limited violence and harassment to the workplace, while training, for example, could be conducted off-site.
- 682.** The Employer Vice-Chairperson supported the amendment as it limited the scope of the provision to an area that employers could reasonably control.
- 683.** The Government members of Barbados, Canada, Colombia, Costa Rica, Dominican Republic, France, speaking on behalf of the EU and its Member States, Philippines, South Africa, and Uganda, speaking on behalf of the Africa group, did not support the amendment, as it was too limiting.
- 684.** The amendment was not adopted.
- 685.** Subparagraph (b) was adopted.

Subparagraph (c)

- 686.** The Government member of India submitted an amendment, which was not seconded and therefore fell.
- 687.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “in the world of work” after the words “violence and harassment” to ensure coherence in the text.
- 688.** The Employer Vice-Chairperson had no objection to the amendment, though it was not needed given that the term was used in the chapeau of the Article.
- 689.** The Worker Vice-Chairperson and the Government members of Barbados, the Plurinational State of Bolivia, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, believed that the amendment was redundant, since the phrase “in the world of work” already appeared in the chapeau of the Article, and therefore did not support the amendment.
- 690.** The Government members of Costa Rica and Cuba supported the amendment.
- 691.** The Government member of Switzerland did not consider the amendment necessary, and pointed out that the phrases “violence and harassment” and “violence and harassment in the world of work” seemed to be used interchangeably throughout the proposed instruments.
- 692.** The amendment was not adopted.
- 693.** Subparagraph (c) was adopted.

Subparagraph (d)

- 694.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace “and other persons

concerned” with “as referred to in Article 2” after the words “provide to workers”, indicating that persons concerned was too broad.

- 695.** The Worker Vice-Chairperson, the Employer member from France, speaking on behalf of the Employers’ group, and the Government members of Costa Rica and Ecuador, did not support the amendment.
- 696.** The amendment was not adopted.
- 697.** The Employer Vice-Chairperson introduced an amendment to insert the word “including” after “training” and “their responsibilities in implementing the policy referred to in (a) as well as” before “the identified hazards”, to recognize that prevention of violence and harassment required a joint commitment, action and responsibility from both employers and workers.
- 698.** The Government members of Canada and New Zealand supported the amendment, in view of the fact that, under their countries’ legislation, both employers and workers had a responsibility to prevent violence and harassment.
- 699.** The Government member of Brazil, seconded by the Government member of Mexico, proposed a subamendment to replace the word “implementing” with the words “relation to”.
- 700.** The Worker Vice-Chairperson and the Government member of Israel supported the subamendment.
- 701.** The Government member of Namibia, speaking on behalf of the Africa group, proposed a further subamendment to move the new text as subamended (“including on their responsibilities in relation to the policy referred to in (a)”) to the end of the subparagraph, in order to refer first to the identified hazards and then to responsibilities for implementing policy.
- 702.** The Worker Vice-Chairperson supported the further subamendment as it brought more clarity and flow to the text.
- 703.** The Government member of Ecuador did not support the amendment, nor the subsequent subamendments, indicating that the subparagraph should not focus exclusively on the policies referred to in subparagraph (a).
- 704.** The Government member of the United States supported the amendment and the subamendment proposed by the Government member of Brazil, but wished for more time to consider the further subamendment introduced by the Government member of Namibia on behalf of the Africa group.
- 705.** The Government member of Cuba, while supporting the amendment as subamended, proposed a further subamendment to add the words “rights and” before the word “responsibilities”, in line with international practice.
- 706.** The Employer Vice-Chairperson raised a point of order, indicating that the further subamendment proposed by the Government member of Cuba appeared to be inadmissible, as it introduced a new concept.
- 707.** The Chairperson allowed further consideration of the proposal made by the Government member of Cuba.

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- 708.** The Government member of Namibia seconded the further subamendment proposed by the Government member of Cuba.
- 709.** The Worker Vice-Chairperson supported the subamendment introduced by the Government member of Cuba, as it was important to inform workers not only of their responsibilities, but also of their rights.
- 710.** The Employer Vice-Chairperson did not support the subamendment proposed by the Government member of Cuba as he had introduced a new concept, which risked setting a precedent.
- 711.** The Government member of Barbados supported the subparagraph as subamended because it referred to the policies mentioned in subparagraph (a), used clear language and sequencing, and appropriately reflected the dual notion of rights and responsibilities, both of which were essential for both workers and employers to understand.
- 712.** The Government member of Australia supported the subamendment proposed by the Government member of Cuba, and proposed a further subamendment, seconded by the Government member of Israel, to replace the clause after “their” with “including on the responsibilities of workers and other persons concerned in relation to” since it was unclear whether “their” referred to employers or workers.
- 713.** The Worker Vice-Chairperson thought the subamendment obscured the text, though, after hearing the views of the Committee members, would agree to support it.
- 714.** The Employer Vice-Chairperson supported the subamendment, as did the Government members of France, Indonesia and Uganda.
- 715.** The amendment was adopted as subamended.
- 716.** The Government member of Israel, speaking on behalf of the Government members of Canada, Switzerland and the United States, presented an amendment to insert “in an accessible format, as appropriate,” after “information and training”. The objectives of the Convention would not be achieved if some groups were left out of its provisions.
- 717.** The Worker Vice-Chairperson expressed her group’s support for the amendment, stating that accessibility was important in order to understand accurately their rights and responsibilities.
- 718.** The Employer Vice-Chairperson and the Government members of Argentina and New Zealand supported the amendment.
- 719.** The Government member of Mexico asked for clarification on whether the proposed amendment only referred to accessibility for persons with disabilities or if it was intended to signify accessibility in a broader sense.
- 720.** The Government members of Brazil and Ecuador supported the amendment, on the understanding that it introduced a broader scope than persons with disability so as to take into account other barriers, such as languages, including indigenous languages.
- 721.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment, as they considered that that level of detail was more appropriate for the Recommendation.

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722. The Government member of Costa Rica supported the amendment, and stated that specific reference to persons with disabilities should be made at a later stage, otherwise that group would be overlooked.
723. The Government member of France, speaking on behalf of the EU and its Member States, agreed that accessibility was an important concept, especially in relation to persons with disabilities, and noted that accessibility was addressed in the proposed Recommendation.
724. The amendment was adopted.
725. An amendment by the Government member of India was not seconded and therefore fell.
726. The Government member of Brazil withdrew an amendment which had proposed to insert a new subparagraph (e) stating “adopt and implement complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms, which should guarantee: (i) protection of the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate; (ii) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers.”.
727. The Government member of Mexico introduced an amendment, seconded by the Government members of Colombia, Costa Rica and Guatemala, to insert “; which shall be accessible to persons with disabilities” at the end of subparagraph (d). The intent was to ensure that persons with disabilities, who were already subject to discrimination and violence and harassment, did not face additional barriers in accessing training on prevention and protection measures.
728. The Worker Vice-Chairperson agreed with the sentiment expressed but did not support the amendment as the concept of accessibility just introduced would be more inclusive to other forms of vulnerability.
729. The Employer Vice-Chairperson did not support the amendment, agreeing with the Workers’ group that the discussion on accessibility had already occurred.
730. The Government member of New Zealand did not support the amendment, citing the reasons raised by the Workers’ and Employers’ groups.
731. The Government member of Mexico subsequently withdrew the amendment, on the understanding that the concept of accessibility also had to include persons with disabilities.
732. The amendment was withdrawn.
733. Subparagraph (d) was adopted as amended.
734. Article 10 was adopted as amended.

Part V. Enforcement and remedies

Title

735. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the title of Part V.
736. The title of Part V was adopted.

Article 11

Chapeau

- 737.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “, according to national law and practice,” after the word “shall”, in order to take into account differences in countries’ circumstances and to facilitate ratification of the proposed Convention.
- 738.** The Worker Vice-Chairperson did not support the amendment.
- 739.** The Employer Vice-Chairperson did not support the amendment.
- 740.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the amendment as subparagraph (a) of Article 11 already referred to national laws and regulations.
- 741.** The Government member of the Islamic Republic of Iran supported the amendment.
- 742.** The amendment was not adopted.
- 743.** The chapeau of Article 11 was adopted.

Subparagraph (a)

- 744.** An amendment submitted by the Government member of India was not seconded and therefore fell.
- 745.** An amendment submitted by the Government member of China was not seconded and therefore fell.
- 746.** Subparagraph (a) was adopted.

New subparagraph after subparagraph (a)

- 747.** The Government member of Canada, speaking also on behalf of the Government members of Israel, Switzerland and the United States, introduced an amendment to insert, after subparagraph (a), the following words: “recognize the role of workers and worker representatives in preventing violence and harassment in the world of work;” to recognize the important role that workers and their representatives played in creating workplaces free from violence and harassment.
- 748.** The Employer Vice-Chairperson supported the amendment as it acknowledged that not only the employers, but also the workers, had an important role to play at the workplace level.
- 749.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the amendment, considering it to be redundant in light of Article 5 and Article 9.
- 750.** The Worker Vice-Chairperson did not support the amendment, stating that it conflated the roles and responsibilities of different actors. Workers had a responsibility to treat each other with mutual respect, while workers’ representatives had a role, including in educating their members, and participating in development of workplace policies, and collective bargaining. She introduced a subamendment to delete the words “workers and”.

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- 751.** The Employer Vice-Chairperson did not support the subamendment as workers had a strong role to play, for instance by not perpetrating violence and harassment.
- 752.** The Government member of New Zealand did not support the subamendment.
- 753.** The Government member of the United States, seconded by the Government member of Colombia, proposed a further subamendment to replace the word “role” with “roles” and to reinstate the words “workers and”.
- 754.** The Worker Vice-Chairperson did not support the further subamendment. She noted that Article 5, paragraph 3, of the proposed Convention already acknowledged the complementary roles and functions of governments, and employers and workers and their respective organizations.
- 755.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the further subamendment as it was unnecessary given other provisions in the Convention.
- 756.** The Employer Vice-Chairperson supported the further subamendment since it highlighted that all the social partners had roles in combating violence and harassment. She asked the secretariat if the amendment repeated the substance of Article 5.
- 757.** The Government member of Japan supported the further subamendment in view of the fact that Article 5 enumerated core principles, which were then to be elaborated in the operative parts of the proposed Convention.
- 758.** The deputy representative of the Secretary-General stated that Article 5, paragraph 3, recognized the complementary and different roles and actions to be taken by the social partners and member States, which would be further defined in national law. She also indicated that given the focus of Article 11, it was perhaps not the most appropriate place for the text proposed in the amendment.
- 759.** The further subamendment was not adopted.
- 760.** The Worker Vice-Chairperson withdrew their subamendment.
- 761.** The amendment was not adopted.

Subparagraph (b)

- 762.** The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, withdrew an amendment to replace “ensure” with “provide”.
- 763.** The Employer Vice-Chairperson introduced an amendment to insert “employers” after workers. In the light of the amendments made to Article 2, she moved a subamendment to replace “workers, employers and other persons concerned” with “persons referred to in Article 2” to ensure all persons protected by the proposed Convention would have access to remedies.
- 764.** The Worker Vice-Chairperson did not support the subamendment.
- 765.** The Government members of Argentina, New Zealand and the Russian Federation, speaking also on behalf of Belarus, supported the subamendment.

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- 766.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, did not support the subamendment as reference to “persons concerned” was broader and consistent with the text used elsewhere in the proposed Convention.
- 767.** The Employer Vice-Chairperson noted that “other persons concerned” did not appear in Article 2, and thus without a specific reference to Article 2, some of those listed therein could be excluded from the operative provisions. She stressed the need for coherence between the provisions of the text.
- 768.** The Worker Vice-Chairperson stated that there was no attempt to exclude, only to ensure consistency with language used elsewhere in the proposed Convention. The Government member of Uganda, speaking on behalf of the Africa group, agreed with that statement.
- 769.** The Government member of France, speaking on behalf of the EU and its Member States, noted that workers and “other persons concerned” would include persons “exercising the authority, duties or responsibilities of an employer” as set out in Article 2. He submitted a further subamendment to reinstate “workers and other persons concerned” and insert “, including individuals exercising the authority, duties, and responsibilities of an employer” after “concerned”.
- 770.** The Employer Vice-Chairperson supported the further subamendment.
- 771.** The Worker Vice-Chairperson did not support the further subamendment. Employers were already included when talking about “other persons concerned”.
- 772.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the further subamendment nor the amendment. Third parties, which were explicitly mentioned in Article 5, should also have access to appropriate and effective remedies, and risked being excluded if a reference were made only to Article 2.
- 773.** The Government members of Canada and the United States did not support the further subamendment, noting that the phrase “workers and other persons concerned” appeared in other parts of the text and was general and comprehensive enough to cover everyone.
- 774.** The Government member of France, speaking on behalf of the EU and its Member States, withdrew the further subamendment.
- 775.** The Government member of Brazil proposed a further subamendment, seconded by the Government members of Argentina, Costa Rica, and Uganda, speaking on behalf of the Africa group, to replace “persons referenced to in Article 2” with “victims”.
- 776.** The Employer Vice-Chairperson supported the further subamendment, considering it broad enough to capture the concerns of her group.
- 777.** The Worker Vice-Chairperson did not support the further subamendment, which introduced a new term for which there was no definition. The proposed Convention was also about protecting those who would report, such as whistle-blowers, therefore, a reference only to victims would be too narrow.
- 778.** The Employer Vice-Chairperson and the Government members of Canada, and Uganda, speaking on behalf of the Africa group, noted that “victim” appeared in several articles of the proposed Convention.
- 779.** The Government member of New Zealand supported the further subamendment.

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- 780.** The Government member of the United States raised a concern that the result of the subamendment could perhaps exclude witnesses and other parties that might be involved in situations of violence and harassment, and thus could be too narrow.
- 781.** The Government member of Argentina noted that the discussion was about remedies, which were by their nature intended for victims.
- 782.** The Employer Vice-Chairperson, following a suggestion offered by the secretariat, introduced a further subamendment to delete the words “that victims have”.
- 783.** The Worker Vice-Chairperson and the Government members of Argentina, Barbados, Brazil, and France, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 784.** The amendment was adopted as subamended.
- 785.** As a consequence, one amendment fell.
- 786.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace the word “mechanisms” with “procedures”, considering it a more general term.
- 787.** The Worker Vice-Chairperson did not support the amendment. Procedures alone, without mechanisms to apply them, would not provide persons in the world of work with effective means for reporting and dispute resolution.
- 788.** The Employer Vice-Chairperson did not support the amendment.
- 789.** The Government member of the Russian Federation proposed a subamendment, seconded by the Government member of Uganda, speaking on behalf of the Africa group, to insert the words “mechanisms and” before “procedures”.
- 790.** The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the subamendment.
- 791.** The amendment was adopted as subamended.
- 792.** The Government member of Switzerland, speaking also on behalf of the Government members of Norway and the United States, introduced an amendment to replace the word “including” with “such as”, and requested the secretariat to clarify how the term “including” should be interpreted with respect to the clauses of subparagraph (b).
- 793.** The deputy representative of the Secretary-General clarified that the word “including” indicated that all the items in the list should be acted upon, while “such as” was more flexible on the possible measures to be taken.
- 794.** The Employer Vice-Chairperson and the Government members of Australia, Colombia, Costa Rica, the Russian Federation and Singapore, supported the amendment.
- 795.** The Worker Vice-Chairperson and the Government member of Brazil did not support the amendment.
- 796.** The amendment was adopted.
- 797.** The chapeau of Article 11, subparagraph (b), was adopted.

Clause (i)

- 798.** The Government member of Brazil withdrew an amendment to delete clause (i).
- 799.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the text “, as well as, where appropriate, dispute resolution mechanisms at the workplace level”, which was considered redundant. The other clauses under subparagraph (b) provided several options, and the qualifier “such as” in the chapeau clearly stated that the list was not exhaustive.
- 800.** The Worker Vice-Chairperson did not support the amendment. Dispute resolution mechanisms, including at the workplace level, were necessary. All parties had an interest to resolve workplace conflicts including through formal or informal processes.
- 801.** The Employer Vice-Chairperson did not support the amendment, noting the importance of dispute resolution mechanisms at workplace level.
- 802.** The amendment was not adopted.
- 803.** Clause (i) was adopted.

Clause (ii)

- 804.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment that deleted the entire clause.
- 805.** Clause (ii) was adopted.

Clause (iii)

- 806.** Clause (iii) was adopted.

Clause (iv)

- 807.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment which proposed to delete “complainants,”, stating that the reference to witnesses and victims would cover complainants.
- 808.** The Employer Vice-Chairperson did not support the amendment.
- 809.** The Worker Vice-Chairperson did not support the amendment.
- 810.** The amendment was not adopted.
- 811.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the comma after “victims”, insert “and” after “victims” and to delete “and whistle-blowers”, as it was unclear what was meant by “whistle-blower” and the term “complainant” was sufficiently broad.
- 812.** The Worker Vice-Chairperson did not support the amendment as persons who were not direct victims still needed to be protected. Perpetrators of violence and harassment were often shielded from appropriate consequences and victims might have to rely on the support from other persons, including whistle-blowers.

813. The Employer Vice-Chairperson did not support the amendment.

814. The amendment was not adopted.

815. Clause (iv) was adopted.

Clause (v)

816. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete “complainants and” as it was not clear why complainants needed medical support.

817. The Employer Vice-Chairperson did not support the amendment, as the original provision listed a range of particular categories of support which could be accessed depending on the circumstances.

818. The Worker Vice-Chairperson did not support the amendment as complainants and victims were not synonymous; however, both groups of persons deserved support.

819. The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.

820. The Government member of New Zealand did not support the amendment. While medical support would not necessarily be needed for complainants, legal and administrative support would be, and the provision was providing a menu of options.

821. The amendment was not adopted.

822. Clause (v) was adopted.

823. Subparagraph (b) was adopted as amended.

Subparagraph (c)

824. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete Article 11, subparagraph (c), as it went beyond support mechanisms.

825. The Worker Vice-Chairperson stated that a balanced approach between privacy and confidentiality was needed to be able to engage in complaint mechanisms. She did not support the amendment.

826. The Employer Vice-Chairperson did not support the amendment.

827. The amendment was not adopted.

828. The Worker Vice-Chairperson introduced an amendment to change the wording of subparagraph (c) to “protect the privacy of those who have been subjected to violence and harassment while ensuring that requirements for privacy and confidentiality are not misused;”. Victims should not be discouraged to speak up. The misuse of non-disclosure agreements to cover up violence and harassment was widespread, as shown in recent inquiries and studies.

829. The Employer Vice-Chairperson did not support the amendment, noting that subparagraph (c) already provided for the protection of the privacy.

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- 830.** The Government member of New Zealand did not support the amendment as whistle-blowers were not covered, unlike in the original text where there was a reference to “individuals”.
- 831.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment and supported the statement made by the Government member of New Zealand.
- 832.** The Government member of the United States did not support the amendment.
- 833.** The Worker Vice-Chairperson introduced a subamendment which proposed to insert the word “individuals” after “those”.
- 834.** The Employer Vice-Chairperson did not support the subamendment.
- 835.** The Government member of Canada introduced a subamendment, seconded by the Government member of the United States, to change the wording of subparagraph (c) to “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;”.
- 836.** The Employer Vice-Chairperson, Worker Vice-Chairperson, and the Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
- 837.** The amendment was adopted as subamended.
- 838.** The Employer Vice-Chairperson withdrew an amendment which would have replaced the word “individuals” with “persons”.
- 839.** Subparagraph (c) was adopted as amended.

Subparagraph (d)

- 840.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew the amendment to delete subparagraph (d).
- 841.** Subparagraph (d) was adopted.

Subparagraph (e)

- 842.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment which proposed to delete subparagraph (e), reiterating that references to gender-based violence and harassment were not relevant to the instruments under discussion. He also considered the wording of the provision to be too vague.
- 843.** The Worker Vice-Chairperson did not support the amendment as not all services and dispute resolution mechanisms were gender-responsive. Barriers for women in accessing such services and mechanisms were well documented.
- 844.** The Employer Vice-Chairperson did not support the amendment.
- 845.** The amendment was not adopted.

846. The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel, Norway and Switzerland, introduced an amendment to insert “complaint and” before “dispute resolution mechanisms” as victims should also have access to complaint mechanisms. Both complaint and dispute resolution mechanisms needed to be gender-responsive.

847. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

848. The amendment was adopted.

849. Subparagraph (e) was adopted as amended.

Subparagraph (f)

850. Four amendments submitted by the Government members of Belarus and the Russian Federation, China, India, and by the Employers’ group, proposed the deletion of subparagraph (f).

851. The Employer Vice-Chairperson indicated that domestic violence was intolerable and had to be addressed, and noted that a specific reference to it had been made in the Preamble. Both governments and employers had a role in providing support to affected workers, and a range of measures to address domestic violence were listed in Paragraph 18 of the proposed Recommendation. As businesses, including SMEs, had different capacities and resources, the approach to domestic violence had to be more differentiated. She pointed out that employers cannot control personal circumstances occurring outside of work and they cannot be expected to prevent or be held accountable for them.

852. The Worker Vice-Chairperson did not support the amendment. She stated that the provision did not speak to the obligations of employers but rather to those of member States. Domestic violence had a huge cost for national economies and on individual companies. It was particularly difficult for women to stay in employment when they experienced domestic violence. Laws had already been adopted in a number of countries to address the effects of domestic violence on the world of work. Measures, such as paid leave and reasonable accommodation for workers affected by domestic violence, such as shifting working hours or locations, had proven to be effective. The provision was sufficiently flexible regarding the measures that could be taken.

853. The Government member of New Zealand did not support the amendment. The world of work was affected by domestic violence and therefore the proposed Convention had a role in addressing that.

854. The Government member of Canada opposed the amendment. Spill-over effects from domestic violence were part of the continuum of violence and harassment in the workplace. Domestic violence could cause absenteeism, low morale, poor performance and high turnover. It impacted on the victim’s ability to get to work, and abuse could take place at, or close to, the workplace, and also affect co-workers. The workplace could also be a refuge for victims. The obligations under the provision were addressed to States, and governments had an important role in passing legislation in that regard. Employers could also play a role through assessing risks, taking measures to limit its impact and providing support to victims.

855. The Government member of China considered that the reference to domestic violence in the Preamble was sufficient, and it was not appropriate to single it out in the section on enforcement and remedies.

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- 856.** The Government members of France, speaking on behalf of the EU and its Member States, the Philippines, and the United States, did not support the amendment.
- 857.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, as domestic violence affected a person’s ability to go to work and their performance.
- 858.** The Government member of Australia did not support the amendment because domestic violence was a key workplace issue.
- 859.** The Employer Vice-Chairperson suggested a subamendment to include the text: “Through the competent authorities” at the beginning of subparagraph (f). She indicated that the subamendment was inspired by Article 6 of the Workers with Family Responsibilities Convention, 1981 (No. 156).
- 860.** The Worker Vice-Chairperson said that they were concerned as the meaning of “competent authorities” was unclear and could be too limiting.
- 861.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendment as it was too limiting. The original provision was not suggesting that employers would be responsible to stop domestic violence from happening, only that, as appropriate, some measures should be taken to assist persons affected by domestic violence.
- 862.** The Employer Vice-Chairperson said that they did not support the amendment.
- 863.** The Government member of Barbados said that he did not support the amendment or the subamendments.
- 864.** The Government member of France, speaking on behalf of EU Member States, introduced a further subamendment to insert “and, so far as reasonably practicable,” after the words “the world of work”. They also proposed to delete the wording on “competent authorities”.
- 865.** The Employer Vice-Chairperson suggested a further subamendment based on the amendment proposed by EU Member States, to move the wording “through the competent authorities” to the end of the subparagraph. The text would read “recognize the effects of domestic violence on the world of work and, so far as reasonably practicable, take measures to address them through the competent authorities;”.
- 866.** The Worker Vice-Chairperson proposed a further subamendment to insert “appropriate measures” after “take”, and delete the words “and, so far as reasonably practicable,” and “through the competent authorities”, for the text to read: “recognize the effects of domestic violence on the world of work and take appropriate measures to address them.”.
- 867.** The Government members of Canada and New Zealand did not support the subamendment introduced by the Worker Vice-Chairperson, the subamendment introduced by the Employer Vice-Chairperson, or the subamendment introduced by the Government member of France, on behalf of EU Member States.
- 868.** The Government members of Barbados and Japan did not support the subamendment introduced by the Worker Vice-Chairperson or the subamendment introduced by the Employer Vice-Chairperson, but were open to considering the subamendment introduced by the Government member of France, speaking on behalf of EU Member States.
- 869.** The Government member of Uganda, speaking on behalf of the Africa group, supported the deletion of the word “appropriate”, as well as the phrase “so far as reasonably practicable”.

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- 870.** The Government member of China supported the subamendment introduced by the Government member of France, on behalf of EU Member States, as well as the subamendment introduced by the Employer Vice-Chairperson.
- 871.** The Worker Vice-Chairperson noted that the Workers’ group continued to support the original text.
- 872.** The Employer Vice-Chairperson introduced a further subamendment to delete “and take appropriate measures to address them” and insert “and limit its impact” before “on the world of work”, with a view to addressing the concerns raised by the term “competent authorities”.
- 873.** The Government members of Argentina, Brazil, China, Indonesia, Qatar and Thailand supported the subamendment.
- 874.** The Worker Vice-Chairperson did not support the subamendment, indicating that it weakened, limited and narrowed the scope of the text.
- 875.** The Government members of Australia, New Zealand, the United States and Uganda, speaking on behalf of the Africa group, did not support the subamendment as retaining the notion of “taking measures” was more appropriate. The Government member of the United States added that measures could include public service announcements and other outreach activities.
- 876.** The Employer Vice-Chairperson introduced a further subamendment to delete “limit” and insert “, so far as reasonably practicable, mitigate its impact” before “on the world of work”.
- 877.** The Worker Vice-Chairperson preferred the original text but could support the further subamendment. She introduced a further subamendment to replace “on” with “in” after the word “impact”.
- 878.** The Employer Vice-Chairperson supported the further subamendment.
- 879.** The Government member of France, speaking on behalf of the EU and its Member States, supported the further subamendment as it clarified the responsibilities and roles of all to address the impact of domestic violence in the world of work.
- 880.** The Government members of Japan and Switzerland supported the further subamendment.
- 881.** The Government member of the Russian Federation did not support the further subamendment as domestic violence did not fall within the scope of the proposed Convention.
- 882.** The amendments, as further subamended, were adopted.
- 883.** As a result one amendment fell.
- 884.** Subparagraph 11(f) was adopted as amended.

Subparagraph (g)

- 885.** The Government member of India submitted an amendment which was not seconded and therefore fell.
- 886.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace “ensure that” with

“provide”, replace “have” with “with”, replace “right” with “possibility”, and replace “undue” with “adverse”.

- 887.** Due to a lack of support, the amendment was not adopted.
- 888.** The Government member of the United States, speaking also on behalf of the Government members of Israel and Switzerland, withdrew an amendment to replace “ensure” with “provide”.
- 889.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace “they have reasonable justification to believe presents” with “may have”.
- 890.** Due to a lack of support, the amendment was not adopted.
- 891.** The Government member of the United States, speaking also on behalf of the Government members of Israel and Norway, introduced an amendment to delete “or” before “health” and insert “or safety” directly afterwards. Workers should also have the right to remove themselves from a situation that presented a danger to their safety, regardless of whether or not it was life threatening.
- 892.** The Worker Vice-Chairperson supported the amendment, as Article 13 of the Safety and Health in Mines Convention, 1995 (No. 176), referred to the right of workers “to remove themselves from any location at the mine when circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety and health”. The Committee of Experts on the Application of Conventions and Recommendations (CEACR) had recalled that right when examining cases concerning Article 13.
- 893.** The Employer Vice-Chairperson did not support the amendment as the original wording was consistent with Article 19, subparagraph (f), of the Occupational Safety and Health Convention, 1981 (No. 155).
- 894.** The Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, supported the amendment.
- 895.** The amendment was adopted.
- 896.** The Government member of the United States, speaking also on behalf of the Government members of Canada, Israel and Norway, introduced an amendment to insert “retaliation or other” after “without suffering”, as experiencing retaliation was one form of undue consequence.
- 897.** The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Colombia and Argentina, supported the amendment.
- 898.** The amendment was adopted.
- 899.** The Employer Vice-Chairperson introduced an amendment to add the words “, and the duty to so inform management” at the end of the clause. Employers’ duty of care and responsibility to ensure a safe workplace required that any serious risks be brought to their attention, as they may also affect other workers, consistent with the provision in Article 12 of the Safety and Health in Construction Convention, 1988 (No. 167), as well as with Article 19, subparagraph (f), of Convention No. 155. The 2009 *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational*

Safety and Health Convention, 1981, had found that Articles 5, 13 and 19 of Convention No. 155 “represent a careful balance between the employer’s interest in the proper management of the enterprise, on the one hand, and the protection of the workers’ life and health, on the other.”

- 900. The Worker Vice-Chairperson did not support the amendment, as workers needed to be able to remove themselves from danger without penalty, consistent with Convention No. 155 and other occupational safety and health international labour standards. Workers were required to have a reasonable justification for doing so in any event, and there might be instances when it would not be possible to immediately inform management.
- 901. The Government member of Argentina supported the amendment, noting that it was grounded in the essential collaboration between workers and employers.
- 902. The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment observing that the workers’ right to remove themselves was not contingent on the duty to inform the employer. The provision was to be read in conjunction with Article 13 of Convention No. 155.
- 903. The Government member of Canada introduced a subamendment, seconded by the Government member of the United States, to remove the word “so”. It was important to make it explicit that the employer should be informed.
- 904. The Government member of Brazil supported the subamendment.
- 905. The Worker Vice-Chairperson supported the amendment.
- 906. The amendment was adopted as subamended.
- 907. Subparagraph (g) was adopted as amended.

Subparagraph (h)

- 908. The Government members of Norway, Switzerland and the United States submitted an amendment to replace the word “ensure” with “provide”.
- 909. Due to a lack of support, the amendment was not adopted.
- 910. The Government member of France, speaking on behalf of EU Member States, introduced an amendment to replace the word “and” with “or” before “other relevant authorities”. The expression was consistent with Article 5, paragraph 2, subparagraph (h). While recognizing the importance of labour inspection, it was important to also consider other competent bodies.
- 911. The Employer Vice-Chairperson supported the amendment.
- 912. The Government member of France, speaking on behalf of EU Member States, withdrew the amendment.
- 913. The amendment was withdrawn.
- 914. The Government member of Switzerland, speaking also on behalf of the Government members of Israel, Norway and the United States, introduced an amendment to insert the words “in the world of work” after “violence and harassment”, for the sake of consistency with other articles.

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915. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
916. The amendment was adopted.
917. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete the words “, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life or health, subject to any right of appeal to a judicial or administrative authority which may be provided by law”.
918. Due to a lack of support, the amendment was not adopted.
919. The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment to replace “or” before “health” by a comma and insert “or safety” after “health”. The change would ensure consistency with Article 11, subparagraph (g).
920. The Employer Vice-Chairperson did not support the amendment.
921. The Worker Vice-Chairperson supported the amendment.
922. The Government members of Australia, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, supported the amendment.
923. The amendment was adopted.
924. Subparagraph (h) was adopted as amended.
925. Article 11 was adopted as amended.
926. Part V was adopted.

Part VI. Guidance, training and awareness-raising

Title

927. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the title of Part VI.
928. The title of Part VI was adopted.

Article 12

Subparagraph (a)

929. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete “, such as those concerning occupational safety and health, equality and non-discrimination, and migration”.
930. Due to a lack of support, the amendment was not adopted.

931. Subparagraph (a) was adopted.

Subparagraph (b)

932. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete “, in particular on gender-based violence and harassment”.

933. Due to a lack of support, the amendment was not adopted.

934. The Government member of the United States, speaking also on behalf of the Government member of Norway, introduced an amendment which proposed to replace “in particular” with “including”. Violence and harassment was unacceptable in any of its forms and the use of “including” would avoid establishing a hierarchy between its different forms.

935. The Worker Vice-Chairperson did not support the amendment and stated that no hierarchy of forms of violence and harassment was being established. Gender-based violence and harassment was still a not well-understood concept for many and targeted training, tools and guidance was needed on it.

936. The Employer Vice-Chairperson supported the amendment.

937. The Government member of Qatar, speaking on behalf of the GCC countries, supported the amendment.

938. The amendment was adopted.

939. The Government member of Israel, speaking also on behalf of the Government members of Canada, Switzerland and the United States, introduced an amendment to insert “, including, as appropriate, in accessible formats” after “gender-based violence and harassment”. Guidance, resources, training or other tools needed to be accessible to everyone to be read or understood.

940. The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of Costa Rica, speaking on behalf of GRULAC, and France, speaking on behalf of the EU and its Member States, supported the amendment.

941. The amendment was adopted.

942. Subparagraph (b) was adopted as amended.

Subparagraph (c)

943. Subparagraph (c) was adopted.

944. Article 12 was adopted as amended.

945. Part VI was adopted as amended.

Part VII. Methods of application

Title

946. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, withdrew an amendment to delete the title of Part VII.

947. The title of Part VII was adopted.

Article 13

948. The Government member of the United States, speaking also on behalf of the Government members of Canada, Norway and Switzerland, withdrew an amendment to insert “, where applicable,” after “collective agreements”.

949. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete “, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary”.

950. Due to a lack of support, the amendment was not adopted.

951. Article 13 was adopted.

952. Part VII was adopted.

953. The Convention was adopted.

Consideration of amendments to the proposed Recommendation

Preamble

954. The preamble was adopted.

Paragraph 1

955. Paragraph 1 was adopted.

Part I. Core principles

956. The title of Part I was adopted.

Paragraph 2

957. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to insert “, as appropriate,” after “should address”.

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- 958.** Due to a lack of support, the amendment was not adopted.
- 959.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to replace “labour and employment, occupational safety and health, and equality and non-discrimination law, as well as in criminal law where appropriate” with “national law and practice”.
- 960.** Due to a lack of support, the amendment was not adopted.
- 961.** The Government member of Israel, speaking also on behalf of the Government members of Norway, Switzerland and the United States, introduced an amendment to delete “and” before “equality”, to replace “as well as” with “and” before “in criminal law” and to insert a comma after “criminal law”. The purpose was to ensure that “where appropriate” was applied to the entire Paragraph to give governments the flexibility to address different cases of violence and harassment through the appropriate authorities and mechanisms.
- 962.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 963.** The amendment was adopted.
- 964.** Paragraph 2 was adopted as amended.

Paragraph 3

- 965.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to insert “seek to” after “Members should”.
- 966.** Due to a lack of support, the amendment was not adopted.
- 967.** The Employer Vice-Chairperson introduced an amendment to insert “and employers” after “Members should ensure that all workers”. She stated that it was a freedom of association issue, which was to be enjoyed by both employers and workers, and the intention of the amendment was to make that clarification.
- 968.** The Worker Vice-Chairperson supported the amendment but proposed a subamendment to move “and employers” to after “harassment,” in the text. That was because the wording about sectors, occupations and work arrangements which were more exposed to violence and harassment referred to workers, and not to employers as entities.
- 969.** The Employer Vice-Chairperson did not support the subamendment as it would exclude employers as individuals from the protection conferred by the paragraph.
- 970.** The Government member of Egypt did not support the subamendment but supported the amendment introduced by the Employers’ group.
- 971.** The Government members of Canada, France speaking on behalf of the EU and its Member States, and the United States, supported the subamendment proposed by the Workers’ group.
- 972.** The Government member of Peru introduced a further subamendment, seconded by the Government member of France, speaking on behalf of the EU and its Member States, to delete “that all workers, including in sectors, occupations and work arrangements in which they are more exposed to violence and harassment fully enjoy”, and insert “the full enjoyment of” after “Members should ensure”.

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- 973.** The Employer Vice-Chairperson did not support the subamendment as the reference to sectors was lost and the text was not adding anything, especially when read in conjunction with Article 5 of the proposed Convention.
- 974.** The Government member of Peru, seconded by the Government member of France, speaking on behalf of the EU and its Member States, introduced a further subamendment to insert “, including in sectors, occupations and work arrangements which have more exposure to violence and harassment” after “(No. 98)”.
- 975.** The Government members of Argentina, the Dominican Republic and Peru supported the subamendment.
- 976.** The Employer Vice-Chairperson supported the further subamendment, on the basis that upcoming amendments to the Paragraph would still be considered.
- 977.** The amendment was adopted as subamended.
- 978.** The Government member of France, speaking on behalf of EU Member States, withdrew an amendment to delete “,” and add “or” after “those in sectors”.
- 979.** The Employer Vice-Chairperson introduced an amendment to insert “the principle of” before “freedom of association” and to insert “effective recognition of the” before “right to collective bargaining”. She indicated that the amendment was aimed to align the text with the Declaration concerning the aims and purposes of the ILO, 1944 (Declaration of Philadelphia).
- 980.** The Government members of Argentina, Australia, Brazil, and Chile supported the amendment.
- 981.** The Worker Vice-Chairperson did not support the amendment, as workers had the right to enjoy freedom of association and collective bargaining. That should not be narrowed down to enjoying the principles only.
- 982.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment and stressed that the provisions on freedom of association and collective bargaining had been operationalized through Convention No. 87 and Convention No. 98. The two instruments did not just talk of principles but of rights, and it was important to maintain consistency with those two fundamental Conventions.
- 983.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, and the United States, did not support the amendment.
- 984.** The Employer Vice-Chairperson said that her group could agree to the deletion of the word “principle”, but that the Paragraph under consideration should be consistent with paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which referred to freedom of association and the effective recognition of the right to collective bargaining.
- 985.** The Employer member from France, speaking on behalf of the Employers’ group, introduced a further subamendment to modify the text as follows: “Members should ensure that all workers and employers, including those in sectors, occupations and work arrangements that are more exposed to violence and harassment, fully enjoy freedom of association and the effective recognition of the right to collective bargaining consistent with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).”

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- 986.** The Worker Vice-Chairperson supported the further subamendment.
- 987.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, Uganda, speaking on behalf of the Africa group, and the United States, supported the further subamendment.
- 988.** The amendment was adopted as subamended. An amendment fell.
- 989.** Paragraph 3 was adopted as amended.

Paragraph 4

Chapeau

- 990.** An amendment submitted by the Government members of Belarus and the Russian Federation to include the phrase “, in accordance with national law and circumstances,” after “Members should” was not adopted due to a lack of support.
- 991.** The Employer member from France, speaking on behalf of the Employers’ group, introduced an amendment to insert the phrase “, when relevant and in line with national laws and practices,” after the words “Members should take appropriate measures”. The proposal added a national dimension to Paragraph 4 and clarified clauses (a) and (b) which was needed in the context of different national approaches to collective bargaining. Regarding the addition of “when relevant”, she indicated that not all collective agreements would include clauses on violence and harassment, hence they should be promoted as a means of prevention only when applicable.
- 992.** The Worker Vice-Chairperson did not support the amendment, as the qualifier was not necessary in the context of a Recommendation, and appropriate measures would be part of the integrated approach.
- 993.** The Government member of the Russian Federation supported the amendment.
- 994.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, as the promotion of collective bargaining should not be optional.
- 995.** The Government member of Barbados did not support the amendment, as there was already a reference to taking “appropriate measures” in the chapeau, which captured the national dimension.
- 996.** The Worker Vice-Chairperson reiterated that there was no need for an additional qualifier as Article 13 of the proposed Convention already clarified the means of implementation available to member States.
- 997.** The amendment was not adopted.
- 998.** An amendment submitted by the Government members of Belarus and the Russian Federation to replace the word “take” with “examine” did not receive support.
- 999.** The amendment was not adopted.
- 1000.** The chapeau of Paragraph 4 was adopted.

Clause (a)

- 1001.** The Government member of the United States, speaking also on behalf of the Government members of Norway and Switzerland, introduced an amendment, identical to an amendment submitted by the Government members of Belarus and the Russian Federation, to replace the word “promote” with “encourage”, to stress that the proposed Recommendation was a non-binding instrument and to avoid any suggestion of government interference in collective bargaining.
- 1002.** The Employer member from France, speaking on behalf of the Employers’ group, and the Government member of Brazil, supported the amendment, considering the term more appropriate for the text of a Recommendation.
- 1003.** The Worker Vice-Chairperson did not support the amendment, noting that the word “promote” did not suggest interference.
- 1004.** The Government members of Colombia, and Qatar, speaking on behalf of the GCC countries, supported the amendment.
- 1005.** The Government member of Argentina did not support the amendment, noting that the original text was consistent with Convention No. 98.
- 1006.** The Government members of France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 1007.** The amendments were not adopted.
- 1008.** The Employer member from France, speaking on behalf of the Employers’ group, introduced an amendment to insert the words “the effective recognition of” after “promote” and subamended it to also include the words “the rights to” before “collective bargaining”. The reason for the amendment and subamendment was to provide consistency with the text previously agreed under Paragraph 3.
- 1009.** The Government members of France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, supported the subamendment.
- 1010.** The amendment was adopted as subamended.
- 1011.** The Employer member from France, speaking on behalf of the Employers’ group, introduced an amendment which proposed to replace “all” by “appropriate” before the word “levels”, with a view to reflecting that collective bargaining took place at different levels depending on national circumstances. The amendment was also in line with wording used in the 2018 conclusions of the ILO Recurrent Discussion Committee: Social dialogue and tripartism.
- 1012.** The Worker Vice-Chairperson did not support the amendment as it was unclear who would assess what would constitute an appropriate level. It was essential to ensure that there was no interference from governments in collective bargaining. Governments had the obligation both to promote collective bargaining and not to interfere in it.
- 1013.** The Government member of the Russian Federation supported the amendment.
- 1014.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, noting that the term “appropriate” was already used in the chapeau of the Paragraph and therefore the amendment was redundant.

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- 1015.** The Government member of Barbados did not support the amendment, stating that Members should promote social dialogue at all levels.
- 1016.** The Employer member from France, speaking on behalf of the Employers’ group, stated that the term “appropriate” in the chapeau referred to measures, whereas the amendment referred to different levels of collective bargaining. Collective bargaining took place at different levels, including at enterprise and industry sector levels. Not all levels of collective bargaining were present in all countries. She submitted a subamendment to insert “all” before “appropriate”.
- 1017.** The Worker Vice-Chairperson did not support the subamendment.
- 1018.** The Government members of Barbados, Canada, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the subamendment.
- 1019.** The Government member of the Russian Federation supported the subamendment.
- 1020.** The Government member of the United States supported the subamendment and stressed that collective bargaining took place at different levels and it was for the employers and workers to decide which level was the appropriate one.
- 1021.** The amendment was not adopted.
- 1022.** The Employer member from France, speaking on behalf of the Employers’ group, withdrew an amendment that would have replaced “, as a” with the words “among other”.
- 1023.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment, which was identical to one submitted by the Employers’ group, to delete “and dealing with the effects of domestic violence on the world of work”, recalling the concerns they had raised in the context of the Convention, they did not consider it was appropriate to address domestic violence in the instruments.
- 1024.** The Employer member from France, speaking on behalf of the Employers’ group, stated that domestic violence was a private issue which had an effect on workers, but employers could not be responsible for dealing with all the effects, and that addressing domestic violence through collective bargaining would be difficult and impractical.
- 1025.** The Worker Vice-Chairperson stated that clause (a) did not refer to responsibilities of social partners, but to those of governments with regard to collective bargaining. She introduced a subamendment to replace “dealing with the effects” with “mitigating the impact” and to replace “on” with “in” before “the world of work”.
- 1026.** The Employer member from France, speaking on behalf of the Employers’ group, did not support the subamendment. Collective bargaining was within the realm of the social partners, so ultimately pursuant to the provision, they would have to bargain on the issues.
- 1027.** The Government member of Canada supported the subamendment. She stated that collective bargaining was one of many means to address domestic violence. Clause (a) did not refer to the prevention of domestic violence but was about mitigating its impact on the world of work. Some of the measures to address domestic violence could be usefully negotiated, such as leave or flexible work arrangements for victims of domestic violence.
- 1028.** The Government member of Barbados, seconded by the Government member of New Zealand, introduced a subamendment which proposed to replace “in” with “on”.

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- 1029.** The Worker Vice-Chairperson indicated preference for the word “in” before “world of work” as that was consistent with earlier language.
- 1030.** The Government members of Australia, France, speaking on behalf of the EU and its Member States, and the United States, supported the subamendment tabled by the Workers’ group and had no preference regarding the use of the word “in” or “on”.
- 1031.** The Government member of Argentina supported the subamendment. The Tripartite Meeting of Experts on Violence against Women and Men in the World of Work held in October 2016 had highlighted the importance of cooperation between governments and the social partners in the area of domestic violence.
- 1032.** The Government member of the Russian Federation did not support the subamendment.
- 1033.** The Employer member from France, speaking on behalf of the Employers’ group, said that they had strong concerns about the text of Paragraph 4, clause (a), as further subamended and suggested to bracket the text.
- 1034.** The Committee decided to discuss Paragraph 4, clause (a), in conjunction with Paragraph 18 in due course.
- 1035.** The Worker Vice-Chairperson supported the subamendment. Collective bargaining was an effective approach for both employers and workers to find solutions to address the impact of domestic violence in the world of work.
- 1036.** The Employer member from France, speaking on behalf of the Employers’ group, noting her group’s concerns regarding the use of collective bargaining as a means of mitigating domestic violence, introduced a subamendment to insert a full stop after the word “harassment”, and to insert a new clause after clause (a) with the wording “mitigate the impact of domestic violence in the world of work; and”.
- 1037.** The Worker Vice-Chairperson did not support the subamendment. The link between collective bargaining and the mitigation of the impact of domestic violence in the world of work had to be maintained. Separating the concepts into two different clauses would break that link.
- 1038.** The Government member of Colombia supported the subamendment.
- 1039.** Due to a lack of support, the subamendment was not adopted.
- 1040.** The Worker Vice-Chairperson introduced a subamendment to change “on” to “in” before “the world of work”, as that ensured consistency with the wording adopted for Article 11(f) of the proposed Convention. The Employer member from France, speaking on behalf of the Employers’ group, reiterated they could not support the amendment as subamended. While collective bargaining was identified in Article 13 of the Convention as a means of applying the Convention, applying that specifically in the context of domestic violence was problematic.
- 1041.** The Government member of France, speaking on behalf of the EU and its Member States, noted that new Article 4, Article 11(f), and Article 12 of the proposed Convention all called on member States to take measures through collective bargaining or other forms of social dialogue to mitigate violence and harassment in the world of work, including with respect to domestic violence, as well as when third parties were involved. He queried whether introducing a qualifier could help resolve the issue.

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- 1042.** The Government member of New Zealand introduced a subamendment, seconded by the Government members of Argentina, Australia, Brazil, Canada, Chile, Colombia, and Uruguay, to insert the words “, to the extent possible,” after the words “violence and harassment and,” such that it read: “promote the effective recognition of the right to collective bargaining at all levels as a means of preventing and addressing violence and harassment and, to the extent possible, mitigate the impact of domestic violence on the world of work; and”
- 1043.** The Employer member from France, speaking on behalf of the Employers’ group, as well as the Worker Vice-Chairperson, supported the amendment as subamended in the spirit of compromise.
- 1044.** The amendments were adopted as subamended.
- 1045.** The Government members of Canada and Switzerland withdrew an amendment to delete the words “and dealing with the effects of domestic violence on the world of work” after the words “world of work”.
- 1046.** Clause (a) was adopted as amended.

Clause (b)

- 1047.** An amendment that would have deleted Paragraph 4, clause (b), submitted by the Government members of Belarus and the Russian Federation, did not enjoy support.
- 1048.** The amendment was not adopted.
- 1049.** Clause (b), of the proposed Recommendation was adopted.
- 1050.** Paragraph 4 was adopted as amended.
- 1051.** Part I of the proposed Recommendation was adopted as amended.

Paragraph 5

- 1052.** An amendment to Paragraph 5 of the proposed Recommendation, submitted by the Government members of Belarus and the Russian Federation, to insert the words “provisions regarding” before the words “equality and non-discrimination” lacked support.
- 1053.** The amendment was not adopted.
- 1054.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the words “in relevant” before “instruments of the International Labour Organization” and to delete “, and other relevant instruments” at the end of the Paragraph, with a view to clarifying the text.
- 1055.** The Employer Vice-Chairperson supported the amendment on the grounds that it contributed to legal clarity.
- 1056.** The Worker Vice-Chairperson did not support the amendment, as there were other relevant instruments that needed to be referenced.
- 1057.** The Government members of New Zealand, Panama and Uruguay did not support the amendment.

1058. The amendment was not adopted.

1059. A similar amendment submitted by the Employers' group to delete the wording “, and other relevant instruments” at the end of Paragraph 5 was also not adopted.

1060. Paragraph 5 was adopted.

Part II. Protection and prevention

1061. The Title of Part II was adopted.

Paragraph 6

1062. An amendment submitted by the Government members of Belarus and the Russian Federation, to delete Paragraph 6 of the proposed Recommendation in its entirety, lacked support.

1063. The amendment was not adopted.

1064. The Employer Vice-Chairperson introduced an amendment to replace the words “take into account” with “consider”. As there was not universal ratification of all the occupational safety and health instruments, the amendment provided flexibility to governments to decide which ones were relevant to them.

1065. The Worker Vice-Chairperson did not support the amendment as it weakened the text. International labour standards provided an important framework for national occupational safety and health policies.

1066. The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment.

1067. The amendment was not adopted.

1068. The Employer Vice-Chairperson introduced an amendment to insert the words “, such as the Promotional Framework for Occupational Safety and Health Convention, 2006 (No 187).” at the end of Paragraph 6.

1069. The Worker Vice-Chairperson supported the amendment.

1070. The Government members of Argentina and Uruguay supported the amendment.

1071. The Government member of France, speaking on behalf of the EU and its Member States, supported the amendment but wished to table a subamendment to include a reference to the Occupational Safety and Health Convention, 1981 (No. 155).

1072. Both the Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.

1073. The amendment was adopted as subamended.

1074. Paragraph 6 was adopted as amended.

Paragraph 7

Chapeau

- 1075.** An amendment to Paragraph 7 of the proposed Recommendation, submitted by the Government members of Belarus and the Russian Federation, to insert the words “employers, in consultation with” after “Members should, as appropriate, specify in laws and regulations that” did not enjoy support.
- 1076.** The amendment was not adopted.
- 1077.** An amendment submitted by the Government members of Belarus and the Russian Federation to replace the words “take part in the design, implementation and monitoring of the” with “adopt and implement a” lacked support.
- 1078.** The amendment was not adopted.
- 1079.** The chapeau of Paragraph 7 was adopted.

Clauses (a), (b) and (c)

- 1080.** Clauses (a), (b) and (c), were adopted.

Clause (d)

- 1081.** The Government member of Brazil withdrew an amendment to insert the words “, including on privacy and confidentiality protection, to the extent possible and as appropriate” before “; and”.
- 1082.** Clause (d), was adopted.

Clause (e)

- 1083.** An amendment to Paragraph 7, clause (e), of the proposed Recommendation, submitted by the Government members of Belarus and the Russian Federation, to delete the clause in its entirety did not enjoy support.
- 1084.** The amendment was not adopted.
- 1085.** The Employer Vice-Chairperson introduced an amendment to replace the words “internal and external communications related to” with “complaints of”, as it was unclear to what internal and external communications referred.
- 1086.** The Worker Vice-Chairperson did not support the amendment as specifying internal and external communications was clearer.
- 1087.** The Government members of Barbados and France, speaking on behalf of the EU and its Member States did not support the amendment, considering that formal complaints were too restrictive; others such as whistle-blowers would lack protection.
- 1088.** The Government member of the United States queried what would be encompassed by internal and external communications, indicating that it could be very broad, and that the term “complaints” was clearer.

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- 1089.** The Government member of New Zealand did not support the amendment. He stated that the language included the words “duly considered”, which would address the concerns raised by the Employers’ group.
- 1090.** The Government member of Costa Rica did not support the amendment.
- 1091.** The Employer Vice-Chairperson requested the secretariat to clarify what was meant by “internal and external communications”.
- 1092.** The deputy representative of the Secretary-General explained that the language intended to capture messages that could emanate from a range of actors, including whistle-blowers.
- 1093.** The Government member of Argentina, as a compromise, introduced a subamendment, seconded by the Government member of Costa Rica, to leave the original text and add the words “complaints of” for the text to read: “provide that all internal and external communications related to complaints of violence and harassment will be duly considered and acted upon.”.
- 1094.** The Worker Vice-Chairperson did not support the subamendment as the wording still focused on formal complaints and other communications were excluded.
- 1095.** The Employer Vice-Chairperson supported the subamendment and introduced a further subamendment to add the words “as appropriate” at the end the clause and a comma after the words “duly considered”, for the text to read: “provide that all internal and external communications related to complaints of violence and harassment will be duly considered, and acted upon as appropriate”. Due considerations entailed that action may or may not be required.
- 1096.** The Worker Vice-Chairperson did not support the further subamendment.
- 1097.** The deputy representative of the Secretary-General noted that the term “complaints” could be replaced with “incidents”, which would be broader and cover complaints, along with the situation of whistle-blowers.
- 1098.** The Employer Vice-Chairperson supported the proposal by the secretariat and introduced a further subamendment to that effect.
- 1099.** The Worker Vice-Chairperson, along with the Government members of Argentina, Costa Rica and Peru, supported the further subamendment.
- 1100.** The amendment was adopted as subamended.
- 1101.** Paragraph 7, clause (e), was adopted as amended.

New clause after (e)

- 1102.** The Government member of Canada, speaking also on behalf of the Government member of Israel, introduced an amendment that added a new clause after Paragraph 7, clause (e): “specify the right to privacy of individuals and confidentiality, as referred to in Article 11(c), while balancing the right of workers to be made aware of all hazards;” She explained that the addition was introduced to encourage people to speak up. Even when privacy was a concern, workers should be made aware of hazards at the workplace.
- 1103.** The Worker Vice-Chairperson supported the amendment.

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- 1104.** The Employer Vice-Chairperson did not support the amendment. She stated that the clauses were already too prescriptive. Some employers dealt with privacy and confidentiality separately. She inquired how such a clause would be implemented in practice.
- 1105.** The Government member of Canada clarified with an example whereby an employee who had mental health issues could have made threats, and without revealing the name of the employee, the employer could inform the staff about the threat to the workplace. It was an issue of balancing privacy with confidentiality.
- 1106.** The Government member of New Zealand did not support the amendment. The balance between privacy and confidentiality was important but the addition did not provide specificity.
- 1107.** The Government member of Brazil supported the amendment. The proposed addition took into account the need to inform everyone about hazards created by violence and harassment.
- 1108.** The Government member of Barbados supported the amendment.
- 1109.** The amendment was adopted.
- 1110.** The Government member of Brazil, seconded by the Government member of Colombia and the Worker Vice-Chairperson, introduced an amendment that added another clause after Paragraph 7, clause (e): “include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.”. Policies at the workplace level should protect people against victimization and retaliation, so that people were encouraged to come forward.
- 1111.** The Worker Vice-Chairperson and Government members of Argentina and Costa Rica supported the amendment.
- 1112.** The Employer Vice-Chairperson did not support the amendment as it was building on an already lengthy prescriptive list.
- 1113.** The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment.
- 1114.** The amendment was adopted.
- 1115.** The Government member of Canada, speaking also on behalf of the Government members of Norway and Switzerland, introduced an amendment to insert a new clause that would read: “specify the time interval at which the workplace policy will be periodically reviewed;”.
- 1116.** The Employer Vice-Chairperson did not support the amendment because it was too prescriptive and impinged on employers’ responsibilities to manage and monitor their workplace policy. Moreover, businesses came in all sizes, and required flexibility to address the issues.
- 1117.** The Worker Vice-Chairperson supported the amendment, indicating that it would not be an onerous provision as it was related to Article 10 of the proposed Convention which contained three qualifying phrases.
- 1118.** The Government members of Argentina, Brazil, France, speaking on behalf of the EU and its Member States, New Zealand, and the United States, did not support the amendment.

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- 1119.** The Government members of Costa Rica, and Uganda, speaking on behalf of the Africa group, supported the amendment since they considered that it offered States sufficient flexibility as to when they should carry out policy reviews.
- 1120.** The Chairperson drew attention to the fact that the chapeau to Paragraph 7 already referred to the monitoring of workplace policy, which perhaps covered the proposed amendment under consideration.
- 1121.** The Government member of Canada proposed a subamendment, seconded by the Government members of Barbados, Costa Rica, Norway, Peru and Uruguay, to insert the word “that” after “specify” and delete the words “the time interval at which”, whereby the clause would read: “specify that the workplace policy will be periodically reviewed;”.
- 1122.** The Employer Vice-Chairperson did not support the subamendment, since it was still overly prescriptive.
- 1123.** The Worker Vice-Chairperson supported the subamendment.
- 1124.** The Government members of Argentina, Brazil, Colombia, New Zealand, Panama, Singapore and the United States did not support the subamendment.
- 1125.** The subamendment and the amendment were withdrawn.
- 1126.** Paragraph 7 was adopted as amended.

Paragraph 8

Chapeau

- 1127.** The Worker Vice-Chairperson introduced an amendment to insert the words “and measures” after the words “The workplace risk assessment”. She stated that that Paragraph was related to Article 10 of the proposed Convention so that a reference to measures would be warranted.
- 1128.** The Employer Vice-Chairperson did not support the amendment, considering it to be unnecessary as the emphasis in Article 10 of the proposed Convention was on risk assessment.
- 1129.** The Government members of Australia, France, speaking on behalf of the EU and its Member States, and New Zealand, did not support the amendment for the reasons given by the Employer Vice-Chairperson.
- 1130.** The amendment was not adopted.
- 1131.** An amendment submitted by the Government members of Belarus and the Russian Federation, to replace the word “likelihood” with “risks” and to delete the words “in particular, psychosocial hazards and risks,”, lacked support.
- 1132.** The amendment was not adopted.
- 1133.** The Employer Vice-Chairperson introduced an amendment to replace the words “in particular” with “including” and to replace the words “those arising” with “where these arise”. The aim of the amendment was to broaden the scope of the Paragraph so that it covered other factors in addition to psychosocial hazards and risks.

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- 1134.** The Worker Vice-Chairperson stated that the Workers would not oppose the word “including” but proposed a subamendment to replace the words “where these arise” with the words “including those involving”, in order to align the Paragraph with the new text of Article 5(2) of the proposed Convention.
- 1135.** The Government members of Barbados, France, speaking on behalf of the EU and its Member States, and Uganda, speaking on behalf of the Africa group, supported the proposed subamendment because it was more clearly drafted, particularly with respect to clause (a) and third parties.
- 1136.** The Employer Vice-Chairperson questioned the use of the word “factors”, especially in relation to discrimination as mentioned in clause (b).
- 1137.** The Government member of the United States, seconded by the Government members of Canada, Norway and Switzerland, introduced a further subamendment to delete the first “including” and replace it with “such as” in order to avoid use of “including” twice.
- 1138.** The Worker Vice-Chairperson stated that risk assessments needed to include psychosocial hazards and risks, rather than those being an example. She preferred to return to the phrase “in particular”.
- 1139.** The Employer Vice-Chairperson noted that psychosocial risks were among hazards and risks; there was a need to look at things holistically.
- 1140.** The Government member of Saudi Arabia supported the subamendment.
- 1141.** The Employer Vice-Chairperson introduced a further subamendment to insert a colon after “those” and to delete “involving”. That was needed so that the Paragraph could be divided into two clauses, the first beginning with “Involving” and the second beginning with “Arising from”.
- 1142.** The Worker Vice-Chairperson questioned the continued use of the words “such as”.
- 1143.** The deputy representative of the Secretary-General stated that the proposed Convention Article 10, subparagraph (b), made explicit reference to “violence and harassment and associated psychosocial risks in the management of occupational safety and health”. The proposed Convention had placed a special emphasis on those types of risks. The word “including” would capture that emphasis.
- 1144.** The Government member of New Zealand, seconded by the Government members of Australia and Canada, introduced a further subamendment to insert “with particular reference to:” before “risks”.
- 1145.** The Government members of Barbados, and of France, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1146.** The Employer Vice-Chairperson questioned the practical effect of the subamendment and stated that the paragraph continued to conflate risk factors, hazards and risk assessments. She proposed a further subamendment to delete “particular”.
- 1147.** The Worker Vice-Chairperson did not support the further subamendment.
- 1148.** The Government member of New Zealand, seconded by the Government members of Australia, Canada, Costa Rica and the United States, introduced a subamendment to replace “, with particular reference to:” with “. Particular attention should be paid to the hazards and

risks that.”, and to insert “involve” at the beginning of the paragraph, clause (a), and insert “arise from” at the beginning of clause (b).

- 1149.** The Worker Vice-Chairperson did not support the further subamendment.
- 1150.** The Government member of New Zealand proposed a further subamendment to insert the word “may” after “hazards and risks that”.
- 1151.** The Employer Vice-Chairperson and the Government member of Egypt supported the further subamendment.
- 1152.** The Worker Vice-Chairperson did not support the further subamendment to insert the word “may”.
- 1153.** Following an indicative show of hands the further subamendment was not adopted.
- 1154.** The amendment was adopted as subamended.
- 1155.** As a result one amendment fell.
- 1156.** The chapeau of paragraph 8 was adopted as amended.

Clause (a)

- 1157.** The Government member of France, speaking on behalf of EU Member States, introduced an amendment to insert a new clause (a) that would read “work organization and human resources management;”. The Tripartite Meeting of Experts on Violence and Harassment against Women and Men in the World of Work, held in October 2016, had noted that absence of responsibilities, poor distribution of tasks, deficiencies in work organization and negative leadership behaviour could increase hazards and risks.
- 1158.** The Worker Vice-Chairperson supported the amendment and introduced a subamendment to insert “rising from working conditions and arrangements,” before “work organization”. The purpose was to ensure that risk assessments would analyse the conditions and arrangements, such as working in isolation or at night, that make workers vulnerable to violence and harassment to tailor risk mitigation and prevention strategies accordingly.
- 1159.** The Employer Vice-Chairperson did not support the amendment as the arrangements described did not in themselves increase the risk of violence and harassment. The fact that many SMEs did not have a human resource department did not mean that they faced greater exposure to the risk of violence and harassment at their workplace.
- 1160.** The Government member of Switzerland supported the subamendment.
- 1161.** The Government member of New Zealand supported the subamendment by the Workers’ group as certain working conditions and arrangements, such as unrealistic time pressure and targets, increased the risk of violence and harassment. However, he objected to the inclusion of “work organization and human resources” as it was too broad. He proposed a further subamendment, seconded by the Government member of Australia, to delete “work organization and human resource management”.
- 1162.** The Employer Vice-Chairperson did not support the further subamendment, indicating that the issues were covered by Paragraph 9.

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- 1163.** The Worker Vice-Chairperson did not support the further subamendment. Paragraphs 8 and 9 did not cover the same concepts, as the former addressed the execution of risk assessments while the latter provided guidance on the measures that could be adopted. She quoted the European Agency for Safety and Health at Work (EU-OSHA), which had identified that psychosocial risks could arise from poor work design, organization and management, as well as a poor social context of work.
- 1164.** The Government member of Canada supported the subamendment proposed by the Workers' group. Working conditions, work arrangements and human resource management could contribute to both creating a culture of prevention or increasing the risk of violence and harassment in a workplace.
- 1165.** The Government member of New Zealand withdrew the subamendment.
- 1166.** The Government members of Brazil and Costa Rica supported the subamendment proposed by the Workers' group.
- 1167.** The Employer Vice-Chairperson indicated that the text was too prescriptive, and that they would face difficulty implementing their obligations.
- 1168.** The Government member of France, speaking on behalf of the EU and its Member States, indicated that the amendment was not intended to suggest that all work arrangements were a cause of violence and harassment, but that they could also be a means of preventing it. With a view to reaching a consensus, on behalf of EU Member States, he introduced a further subamendment to insert “, as appropriate” after “management”.
- 1169.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the further subamendment, preferring the subamendment introduced by the Workers' group. He indicated that the discussions on that clause should keep in mind its chapeau, which gave further guidance on conducting risk assessments. As risk assessment entailed assessing hazards and other risk factors, it was necessary to look at potential hazards arising from working conditions and arrangements, work organization and human resources management.
- 1170.** The Employer Vice-Chairperson supported the further subamendment submitted by the Government member of France on behalf of EU Member States.
- 1171.** The Government member of Uganda, speaking on behalf of the Africa group, supported the further subamendment, in the spirit of achieving consensus.
- 1172.** The amendment was adopted as subamended.
- 1173.** The Government member of Switzerland, speaking also on behalf of the Government members of Canada, Israel and the United States, withdrew an amendment to insert a new clause after the chapeau of paragraph 8, “(a) the way the work environment and human resources are managed;”.
- 1174.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete clause (a).
- 1175.** Due to a lack of support, the amendment was not adopted.
- 1176.** Clause (a) was adopted.

Clause (b)

- 1177.** The Employer Vice-Chairperson introduced an amendment to insert “abuse of” before “unequal power relations”. Unequal power relations would naturally arise in a hierarchical structure and would be a feature found in any organization. There would always be individuals who were managers or in senior positions, resulting in unequal power relations. The amendment intended to clarify that the risks of violence and harassment were not due to the existence of unequal power relations but due to their abuse.
- 1178.** The Worker Vice-Chairperson did not support the amendment. The purpose of the original clause was to ensure that the risk assessment would take into account unequal power relationships, identify associated hazards, and lead to the adoption of relevant measures by employers.
- 1179.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment. The addition of “abuse of” was superfluous, as the risk assessment would identify whether there was potential for abuse of power or not.
- 1180.** The Government member of Barbados did not support the amendment. The discussion was on conducting risk assessments, and unequal power relations were indeed a risk factor.
- 1181.** The deputy representative of the Secretary-General explained that the intent of the original language was to also capture instances of abuse by subordinates toward their supervisors, driven by gender or social norms. Power relations need not necessarily be shaped by organizational hierarchies.
- 1182.** The Government member of New Zealand understood the concerns of the Employers’ group and the presence of unequal power relations due to workplace structures. He, however, noted that the reference of “abuse of power” in the clause would mean that a risk assessment had already been completed and had identified that as a risk factor.
- 1183.** The Employer Vice-Chairperson observed that the Office was pointing to issues associated with social and gender norms, and discrimination, rather than abuse of power relationships. She inserted a further subamendment to delete “the presence of” and “unequal”.
- 1184.** The Government members of Argentina and New Zealand supported the subamendment.
- 1185.** The Government member of Egypt explained that the new ISO 45001 for occupational health and safety, now required an assessment of psychosocial risks.
- 1186.** The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1187.** The Worker Vice-Chairperson supported the subamendment.
- 1188.** The amendment was adopted as subamended.
- 1189.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to insert the words “between women and men” after the words “unequal power relations”.
- 1190.** Due to a lack of support, the amendment was not adopted.
- 1191.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, submitted an amendment to delete the word “and” after the

words “unequal power relations,” and to insert the words “stereotypes, and” after the word “gender”.

1192. Due to a lack of support, the amendment was not adopted.

1193. Clause (b) was adopted.

New clause after clause (b)

1194. The Worker Vice-Chairperson withdrew an amendment to insert a new clause to read: “(c) working conditions and arrangements, including work design, organization and management.”

1195. Paragraph 8 was adopted.

Paragraph 9

1196. The Government member of the Russian Federation, speaking also on behalf of the Government of Belarus, introduced an amendment to replace the word “specific” with the word “appropriate” to allow for countries to identify which sectors and occupations should be protected according to their national contexts, and to bring the language in line with that of Article 2 of the proposed Convention.

1197. The Worker Vice-Chairperson did not support the amendment because the term “specific” referred to targeted measures for certain sectors.

1198. The Employer Vice-Chairperson supported the amendment because the remainder of the paragraph contained a lengthy list of sectors, to which application of the term “specific”, would be problematic.

1199. The Government members of Egypt and New Zealand supported the amendment, as did the Government member of the United States, who added that the word “appropriate” would allow for both approaches, specific and cross-sectorial.

1200. The amendment was adopted.

1201. The Government member of France, speaking on behalf of EU Member States, introduced an amendment to delete the comma and insert the word “or” between the words “sectors” and “occupations”, to align with the amended text of Article 9 of the proposed Convention.

1202. The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.

1203. The amendment was adopted.

1204. The Employer Vice-Chairperson introduced an amendment to replace the words “workers and other persons concerned” with the words “persons referred to in Article 2” and then, consistent with the approach that her group had adopted to other amendments, proposed a subamendment to replace the words “in which workers and other persons concerned” with the word “that”.

1205. The Government member of the United States, seconded by the Government members of Australia, Canada and New Zealand, proposed a further subamendment to replace the word “that” with the words “in which exposure to violence and harassment may be more likely” and to delete the words “are more exposed to violence and harassment,”.

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- 1206.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the further subamendment.
- 1207.** The amendment was adopted as subamended.
- 1208.** Subsequently, two amendments fell.
- 1209.** The Employer Vice-Chairperson, and the Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced identical amendments to delete “, such as night work, work in isolation, services, health care, emergency services, domestic work, transport, education and entertainment.”. The Employer Vice-Chairperson explained that there was no international consensus about which sectors were more exposed to violence and harassment, and that every national context was different and changed over time. It was better to delete the list and let governments decide based on their own circumstances.
- 1210.** The Worker Vice-Chairperson did not support the amendment. Recommendations were meant to provide guidance to member States on how to implement provisions of Conventions. The list provided such guidance by way of examples of sectors such as healthcare, occupations such as domestic work, and work arrangements such as night work, which were known to be particularly exposed to violence and harassment. The 2018 Conference Report V(1) on *Ending violence and harassment against women and men in the world of work* highlighted specific high-risk sectors, occupations and work arrangements, and she enumerated a number of country examples.
- 1211.** The Government member of New Zealand did not support the amendment as the list was clearly non-exhaustive; however, he underlined that no additional groups should be added, as the list should remain indicative.
- 1212.** The Employer Vice-Chairperson observed that the evidence of widespread incidence of violence and harassment cited by the Worker Vice-Chairperson highlighted evidence that violence and harassment could occur in any sector or occupation or work arrangement, thus negating the need for a list.
- 1213.** The Government member of Canada agreed with the Government member of New Zealand, adding that removing all of the examples would render the paragraph moot, as it would be no different than the related provision in the proposed Convention (Article 2).
- 1214.** The Government member of Barbados also stated that a limited number of vulnerable groups needed to be highlighted by way of indication, such as domestic workers, the services industry, healthcare and education.
- 1215.** The Government member of Egypt did not support the amendment. To differentiate the paragraph from Article 2 of the proposed Convention, he suggested to make reference to national practice.
- 1216.** The Employer Vice-Chairperson stressed the need for consistency and observed that the vast majority of members of the Committee had been against the inclusion of lists in other provisions of the proposed instruments. She further pointed out that the services sector represented 70 per cent of the working population, suggesting it was far too broad to be included in an indicative list.
- 1217.** The Government member of New Zealand noted that the indicative list would still allow each member State full latitude to identify sectors, occupations and working arrangements in accordance with their national contexts and circumstances.

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- 1218.** The Government member of Peru agreed that the list was non-exhaustive, and introduced a subamendment, seconded by the Government members of Argentina and Brazil, to replace “and” with “or” at the end of the list, as a means of adding flexibility.
- 1219.** The Worker Vice-Chairperson preferred the text as subamended by the Government member of Peru and reiterated the need for a reference to “sectors, occupations and work arrangements”. With the aim of identifying text that would enjoy broad consensus, she introduced a further subamendment drawing language from Paragraph 37(a)(iv) of the HIV and AIDS Recommendation, 2010 (No. 200), which would replace the list, while also retaining the words “sectors, occupations and work arrangements”, as follows: “Members should adopt strategies with particular attention to sectors, occupations and work arrangements in which persons protected by that Recommendation are most at risk.”.
- 1220.** The Employer Vice-Chairperson indicatively supported the text as subamended by the Workers’ group.
- 1221.** The Government members of Australia, Costa Rica, Ecuador and Mexico preferred the text as subamended by the Government member of Peru.
- 1222.** As there was insufficient support for the subamendment proposed by the Workers’ group, the Employer Vice-Chairperson introduced a further subamendment to delete the word “services” from the list, considering it too broad and therefore not helpful.
- 1223.** The Government members of Australia, Canada, France, speaking on behalf of the EU and its Member States, New Zealand, and Uganda, speaking on behalf of the Africa group, supported the text as subamended by the Government member of Peru, and further subamended by the Employers’ group.
- 1224.** The Worker Vice-Chairperson introduced a further subamendment to replace “services, health care” with “health, hospitality, social services”, to ensure the most exposed segments of the service sector would remain in the list.
- 1225.** The Employer Vice-Chairperson supported the text as further subamended by the Government member of Peru and the Workers’ group.
- 1226.** The amendments were adopted as subamended.
- 1227.** Subsequently, one amendment fell.
- 1228.** Paragraph 9 was adopted as amended.

Paragraph 10

- 1229.** The Government member of the United States introduced an amendment to delete Paragraph 10, which was identical to the amendment submitted by the Government members of Belarus and the Russian Federation. She said that the rationale behind the deletion was to avoid singling out one particular group and establishing a hierarchy in favour of that group, as all workers should be protected against violence and harassment in the world of work.
- 1230.** The Worker Vice-Chairperson did not support the amendment.
- 1231.** The Government member of Costa Rica did not support the amendment. Rather than proposing a hierarchy, the Paragraph recognized the vulnerable situation of migrant workers. States ought not to turn a blind eye on the special vulnerability of migrants.

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- 1232.** The Government member of Mexico did not support the amendment. Many international instruments referenced the labour and human rights of migrant workers, and the universality of the principle of non-discrimination had to be recognized.
- 1233.** The Government member of France, speaking on behalf of the EU and its Member States, and the Government member of Peru, did not support the amendment for the reasons invoked by the Government members of Costa Rica and Mexico.
- 1234.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 1235.** The Employer Vice-Chairperson did not support the amendment.
- 1236.** The amendments were not adopted.
- 1237.** The Government member of the United States, speaking also on behalf of the Government member of Switzerland, introduced an amendment to insert the words “that are origin, destination, or transit countries” at the beginning of the Paragraph after “Members”, the words “, as appropriate,” after “other measures” and “in their territories” after “to protect migrant workers”. The intent was to clarify the text and the State’s responsibilities and authority. States were responsible for protecting migrant workers against violence and harassment within, but not outside, their national boundaries.
- 1238.** The Worker Vice-Chairperson did not support the amendment. Many countries were now countries of origin, transit and destination at the same time, as was recognized in the Resolution concerning fair and effective labour migration governance adopted at the 106th Session of the International Labour Conference (2017). The insertion of the words “in their territories” was therefore altering the sense of the original text.
- 1239.** The Government member of Costa Rica did not support the amendment, because it was not adding clarity to the original text. States could not legislate regarding the territories of other States as it was not permitted by international law.
- 1240.** The Government member of Mexico did not support the amendment, for the same reasons given by the Government member of Costa Rica. The reference to “territories” in the amendments generated confusion.
- 1241.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment because the original text better corresponded to the resolution concerning fair and effective labour migration governance adopted by the Conference in 2017.
- 1242.** The Government members of Brazil and Colombia supported the amendment, as it added some clarity concerning the allocation of responsibilities.
- 1243.** The Government members of the Plurinational State of Bolivia, Ecuador, Peru, Qatar, speaking on behalf of the GCC countries, and Uruguay, did not support the amendment.
- 1244.** The Employer Vice-Chairperson preferred the original text.
- 1245.** The amendment was not adopted.
- 1246.** The Government member of the United States, seconded by the Government member of the Russian Federation, introduced an amendment adding the sentence “Enforcement of immigration laws and prevention of illegal employment activities do not constitute

harassment as defined by the Convention.” at the end of Paragraph 10. She also wished to propose a subamendment to clarify the intent of the amendment. The subamendment, seconded by the Government member of the Russian Federation, replaced the text of the amendment with “Lawful enforcement of immigration laws should not be construed as harassment under this Convention.”. She explained that her Government wished to ensure that everyone was protected from violence and harassment. She noted that United States labour laws were generally applicable to all workers in the country. At the same time, lawful enforcement of migration laws related to the workplace was important. For example, the United States had employer sanctions laws that made it illegal for an employer to hire a migrant who was not authorized to work in the United States. She noted that the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) specifically calls for employer sanctions, and quoted from Article 6 of that Convention: “Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of migrant workers”, and “Where an employer is prosecuted by virtue of the provision made in pursuance of this Article, he shall have the right to furnish proof of his good faith.” The proposed amendment, then, aimed to clarify, for example, that enforcement of employer sanctions should not be considered harassment of either the employer or the migrants who work for it.

- 1247.** The Worker Vice-Chairperson found it inappropriate to introduce the proposed text to the instrument under discussion. She questioned if the subamendment would imply that violence and harassment committed in the course of law enforcement would be acceptable. She requested further clarifications from the Office and the Government member of the United States.
- 1248.** The Government member of the United States clarified that the subamendment had no such intent.
- 1249.** The Employer Vice-Chairperson did not support the subamendment.
- 1250.** The Government member of Costa Rica did not support the subamendment, as it did not seem relevant to the instruments. The Paragraph under discussion was about the protection of migrant workers, whereas the proposed changes were diverting the focus to labour inspection. Rather than protecting migrant workers, there was a move towards their criminalization.
- 1251.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendment. The focus of the proposed instruments was protection, in particular, the protection of vulnerable groups.
- 1252.** The Government member of Mexico did not support the amendment as it mixed up labour inspection with migration management. Migration could not be treated based on an assumption that it was an illegal activity to begin with.
- 1253.** The deputy representative of the Secretary-General noted that Article 6 of Convention No. 143, referred to by the Government member of the United States when introducing the subamendment, concerned sanctions on employers who employed migrant workers in an irregular situation and thus had a focus on compliance with national law, while the aim of Paragraph 10, was to protect migrant workers against violence and harassment.
- 1254.** The subamendment and the amendment were not adopted.
- 1255.** Paragraph 10 was adopted.

Paragraph 11

- 1256.** An amendment submitted by the Government members of Belarus and the Russian Federation to delete Paragraph 11 lacked support.
- 1257.** The amendment was not adopted.
- 1258.** The Worker Vice-Chairperson introduced an amendment to replace the word “associations” with “representatives,” and to replace the words “to prevent and address violence and harassment in the informal economy” with the words “to adopt measures, in consultation with informal economy workers and employers, and their representatives, to prevent and address violence and harassment in the informal economy, recognizing the responsibility and impact of law enforcement and public authorities.”. The aim of the amendment was to give further guidance to States on how to address violence and harassment in the informal economy.
- 1259.** The Employer Vice-Chairperson did not support the amendment, since the wording lacked clarity regarding the role of the different actors in fostering the transition from the informal to the formal economy. In addition, members should provide assistance to representative social partner organizations so they could better prevent and address violence and harassment through informal economy workers and employers.
- 1260.** The Government member of Costa Rica did not support the amendment, as the original wording was clearer.
- 1261.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment.
- 1262.** The amendment was not adopted.
- 1263.** Paragraph 11 was adopted.

Paragraph 12

- 1264.** The Government members of Belarus and the Russian Federation submitted an amendment to insert the words “of workers” after participation, to replace “of” with “including” before the word “women” and the words “and the groups” with the word “as” before the words “referred to in Article 7”.
- 1265.** Due to a lack of support, the amendment was not adopted.
- 1266.** Paragraph 12 was adopted.

Paragraph 13

- 1267.** The Government members of Belarus and the Russian Federation, the Islamic Republic of Iran, the Republic of Korea, Uganda, on behalf of the Africa group, and the United States, had submitted identical amendments to delete Paragraph 13 of the proposed Recommendation.
- 1268.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, noted that their intention was to leave room for governments, in consultation with relevant bodies, including civil society, to interpret which groups were vulnerable in their context, and to allow scope to include other groups in the

future, should it become necessary, as which groups were recognized as vulnerable would evolve over time.

- 1269.** The Government member of the Republic of Korea noted that, while some groups were more vulnerable to violence and harassment and might require special protection, the list of those groups might vary by country, and evolve over time. The proposed Convention and Recommendation should aim to ensure the broadest possible coverage.
- 1270.** The Government member of the Islamic Republic of Iran, as well as the Government member of Qatar, speaking on behalf of the GCC countries, also observed that a list of vulnerable groups could not be exhaustive, and could change over time.
- 1271.** The Employer member from the United States, speaking on behalf of the Employers' group, stated it was important to keep such a list in the proposed instruments. She recalled the history of the Paragraph, noting that initially the Employers' group had not been in favour of retaining the list because they considered it would risk excluding certain groups. However, they changed their position when they recognized that some members of the Committee were explicitly against any reference to lesbian, gay, bisexual, transgender and intersex people (LGBTI). Given the position expressed by certain Governments, vulnerable groups including LGBTI persons needed to be clearly mentioned in the Recommendation in order to not exclude them from protection. Moving the list from the proposed Convention to the proposed Recommendation had already been a significant compromise. She highlighted that 72 States criminalized homosexuality and in 45 States, the law was applied to women as well as men. Only five countries in the world had constitutions that explicitly guaranteed equality for citizens on the basis of their sexual orientation and gender identity and a further five countries had constitutions that provided protections based on sexual orientation. Furthermore, research showed that LGBTI persons were more vulnerable to violence and harassment. Contrary to the concerns raised by some governments, the list was not exhaustive, since the words "should include" in the chapeau meant that other groups could be added.
- 1272.** The Worker Vice-Chairperson did not support the amendment. The proposed Convention referred to "vulnerable groups and groups in vulnerable situations", and it was important for the text of the proposed Recommendation to provide further guidance in that regard. As the issue was evolving in terms of which groups were recognized as vulnerable, or in vulnerable situations, her group wanted to ensure no one was excluded, and wanted to further explore how best to achieve that.
- 1273.** The Government member of France, speaking on behalf of EU Member States, introduced a subamendment to replace the deleted text with the following: "The reference to vulnerable groups and groups in situations of vulnerability in Article 7 of the Convention should be interpreted in accordance with international labour standards, as well as international instruments on human rights." All individuals must be protected from violence and harassment throughout the world, and the proposed text would reinforce the importance of the human rights of everyone.
- 1274.** The Employer member from the United States, speaking on behalf of the Employers' group, did not support the subamendment as it did not include reference to LGBTI people, and it was a group that was particularly at risk of violence and harassment, as clearly shown in studies which she cited. A human-centred future of work, which was the focus of the draft ILO Centenary Declaration for the Future of Work, must include LGBTI people. If the instrument were to be adopted without the list, the legislative history of the ILO in its centenary year, would be one of exclusion.

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- 1275.** The Government member of New Zealand acknowledged the intervention by the Employer member from the United States. He noted that the purpose of a recommendation was to provide guidance and clarity for a Convention. The proposed Convention was on violence and harassment in the world of work, and the proposed Recommendation was making it clear who was vulnerable in that context. As the list was indicative, it was not exhaustive. The application of the proposed Convention had to be for all groups, as human rights were universal. His Government would oppose any suspicion that a particular group would not be protected or deserved less protection. He was open to considering the subamendment to the amendment as proposed by the Government member of France, speaking on behalf of EU Member States. It however had to ensure that it was not excluding any individuals, including LGBTIs who were full and equal members of society.
- 1276.** The Government member of Argentina supported the list of vulnerable groups and groups in situations of vulnerability, highlighting that it was a general position of the ILO to not discriminate against anyone.
- 1277.** The Government member of Australia, speaking also on behalf of the GCC countries, as well as on behalf of the Government members of China, India, Indonesia, Iraq, Japan, Malaysia, the Republic of Korea, Singapore and Thailand, supported the subamendment.
- 1278.** The Worker Vice-Chairperson supported the subamendment, noting that the formulation proposed by the Government member of France on behalf of EU Member States, went right to the heart of ensuring that no one at all was left behind.
- 1279.** The Government member of the United States proposed a further subamendment, to insert the word “applicable” before the words “international labour standards” and to replace the words “, as well as” with the word “and”. International labour standards and international human rights instruments should be taken together.
- 1280.** The Government members of Brazil, Canada, Costa Rica and France, speaking on behalf of the EU and its Member States, supported the further subamendment.
- 1281.** The Government member of Ecuador indicated that a list of vulnerable groups and groups in situations of vulnerability was necessary to comply with the 2030 Agenda for Sustainable Development and to give visibility to those groups.
- 1282.** The Government member of Qatar, speaking on behalf of the GCC countries, supported the subamendment tabled by the Government member of France, on behalf of EU Member States, as further amended by the Government member of the United States, because it clearly linked ILO standards and universal human rights. He stated that the GCC countries supported the protection of all vulnerable persons, without needing to have them specifically named.
- 1283.** The Government member of the Russian Federation supported the subamendment. He said that the Employer member from the United States, speaking on behalf of the Employers’ group, had eloquently defended one specific group of vulnerable persons but other groups also deserved the same level of protection, such as persons in extreme poverty or linguistic minorities.
- 1284.** The Government member of Uganda, speaking on behalf of the Africa group, supported the subamendment, indicating that it met all the concerns that had been expressed.
- 1285.** The Government member of Mexico supported the subamendment, indicating that it was more encompassing than having a list. The universal nature of human rights implied that policies and actions of States must guarantee non-discrimination throughout the working life

for everyone. Affirmative action needed to be taken to protect especially vulnerable groups. The compromise found allowed it to be future-oriented.

- 1286.** The Employer member from the United States, speaking on behalf of the Employers' group, stated that the language used in proposed Paragraph 13, namely the words "should include", resolved any concerns regarding the list's inclusiveness. She enquired which international human rights instruments covered LGBTI and asked the secretariat if the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), had ever been invoked in cases before the Committee on the Application of Standards, which were specific to the LGBTI community.
- 1287.** The Government member of France, speaking on behalf of the EU and its Member States, stressed that EU Member States would not compromise on its values, and the proposal that had been put forward was rights-based and ensured no one would be left behind.
- 1288.** The Government member of the Russian Federation stated that LGBTI were covered by all human rights instruments. The same clause was included in every human rights text, prohibiting any discrimination and guaranteeing to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or "other status".
- 1289.** The Government member of Chile stated that his preference was for the list. The proposed Paragraph 13 was clear and not exhaustive. It was important to indicate those groups of workers most vulnerable to violence and harassment, rather than their being subsumed under "all workers". However, his Government would not stand in the way of the proposal by EU Member States if that was the preferred compromise.
- 1290.** The Government member of Argentina stated that the further subamendment was very general. The whole human rights system covered issues related to violence. The main question was how the proposed instrument would serve to help the range of people in situations of vulnerability.
- 1291.** The Government member of Colombia stressed that it was fundamental to protect the most vulnerable groups and thus to have an inclusive list. For affirmative action, it was more helpful to have a list of all those who lacked protection and who were vulnerable.
- 1292.** The deputy representative of the Secretary-General, responding to the question raised by the Employers' group, said that there had been no cases before the Committee on the Application of Standards where sexual orientation and gender identity had been the focus on the discussion. However, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) had acknowledged that, under Convention No. 111, "sex discrimination" included distinctions based on biological characteristics as well as unequal treatment arising from socially constructed roles and responsibilities assigned to a particular sex or gender. The CEACR had also noted that, in some States, it had been determined that the criterion of sex or gender included sexual orientation or gender identity. Furthermore, the CEACR had welcomed the fact that, in the legislation of a growing number of countries, sexual orientation, gender identity and gender expression were included as specific grounds of discrimination. Regarding international human rights instruments, she indicated that while none used the terms "sexual orientation" or "gender identity", the United Nations supervisory bodies had determined that discrimination against LGBTI persons violated the provisions of a number of human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities, among others. References to sexual orientation could be found in three international labour

standards: the Private Employment Agencies Recommendation, 1997 (No. 188), the HIV and AIDS Recommendation, 2010 (No. 200), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

1293. The Chairperson indicated that in consultation with the Vice-Chairpersons, it had been agreed that two record votes would be held: first there would be a vote on whether to retain the text of Paragraph 13, which included a list of vulnerable groups and groups in situations of vulnerability, followed by a vote on the proposal put forward by the Government member of France, on behalf of EU Member States, as subamended by the Government member of the United States. The version of the Paragraph receiving the most support would be adopted, and all further amendments to Paragraph 13 would fall.

1294. The Chairperson of the Employers' group (Mr M. Mdwaba, South Africa), speaking on behalf of the Employers' group, highlighted his group's unswerving commitment to achieving a Convention. However, the content of such a Convention had to be consistent with ILO principles and values of social justice, as enshrined in the Declaration of Philadelphia and the ILO Declaration on Fundamental Principles and Rights at Work. At the eve of its second centenary, it was incumbent on the ILO to continue to pursue those principles and values, without compromise. Governments, workers and employers needed to look beyond their present-day constraints toward a more inclusive future. In relation to maintaining the entire list of vulnerable groups in the Recommendation, including the reference to LGBTI persons, he indicated that the group spoke on behalf of the majority of employers with the exception of a few federations. He re-emphasized that retaining the full list of vulnerable groups in the Recommendation and not the Convention was already a significant compromise for the group. No international standard explicitly protected LGBTI persons at present, and yet those workers often suffered from mental health issues because they felt they had to dissimulate their true selves. The international human rights instruments cited in the proposal of the Government member of France, on behalf of EU Member States, did not explicitly cover LGBTI groups, and thus would not be sufficient to guarantee their protection. The proposed ILO instruments had originally included a non-exhaustive list of groups particularly vulnerable to violence and harassment, and it was important not to move away from the objective of protecting all persons. He also rejected all defamatory remarks made by some parties to threaten or distort his group's positioning on this issue. Because there were clearly differing views in the Committee, a record vote to determine the text of Paragraph 13 was required. He indicated that his group would vote in favour of a Convention, regardless of the outcome of the vote.

1295. The Worker Vice-Chairperson stated that her group had consistently indicated that they were aiming for the most inclusive option that would leave no one behind, and that they would also accept the outcome of the vote.

1296. Put to a vote, the proposal to retain the text of Paragraph 13 of the proposed Recommendation, including the list of vulnerable groups and groups in situations of vulnerability, was not adopted as 3,930 votes were in favour, 7,436 against, and 108 abstentions.⁶

⁶ The results were as follows:

In favour of retaining the original text: New Zealand. The members of the Employers' group (with the exception of the employer member from the United Arab Emirates) also voted in favour of retaining the text.

1297. Put to a vote, the proposed text put forward by the Government member of France, on behalf of EU Member States, as subamended by the Government member of the United States, to replace Paragraph 13 by the words “The reference to vulnerable groups and groups in situations of vulnerability in Article 7 of the Convention should be interpreted in accordance with applicable international labour standards and international instruments on human rights”, was adopted with 7,544 votes in favour, 0 votes against and 4,048 abstentions.⁷

1298. Paragraph 13 of the Recommendation was adopted as amended. As a result, all amendments to Paragraph 13 fell.

1299. Part II was adopted.

Part III. Enforcement, remedies and assistance

Title

1300. The title of Part III was adopted.

Paragraph 14

1301. The Government member of the United States, also speaking on behalf of the Government members of Canada, Israel, Japan and Switzerland, introduced an amendment to replace the words “should not be limited to the right to resign with compensation and should include” with the words “depend on the specific circumstances, and could include”. She noted that it

Against retaining the original text: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Bulgaria, Burkina Faso, Canada, China, Congo, Costa Rica, Côte d’Ivoire, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Eswatini, Ethiopia, Finland, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Morocco, Namibia, Netherlands, Niger, Nigeria, Norway, Oman, Panama, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, United Republic of Tanzania, Uganda, United Kingdom, United States, Zimbabwe. The members of the Workers’ group also voted against retaining the text.

The Government members of the following countries abstained from the vote: Brazil, Chile, Peru.

⁷ The results were as follows:

In favour of the proposed text: Angola, Australia, Austria, Bangladesh, Barbados, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Eswatini, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Ireland, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Lithuania, Luxembourg, Malta, Mexico, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, United Republic of Tanzania, Uganda, United Kingdom, United States, Zimbabwe. The members of the Workers’ group and the Employer member from Ghana also voted in favour of the proposed text.

Against the proposed text: No Government members or groups voted against the proposed text.

The Government members of the following countries abstained from the vote: Algeria, Argentina, Islamic Republic of Iran, Morocco. The members of the Employers’ group (with the exception of the employer member from Ghana who voted in favour) also abstained from the vote.

should be read together with a subsequent amendment which would include the “right to resign with compensation” as an additional clause under the chapeau. The aim of the amendment was to make it clear that resignation with compensation was to be seen as one of several remedies that should be available, rather than the default remedy.

- 1302.** The Employer Vice-Chairperson supported the amendment, since the broad range of types of violence and harassment covered in the instruments required flexibility in the remedies to be applied in different circumstances.
- 1303.** The Worker Vice-Chairperson proposed a subamendment to replace the word “could” with “should”.
- 1304.** The Government members of Argentina, Barbados and Mexico supported the amendment as subamended, agreeing that resignation with compensation could be one of the options available but it should not be the default option.
- 1305.** The Government members of Australia, France, speaking on behalf of the EU and its Member States, and Peru preferred the wording of the subsequent amendment that would be introduced by the Employers’ group.
- 1306.** The Government member of Panama did not support the amendment. The original text made it clear that compensation was available for justified resignation.
- 1307.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, as it added an additional qualifier, which was not found in Article 11 of the Convention. As the Paragraph referred to Article 11, the texts needed to be consistent.
- 1308.** The Worker Vice-Chairperson asked the secretariat for an explanation of the intent of the Paragraph’s original wording.
- 1309.** The deputy representative of the Secretary-General explained that the legislation in a number of countries provided for resignation with compensation as the only remedy. Providing the possibility of resigning and receiving compensation as the sole remedy for victims was not sufficient protection for the victim, and in fact could penalize them and dissuade victims from bringing cases. The intent behind the wording of the chapeau of Paragraph 14 was not to indicate that resigning with compensation was the default remedy, but in fact the opposite – that other remedies should be made available.
- 1310.** The Government member of Canada, seconded by the Government members of Brazil and New Zealand, proposed a subamendment to replace the words “, and could include” with the words “and, as appropriate, should include”.
- 1311.** The Employer Vice-Chairperson proposed a further subamendment to revert to the word “could”.
- 1312.** The Worker member from New Zealand, speaking on behalf of the Workers’ group, recalled that a suite of potential remedies was being offered for States to include in their legislation. Those were not the same as the remedies to be applied in individual cases. In each case, decision makers would decide which remedy would be most appropriate given the specific circumstances.
- 1313.** The Government member of Uganda, speaking on behalf of the Africa group, proposed a further subamendment to move the reference to the right to resign to the clauses, so that clause (a) would be the right to resign, the reference to reinstatement would become clause (b), and so forth.

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- 1314.** The Employer Vice-Chairperson supported the subamendment because it made it clear that there would be discretion to apply the most appropriate remedy based on the particular circumstances of a case.
- 1315.** The Government member of Argentina supported the subamendment.
- 1316.** The Government member of France, speaking on behalf of EU Member States, submitted a further subamendment to add “with compensation” after “resign”, which was seconded by the Government member of Australia.
- 1317.** The Worker member from New Zealand, speaking on behalf of the Workers’ group, clarified that the Workers’ group was not seeking to place particular emphasis on the right to resign; instead they were concerned that in many jurisdictions that was the only available remedy. The group was concerned about the use of the word “could” and any lost rights for those for whom the right to resign was a default remedy. She requested clarification from the secretariat on the implications of using the word “could”.
- 1318.** The deputy representative of the Secretary-General explained that the word “should” indicated that all elements under Paragraph 14 were to be taken into account, with a view to providing a range of remedies. The term “could” meant that it would suffice if one item in Paragraph 14 were to be considered. However, in either case, it needed to be read in conjunction with the corresponding provision in the Convention; Article 11(b) provided that remedies needed to be appropriate and effective. The Convention did not restrict remedies but envisaged a range of them so that the remedy most appropriate to the circumstances would apply.
- 1319.** The amendment was adopted as subamended.
- 1320.** As a result, one amendment fell.
- 1321.** An amendment submitted by the Government members of Belarus and the Russian Federation to insert the words “in accordance with national law” at the end of the chapeau did not meet with support.
- 1322.** The amendment was not adopted.
- 1323.** The chapeau of Paragraph 14 was adopted as amended.

Clause (a)

- 1324.** The Government members of Belarus and the Russian Federation submitted an amendment to delete clause (a) of Paragraph 14.
- 1325.** Due to lack of support, the amendment was not adopted.
- 1326.** The Government member of France, speaking on behalf of EU Member States, withdrew an amendment to insert the words “remedies against dismissals, including” before the word “reinstatement” in Paragraph 14 clause (a).
- 1327.** The Employer Vice-Chairperson introduced an amendment to add the words “or re-engagement” after “reinstatement” since in some jurisdictions the term “reinstatement” was not used but rather “re-engagement”. She indicated further that it was also more practical to refer to both reinstatement and re-engagement since reinstating a person in their previous position might not always be appropriate, and re-engagement of the victim to a comparable

position or other suitable employment may be more acceptable to the parties depending on the situation.

- 1328.** The Worker Vice-Chairperson did not support the amendment. The Workers' group had issues with the term "re-engagement" as that could imply a loss of rights. It was crucial to avoid that a victim would suffer economic loss in addition to their having experienced violence and harassment.
- 1329.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the amendment, sharing the views expressed by the Workers' group.
- 1330.** The Worker Vice-Chairperson introduced a subamendment to add the words "without loss of wages, benefits or privileges" at the end of the clause.
- 1331.** The Employer Vice-Chairperson introduced a further subamendment to replace the text suggested by the Workers' group with the words "with agreement by the parties", noting that it may be a choice of the victim to be re-engaged on different terms, such as with reduced hours.
- 1332.** The Worker Vice-Chairperson suggested a further subamendment to replace the Employers' proposal with "without penalty".
- 1333.** The Government member of the United States introduced a further subamendment, seconded by the Government member of Brazil, to replace the expression "without penalty" with "in an equivalent position", with a view to taking into account the salary and level of authority that the victim may have had in the previous position.
- 1334.** The Government member of Mexico supported the subamendment put forward by the Employers' group as the phrase "with agreement by the parties" addressed the Workers' concerns.
- 1335.** The Government member of Canada supported the subamendment proposed by the Government member of the United States. The term "with agreement by the parties" was problematic, as one of the parties involved in the agreement could potentially be the aggressor.
- 1336.** The Government member of Namibia, speaking on behalf of the Africa group, considered that the choice between reinstatement and re-engagement should be left to the employee's discretion.
- 1337.** The Worker Vice-Chairperson expressed support for the original text.
- 1338.** The Government member of Egypt preferred the original text, as Article 11 of the proposed Convention, to which the Paragraph referred, already guaranteed appropriate and effective remedies for victims.
- 1339.** The Government members of Canada, Jordan, Namibia, speaking on behalf of the Africa group, Panama, Qatar, speaking on behalf of the GCC countries, and the United States, did not support the amendment or the subamendments.
- 1340.** The Government members of Argentina and Mexico preferred the text as subamended by the Employers' group.
- 1341.** The amendment was not adopted.

1342. Clause (a) was adopted.

Clause (b)

1343. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to insert the word “appropriate” before “compensation” and delete the rest of the clause, as remedies were defined by national law.

1344. The Worker Vice-Chairperson did not support the amendment. It was important to acknowledge the deep psychological impact of violence and harassment on victims, and to ensure that not only monetary harm was compensated.

1345. The Employer Vice-Chairperson supported the amendment, since “material and non-material damages” was not clear. The term “compensation” was clear and sufficiently broad to capture different types of compensation that could be provided.

1346. The Government member of France, speaking on behalf of EU Member States, introduced a subamendment to add “for damages” after “appropriate compensation”. It was based on an amendment submitted by the Employers’ group and reintroduced the notion of “damage”, without specifying its nature.

1347. The Employer Vice-Chairperson supported the subamendment.

1348. The Government members of Argentina, Brazil, Costa Rica, the Dominican Republic, Lebanon, Panama, Peru, Qatar, speaking on behalf of the GCC countries, and Uruguay, did not support the subamendment or the amendment.

1349. The Worker Vice-Chairperson did not support the subamendment or the amendment.

1350. As a result, one amendment fell.

1351. The amendment was adopted as subamended.

1352. Clause (b) was adopted as amended.

Clause (c)

1353. The Government members of Belarus and the Russian Federation submitted an amendment to delete the clause.

1354. Due to a lack of support, the amendment was not adopted.

1355. The Government member of the United States, speaking also on behalf of the Government members of Israel and Japan, withdrew an amendment to insert “, where appropriate,” after “taken”.

1356. Clause (c) was adopted.

Clause (d)

1357. The Government members of Belarus and the Russian Federation submitted an amendment to delete the clause.

1358. Due to a lack of support, the amendment was not adopted.

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- 1359.** The Employer Vice-Chairperson introduced an amendment to insert “reasonable” before “legal fees”, with a view to being pragmatic and taking into account different national approaches to determining legal fees and costs.
- 1360.** The Worker Vice-Chairperson did not support the amendment as all legal systems had mechanisms in place to ensure that legal fees were reasonable.
- 1361.** The Government member of Colombia introduced a subamendment, seconded by the Employer Vice-Chairperson, to move “costs and” to the beginning of the sentence, with a view to distinguishing between costs, which were set by the government, and legal fees.
- 1362.** The Worker Vice-Chairperson did not support the subamendment.
- 1363.** The Government members of Argentina, New Zealand, Norway, Panama, Philippines and Peru did not support the subamendment or the amendment.
- 1364.** The subamendment was not adopted.
- 1365.** The amendment was not adopted.
- 1366.** The Government member of France, on behalf of EU Member States, withdrew an amendment to insert “compensation for” before “legal fees”.
- 1367.** The Employer Vice-Chairperson introduced an amendment to insert “according to national law and practice” after “costs” in order to allow for national specificities in setting legal fees and costs.
- 1368.** The Worker Vice-Chairperson did not support the amendment. All workers, especially low-income workers, needed support to access legal remedies.
- 1369.** The Government members of Argentina, Colombia, France, speaking on behalf of the EU and its Member States, Peru, the Russian Federation, Trinidad and Tobago, and the United States, supported the amendment.
- 1370.** The amendment was adopted.
- 1371.** Clause (d) was adopted as amended.

New clause (e)

- 1372.** An amendment proposed by the Government members of Israel, Japan, Switzerland and the United States to insert a new clause (e) “right to resign with compensation.”, was withdrawn as the issue had been addressed earlier in the Paragraph.
- 1373.** Paragraph 14 was adopted as amended.

Paragraph 15

- 1374.** The Government members of Belarus and the Russian Federation submitted an amendment to delete the Paragraph.
- 1375.** Due to a lack of support, the amendment was not adopted.

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- 1376.** The Employer Vice-Chairperson introduced an amendment to delete “psychosocial or physical” before “disability” in order to broaden the scope to all forms of disability that could result from violence and harassment.
- 1377.** The Worker Vice-Chairperson noted that the terms psychosocial and physical were important in order to take a broad approach and recognized that psychosocial disabilities, such as post-traumatic stress disorder, could also lead to an inability to work.
- 1378.** The Government members of Argentina, Barbados, Brazil, Canada and France, speaking on behalf of the EU and its Member States, did not support the amendment, preferring to identify both psychosocial and physical disability explicitly. The United States did not support the amendment either.
- 1379.** The Government member of Mexico indicated that he could support the amendment if it broadened the scope of the types of disability that would be covered. An alternative could be to use the language of the Convention on the Rights of Persons with Disabilities which referred to “physical, mental, intellectual or sensory impairments”.
- 1380.** The amendment was not adopted.
- 1381.** The Government member of the United States, speaking also on behalf of the Government members of Canada, Israel, and Japan, introduced an amendment that replaced “disability leading to incapacity to work” with “injuries and illness”. Access to compensation should not be afforded only when workers developed a permanent incapacity to work.
- 1382.** The Worker Vice-Chairperson, wishing to retain a link with the incapacity to work, introduced a subamendment to reinsert “leading to incapacity to work” after “illness”. That language would capture multiple forms of violence and harassment, including sexual violence, whose impacts might be long-lasting.
- 1383.** The Government member of Mexico supported the subamendment proposed by the Worker Vice-Chairperson.
- 1384.** The Government member of Canada questioned whether the subamendment would restrict workers’ access to compensation only when injuries or illness made them unfit to continue to work.
- 1385.** The Worker Vice-Chairperson noted that the concerns raised by the Government member of Canada were addressed in Paragraph 14.
- 1386.** The Employer Vice-Chairperson did not support the amendment or the subamendment, observing that the Committee was in danger of conflating illness and injury with disability, and that compensation was normally offered for impairment of ability to work.
- 1387.** The Government member of Australia supported the subamendment but wanted to reinstate reference to “disability”. She proposed a further subamendment, seconded by the Government members of Canada and Norway, to insert “, or disability” after “illness”.
- 1388.** The Employer Vice-Chairperson did not support the further subamendment as the consequences of injury or illness were dealt with elsewhere in the proposed Recommendation.
- 1389.** The Government member of the Russian Federation preferred the more general term “disability”.

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- 1390.** The Government member of Brazil could support the further subamendment, although she preferred making reference only to injuries and illnesses.
- 1391.** The Government member of Argentina did not support the further subamendment.
- 1392.** The Worker Vice-Chairperson, having heard the Governments' views, supported the further subamendment.
- 1393.** The Government member for Uganda, speaking on behalf of the Africa group, said that the provision should be made consistent with the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), which did not reference disability. He proposed a further subamendment to delete “, or” before “physical”, delete “, or disability” after “illness” and insert “or any other injury or” before illness.
- 1394.** The Employer Vice-Chairperson proposed a further subamendment to replace the words “injury or illness” with the word “disabilities”.
- 1395.** The Government member of Uganda, speaking on behalf of the Africa group, noted that the concept of disability was different from that of incapacity, and that compensation was normally only awarded in cases of incapacity. He therefore cautioned against use of the term “disabilities”.
- 1396.** The Employer Vice-Chairperson withdrew her subamendment and submitted a further subamendment to replace the words “leading to” with “, which results in” to highlight the nexus between the incidence of violence and harassment and the incapacity to work.
- 1397.** The Government members of New Zealand, and Uganda, speaking on behalf of the Africa group, supported the further subamendment.
- 1398.** The Worker Vice-Chairperson said that she would prefer to revert to the original text of the amendment.
- 1399.** The amendment was adopted, as further subamended.
- 1400.** Paragraph 15 was adopted.

Paragraph 16

Chapeau

- 1401.** The Government member of France, on behalf of EU Member States, introduced an amendment to insert the words “complaint and” before “dispute resolution”, to also provide for access to justice, in line with Article 11(e) of the proposed Convention.
- 1402.** The Worker Vice-Chairperson supported the amendment.
- 1403.** The Employer Vice-Chairperson did not support the amendment since Article 11(e) did not refer to complaints.
- 1404.** The Government members of New Zealand and the United States, recalling that a reference to complaints had been added to the text of Article 11(e), supported the amendment.
- 1405.** The amendment was adopted.

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- 1406.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the words “gender-based” before “violence and harassment” and to delete “referred to in Article 11(e) of the Convention” after “violence and harassment”, with a view to broadening the scope of the Article.
- 1407.** The Employer Vice-Chairperson and the Worker Vice-Chairperson did not support the amendment because it was important to provide States with guidance concerning the implementation of Article 11(e).
- 1408.** The Government member of Brazil, seconded by the Government member of the Russian Federation, proposed a subamendment to insert “, including gender-based violence and harassment, referred to in Article 11 of the Convention” after “violence and harassment,” as the Paragraph could provide guidance to all of Article 11, not only Article 11(e).
- 1409.** The Government member of Argentina supported the subamendment.
- 1410.** The Employer Vice-Chairperson, the Worker Vice-Chairperson, and the Government members of France, speaking on behalf of the EU and its Member States, New Zealand, Philippines, Trinidad and Tobago, did not support the subamendment or amendment as there would be consequences for the rest of the Paragraph.
- 1411.** The subamendment was not adopted
- 1412.** The amendment was not adopted.
- 1413.** The Government member of the Republic of Korea introduced an amendment, seconded by the Government member of the Russian Federation, to insert “, as defined in national laws and regulations,” after “Convention” as each country had its judicial processes and procedures, which might also envisage non-judicial remedies for gender-based violence, while the shifting of the burden of proof required a case-by-case examination.
- 1414.** The Worker Vice-Chairperson did not support the amendment. No qualifiers were necessary and the definitions in national law and legislation should be consistent with Article 1 of the Convention.
- 1415.** The Employer Vice-Chairperson and the Government member of Singapore supported the amendment.
- 1416.** The Government members of Australia, Barbados, Canada, France, speaking on behalf of the EU and its Member States, New Zealand and the Philippines did not support the amendment.
- 1417.** The amendment was not adopted.
- 1418.** The Employer Vice-Chairperson introduced an amendment to replace “should” with “could”, and to insert “, in line with national law and practice” after “include” in order to give governments more flexibility in the implementation of the list that followed.
- 1419.** The Worker Vice-Chairperson did not support the amendment as guidance needed to be as clear as possible to enable effective implementation at national level.
- 1420.** The Government members of Barbados, Brazil, Canada, New Zealand, and Uganda, speaking also on behalf of the Africa group, did not support the amendment, preferring an upcoming amendment.

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- 1421.** The Government member of the Russian Federation supported the amendment.
- 1422.** The amendment was not adopted.
- 1423.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace “should” with “could” in order to show that different types of measures could be used.
- 1424.** The Employer Vice-Chairperson supported the amendment.
- 1425.** The Worker Vice-Chairperson and the Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment.
- 1426.** The amendment was not adopted.
- 1427.** The Government member of Australia, speaking also on behalf of the Government members of Canada, Israel and the United States, introduced an amendment to insert “measures such as” at the end of the chapeau.
- 1428.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1429.** The Government members of Barbados, Brazil, Canada, New Zealand, and Uganda, speaking on behalf of the Africa group, supported the amendment.
- 1430.** The amendment was adopted.
- 1431.** The chapeau of Paragraph 16 was adopted as amended.

New clause (a)

- 1432.** The Government member of Canada, speaking also on behalf of the Government members of Israel, Italy, Japan and the United States, withdrew an amendment to insert a new clause (a) “informal dispute resolution mechanisms”.

Clause (a)

- 1433.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to delete the clause.
- 1434.** Due to a lack of support, the amendment was not adopted.
- 1435.** Clause (a) was adopted.

Clause (b)

- 1436.** The Government member of Canada, speaking also on behalf of the Government members of Israel, Italy, Switzerland and the United States, introduced an amendment, to replace “expedited procedures” with “timely and efficient processing” to ensure that cases would not be rushed.
- 1437.** The Worker Vice-Chairperson did not support the amendment as short and cost-effective resolution of disputes was especially important for cases of gender-based violence. The sense of urgency was lost through the word “timely”.

1438. The Government members of Barbados, Brazil, Egypt, New Zealand, Peru, and the Philippines did not support the amendment, as gender-based violence needed special and expedited attention.

1439. The Employer Vice-Chairperson and the Government members of Argentina, Colombia, Japan, Mexico and Panama supported the amendment.

1440. The amendment was adopted.

1441. As a result, two amendments fell.

1442. Clause (b) was adopted as amended.

Clause (c)

1443. The Government members of Belarus and the Russian Federation submitted an amendment to delete “complainants and” before “victims”.

1444. Due to a lack of support, the amendment was not adopted.

1445. Clause (c) was adopted.

Clause (d)

1446. The Government member of Israel, speaking also on behalf of the Government members of Mexico, New Zealand, Switzerland and the United States, proposed an amendment to insert “and accessible” after “available” to again clarify that information must not only be available but also accessible.

1447. The Worker Vice-Chairperson and the Employer Vice-Chairperson supported the amendment.

1448. The amendment was adopted.

1449. The Government members of Belarus and the Russian Federation proposed an amendment to replace the words “in the languages that are widely spoken in” with “in the official languages of”.

1450. Due to a lack of support, the amendment was not adopted.

1451. Paragraph 16, clause (d) was adopted as amended.

Paragraph 16

Clause (e)

1452. The Employer Vice-Chairperson introduced an amendment, which was identical to one submitted by the Government members of Belarus and the Russian Federation proposing to delete the whole clause. Her group had concerns with the inclusion of the principle of the shifting of the burden of proof in the proposed Recommendation because of the broad definition of violence and harassment in Article 1 of the proposed Convention. Under such a general definition, cases of violence and harassment could potentially concern several jurisdictions thus making it difficult to foresee how that principle would be applied in national law.

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- 1453.** The Worker Vice-Chairperson did not support the amendment as the proposed Recommendation was simply meant to provide guidance. Plaintiffs would in any event need to produce sufficient evidence for the burden of proof to shift to the other party. That provision was not about the reversal of the burden of proof, but rather about shifting it to the employer once a prima facie case had been established. That was necessary as in such cases, essential information was held by employers. The Committee of Experts on the Application of Conventions and Recommendations had highlighted that in cases related to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100), the shifting of the burden of proof had been a useful means of correcting a situation of inequality. The shifting of the burden of proof was provided for in various international labour standards, including the Maternity Protection Convention, 2000 (No. 183).
- 1454.** The Government member of New Zealand supported the amendments.
- 1455.** The Government member of France, speaking on behalf of the EU and its Member States, did not support the amendment. The shifting of the burden of proof was neither a reversal of the burden of proof nor an absolute concept. National courts would still have to decide which course of action to take, and complainants would be required to produce sufficient evidence for the shift of the burden of proof to occur.
- 1456.** The Government member of Uganda, speaking on behalf of the Africa group, supported neither the amendment nor the suggestion to insert the words “as appropriate” in the clause. The chapeau of Paragraph 16 had been amended in such a way that the clauses following were just a list of options for consideration by member States. Reliance on the principle of the shifting of the burden of proof would depend on each jurisdiction.
- 1457.** The Worker Vice-Chairperson agreed that the modified chapeau introduced a list of optional measures, and highlighted that the burden of proof posed challenges also for the victims of violence and harassment, as they were required to produce evidence that gender-based violence and harassment had occurred.
- 1458.** The Government members of Canada and Brazil did not support the amendments.
- 1459.** The amendments were not adopted.
- 1460.** The Worker Vice-Chairperson withdrew an amendment to delete the words “in proceedings other than criminal proceedings”.
- 1461.** The Government member of the United States, speaking also on behalf of the Government members of Canada, Israel, Japan, Norway and Switzerland, introduced an amendment to insert “, as appropriate,” after “burden of proof”, to give member States flexibility to apply the concept of shifting the burden of proof in line with their national contexts and the specific case.
- 1462.** The Worker Vice-Chairperson supported the amendment, even though her group’s preference was for the original text.
- 1463.** The Employer Vice-Chairperson supported the amendment, even though it did not address their concerns entirely.
- 1464.** The amendment was adopted.
- 1465.** Clause (e) was adopted as amended.

1466. Paragraph 16 was adopted as amended.

Paragraph 17

Chapeau

1467. The Government members of Belarus and the Russian Federation submitted an amendment to delete a comma after “support” and to delete the words “and remedies”.
1468. Due to a lack of support, the amendment was not adopted.
1469. The Government members of Belarus and the Russian Federation submitted an amendment to delete “gender-based” before “violence and harassment” and to delete “referred to in Article 11(c) of the Convention”.
1470. Due to a lack of support, the amendment was not adopted.
1471. An amendment submitted by the Government member of the Republic of Korea was not seconded, and therefore fell.
1472. The Employer Vice-Chairperson introduced an amendment to replace the word “should” with “could” and insert “, as appropriate” after “include” to give member States the flexibility to provide other types of support, services and remedies that were not in the list.
1473. The Worker Vice-Chairperson did not support the amendment as a qualifier would undermine the value of the Paragraph. The list set out a suite of resources that member States should make available as part of a comprehensive plan to address gender-based violence and harassment and did not impose further obligations on employers.
1474. The Government members of Australia, Brazil, Canada, France, speaking on behalf of the EU and its Member States, and Peru, did not support the amendment.
1475. The Government member of Russia supported the amendment.
1476. The amendment was not adopted.
1477. The Government members of Belarus and the Russian Federation submitted an amendment to replace “should” with “could”.
1478. Due to a lack of support, the amendment was not adopted.
1479. The Government member of Australia, speaking also on behalf of the Government members of Canada, Israel, Switzerland and the United States, introduced an amendment which proposed to insert “measures such as” after “include”. The proposed wording provided the flexibility that was sought after and was consistent with previously adopted language.
1480. The Employer Vice-Chairperson, the Worker Vice-Chairperson and the Government members of Australia, Brazil, Canada, France, speaking on behalf of the EU and its Member States, and Peru supported the amendment.
1481. The amendment was adopted.
1482. The chapeau was adopted as amended.

Clause (a)

1483. Clause (a) was adopted.

Clause (b)

1484. The Government member of Israel, speaking also on behalf of the Government members of Canada, Japan, Mexico, New Zealand, Switzerland and the United States, introduced an amendment which proposed to insert “accessible” before “information services” and to insert “as appropriate, “ after “information services”. She immediately introduced a subamendment which proposed to delete “accessible” and to insert “in an accessible format” after “information services,”. She confirmed that “in an accessible format” should apply to both counselling and information services.

1485. The Worker Vice-Chairperson, the Employer Vice-Chairperson and the Government member of Peru did not support the subamendment but did support the amendment.

1486. The Government member of Argentina did not support the subamendment and stated that “in an accessible format” was not the same as the accessibility of counselling and information services.

1487. The Government members of Brazil and Costa Rica supported the subamendment.

1488. The Government member of Egypt, seconded by the Government members of Argentina and the Plurinational State of Bolivia, introduced a further subamendment to insert “accessibility to” before “counselling” and to delete “in an accessible format”.

1489. The Worker Vice-Chairperson introduced a further subamendment to replace “accessibility to” with “accessible”.

1490. The Government member of Argentina supported the further subamendment.

1491. The Employer Vice-Chairperson introduced a further subamendment to delete “, including at the workplace” as it was unclear how counselling and information services could be provided by small businesses or those without a physical workplace. She also noted that the term “as appropriate” had been struck through and should be reinstated.

1492. The Government member of France, speaking on behalf of the EU and its Member States, supported the further subamendment.

1493. The Government member of Israel requested the secretariat to clarify the difference in meaning between “accessible counselling and information services” and “counselling and information services, in an accessible format”, particularly with regard to ensuring accessibility for people with disabilities.

1494. The deputy representative of the Secretary-General stated that clause (a) had to be read in conjunction with the chapeau of Paragraph 17. Thus, “accessible counselling and information services” meant that information and counselling would need to be provided in a way so that they were accessible to victims of gender-based violence and harassment. She further explained that “in accessible formats” had been used early in the proposed Convention in reference to tools, guidance, education and training. The current discussion was on a wider sense of accessibility and included both accessibility of materials and, for instance, physical premises where counselling would take place.

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- 1495.** The Government member of Canada supported the deletion of “including at the workplace” and preferred the previous subamendment which inserted “in an accessible format” after “counselling and information services”. The current wording did not sufficiently clarify that the aim was to achieve accessibility for people with disabilities, including physical accessibility and accessibility in a linguistic sense.
- 1496.** The Government member of Israel did not support the subamendment put forward by the Workers’ group. It was important to retain “as appropriate” in clause (b), as the provision of services to persons with disabilities had to be done in an appropriate way. Her previous subamendment also addressed linguistic and physical accessibility.
- 1497.** As there was no support for the subamendment introduced by the Workers’ group, discussions resumed on the text as subamended by the Employers’ group and the Government member of Israel, speaking also on behalf of the Government members of Canada, Japan, Mexico, New Zealand, Switzerland and the United States.
- 1498.** The Government member of Mexico, seconded by the Government members of Argentina, Israel and New Zealand, introduced a further subamendment which proposed to replace “format” by “manner” with a view to ensuring that accessibility would be understood in a broad sense, including accessibility of materials and infrastructure.
- 1499.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1500.** The amendment was adopted as subamended.
- 1501.** Clauses (b) was adopted as amended.

Clause (c)

- 1502.** Clause (c) was adopted.

Clause (d)

- 1503.** Clause (d) was adopted.

Clause (e)

- 1504.** The Government member of France, speaking on behalf of EU Member States, introduced an amendment to insert the words “and psychological support” after the word “treatment”.
- 1505.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1506.** The amendment was adopted.
- 1507.** Clause (e) was adopted as amended.

Clause (f)

- 1508.** Clause (f) was adopted.

Clause (g)

- 1509.** The Government member of France, speaking on behalf of EU Member States, introduced an amendment to insert the words “or specially trained officers” after the words “specialized police units”.
- 1510.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1511.** The amendment was adopted.
- 1512.** Clause (g) was adopted as amended.
- 1513.** Paragraph 17 was adopted as amended.

Paragraph 18

- 1514.** The Employer member from France, speaking on behalf of the Employers’ group, introduced an amendment, identical to one submitted by the Government members of Belarus and the Russian Federation, to delete the whole paragraph. She acknowledged that domestic violence was a serious community issue that had to be addressed. Domestic violence was one of a wide range of social problems that could have serious impacts on workers. While many employers did provide support to victims of domestic violence, in view of the fact that employers had different capacities, the “one size fits all” approach was unrealistic in practice. Measures to address the impact of domestic violence in the workplace should only be taken on a voluntary basis. Employers could not control personal circumstances occurring outside work and could not be expected to prevent or be held accountable for them. There had to be appropriate boundaries between the role of employers and the safety net provided by the State. Many employers, particularly in small enterprises, might not have the capacity to honour new categories of paid leave for victims of domestic violence. Furthermore, the implementation of certain clauses, such as the one concerning protection from dismissal for victims of domestic violence, could create legal problems.
- 1515.** The Worker Vice-Chairperson did not support the amendments, as the Convention already acknowledged the need to mitigate the impacts of domestic violence in the world of work, and the Recommendation provided much-needed guidance on how to do that. There had been an increase in reported incidents of domestic violence targeting victims at work, with an impact on the worker, co-workers and the enterprise. The workplace could provide a refuge for victims of domestic violence, or could be a place where perpetrators could easily find and harm them. In either case, victims of domestic violence should be able to earn a living as that was essential for them to be able to leave violent relationships. Some workers had been dismissed due to the effects of domestic violence, including resulting in performance issues, but they needed protection in such cases, since if they lose their job, they would be obliged to remain in a cycle of violence. The proposed Recommendation should include clear guidance on appropriate policies and procedures for mitigating risk and dealing with situations such as those.
- 1516.** The Government member of New Zealand did not support the amendments. It had already been agreed that domestic violence would be included in the proposed Convention, and the Recommendation should provide guidance as to how to address it. The Office text of the paragraph contained a menu of options that could be refined through social dialogue to fit specific national circumstances.
- 1517.** The Government member of Canada proposed a subamendment, seconded by the Government members of Australia, France, on behalf of EU Member States, Norway,

Uganda, speaking on behalf of the Africa group, and Uruguay, to introduce the following wording:

“Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 11(f) of the Convention could include:

- (a) leave for victims of domestic violence;
- (b) flexible work arrangements and protection for victims of domestic violence;
- (c) temporary protection against dismissal for victims of domestic violence, except on grounds unrelated to domestic violence and its consequences;
- (d) the inclusion of domestic violence in workplace risk assessments;
- (e) a referral system to public mitigation measures for domestic violence, where they exist; and
- (f) awareness-raising about the effects of domestic violence.”.

Since domestic violence and its impacts on the world of work, in particular on employment, productivity and health and safety, were recognized in the preamble, and further reflected in Article 11(f), it would be a missed opportunity not to address it in the proposed Recommendation with a view to providing much-needed additional guidance.

- 1518.** The Employer member from France, speaking on behalf of the Employers’ group, expressed support for the subamendment in principle, but reserved her group’s position on clause (c), raising a concern that temporary protection against dismissal might be misused.
- 1519.** The Worker Vice-Chairperson expressed strong support for the original Office text, but was willing to consider the subamendment, though her group had some concerns, and would not support the deletion of clause (c). No victim of domestic violence should have to choose between their safety and that of their family, and their job. Without paid leave, that was a choice that many victims would be forced to make. Paid leave allowed engagement in the criminal process and access to support, services and remedies, and was essential to stop the cycle of abuse. The same was also relevant to protection from dismissal. Temporary job protection was one of the most effective ways of mitigating the impacts of domestic violence and should be put in place in consultation with workers’ and employers’ organizations.
- 1520.** The Government member of the Philippines supported the subamendment, but stressed that the reference to “paid” leave should be reintegrated. Observing that the preamble of the Convention recognized the impacts of domestic violence on the world of work, paid leave should be among the specific measures provided to address it, as financial security was just as essential as the victims’ safety.
- 1521.** The Government member of France, speaking on behalf of the EU and its Member States, reiterated the need for strong and concrete provisions on the impact of domestic violence in the world of work. All actors had a role to play in mitigating its impacts. He introduced a further subamendment, on behalf of EU Member States, to insert the words “, as appropriate,” before the word “except”, in the hope of providing the flexibility the Employers’ group was seeking.
- 1522.** The Government members of Australia, Barbados, Brazil, Canada, Japan, New Zealand, Qatar, Uganda, speaking on behalf of the Africa group, the United States, and Uruguay, supported the subamendments.

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- 1523.** The Government member of Colombia did not support the subamendments.
- 1524.** The Government member of Chile, seconded by the Government members of Argentina and Egypt, introduced a subamendment to insert in clause (b), after “victims of domestic violence”, the words “, as determined by appropriate authorities” and to insert in clause (d), after “workplace risk assessments”, the words “when justified by precedents”. It was important for public authorities to provide employers with guidance on how to change work arrangements in cases of domestic violence. Risk assessments may not be needed unless there were precedents.
- 1525.** The Government members of Australia, Barbados, Canada, France, on behalf of the EU and its Member States, Japan, Mexico, New Zealand, Qatar and Uganda, speaking on behalf of the Africa group, did not support the subamendment.
- 1526.** The Government members of Brazil and Peru supported the subamendment.
- 1527.** The Government member of Egypt introduced a subamendment to delete clause (a). As it was not seconded, the subamendment fell.
- 1528.** Due to a lack of support, the subamendment introduced by the Government member of Chile was not adopted.
- 1529.** The Worker Vice-Chairperson supported the subamendments made by the Government members of Canada and France, on behalf of EU Member States. While important components such as paid leave were missing, the text as subamended would act as an important starting point from which member States could develop more specific measures at the national level.
- 1530.** The Employer member from France, speaking on behalf of the Employers’ group, did not support the subamendments. While there was no doubt that victims of domestic violence needed to be protected, there was still not enough clarity about what temporary protection against dismissal meant in practical terms. She introduced a subamendment to replace the word “appropriate,” with the words “agreed by the parties”, so that a worker and an employer could decide on how to address a given case of domestic violence.
- 1531.** The Worker Vice-Chairperson, as well as the Government members of Australia, Barbados, Canada, Mexico, New Zealand, Uganda, speaking on behalf of the Africa group, the United States and Uruguay, did not support the subamendment.
- 1532.** The Employer member from France, speaking on behalf of the Employers’ group, withdrew the subamendment, and indicated her group’s support for the proposal of Canada, as further subamended by France, on behalf of EU Member States.
- 1533.** The amendments were adopted as subamended.
- 1534.** Paragraph 18 was adopted as amended.

Paragraph 19

- 1535.** An amendment submitted by the Government member of Korea, to delete Paragraph 19, was not seconded and therefore fell.
- 1536.** The Government member of the United States, speaking also on behalf of the Government members of Australia, Canada, Israel and Norway, introduced an amendment to replace the words “assisted through” with “held accountable and provided”. Consistent with the

preamble of the proposed Convention calling for zero-tolerance toward violence and harassment, the purpose of the amendment was to clarify that perpetrators should be held accountable. Further, the word “provided” was more appropriate than “assisted” when referring to perpetrators.

- 1537.** The Employer Vice-Chairperson supported the amendment, as her group agreed that perpetrators should be held accountable since the discussion was about violence and harassment. Nonetheless, responses to perpetrators depended on the circumstances.
- 1538.** The Worker Vice-Chairperson supported the amendment because it introduced the idea of accountability. Some perpetrators should be given an opportunity to change their behaviour, but it depended on the context.
- 1539.** The Government member of France, speaking on behalf of the EU and its Member States, supported in principle the amendment because it introduced the notion of accountability in addition to that of counselling.
- 1540.** The Government member of Uganda, on behalf of the Africa group, supported the amendment.
- 1541.** The Government member of India proposed a subamendment, which was not seconded, to insert the words “after due process of enquiry” after “held accountable”.
- 1542.** The Government member of Argentina did not support the amendment. The question of accountability was already covered in other parts of the document and did not pertain to that Paragraph.
- 1543.** The Employer Vice-Chairperson supported the amendment, especially in light of a subsequent amendment that dealt with the reintegration of perpetrators into work and could help achieve balance in the text.
- 1544.** The amendment was adopted.
- 1545.** An amendment, submitted by the Government members of Australia, Canada and the United States, to insert the words “provided by suitably qualified practitioners and” before “where appropriate” was withdrawn.
- 1546.** The Government member of Canada, speaking also on behalf of the Government members of Australia, Israel, Norway and the United States, introduced an amendment to insert the expression “, where feasible,” before “facilitating their reintegration into work”. The proposal intended to emphasize that there could be cases where the reintegration of a perpetrator was not possible.
- 1547.** The Worker Vice-Chairperson, observing that the term “feasible” had never been used before in the document, and that in some cases it might be feasible, but not appropriate to reintegrate a perpetrator, asked for alternative wording.
- 1548.** The Government member of Canada submitted a subamendment, which was seconded by the Government members of Australia, Israel, Norway and the United States, to replace “where feasible” with “where appropriate”.
- 1549.** The Worker Vice-Chairperson supported the proposal even though the expression would thus appear twice in the same Paragraph.
- 1550.** The Employer Vice-Chairperson also supported the proposal.

1551. The amendment was adopted as subamended.

1552. Paragraph 19 was adopted as amended.

Paragraph 20

1553. The Government member of Switzerland, speaking also on behalf of the Government members of Canada, Israel and the United States, introduced an amendment to replace the word “and” with “or” at the beginning of the Paragraph and insert the phrase “in the world of work” after “violence and harassment”. It was important to differentiate the responsibilities of labour inspectors and other competent authorities. He noted, however, that the Committee had already rejected a similar proposal in Article 11 of the proposed Convention. The second part of the amendment was to ensure consistency throughout the text.

1554. The Employer Vice-Chairperson supported the amendment, which was similar to a subsequent amendment submitted by her group.

1555. The Worker Vice-Chairperson, with regard to the first part of the amendment, supported the original text, which was consistent with the formulation adopted in Article 11, subparagraph (h) of the proposed Convention. She introduced a subamendment to replace “or” with “and”. She supported the insertion of the phrase “in the world of work”.

1556. The Employer Vice-Chairperson supported both parts of the amendment, noting that the use of the word “or” would guarantee more flexibility.

1557. The Government member of France, speaking on behalf of the EU and its Member States, and India, supported both parts of the amendment.

1558. The Government member of the Russian Federation supported the phrase “in the world of work” and added that it was not necessary to specify in the text which subjects were covered by training. That decision should be left to member States.

1559. The Government member of Egypt supported the subamendment put forward by the Workers’ group, to revert back to the word “and”, noting that labour inspectors needed support from other authorities.

1560. The Government member of Qatar supported the first part of the amendment.

1561. The Government member of Indonesia supported both parts of the amendment. The purpose of the Paragraph was to ensure that gender-responsive training should be offered to different categories of actors.

1562. The Worker Vice-Chairperson introduced a further subamendment to include the expression “, as appropriate,” before “should undergo”, consistent with the language adopted in Article 11, subparagraph (h) of the proposed Convention.

1563. The Government member of Uganda, speaking on behalf of the Africa group, supported the use of the word “and”, which was the most appropriate to indicate that no government agency could be solely responsible for promoting efforts against violence and harassment in the world of work. Labour inspectors were singled out because they were specific to the world of work, but there were also other competent officials and authorities.

1564. The Government member of Switzerland pointed out that Article 5, subparagraph (h), of the proposed Convention referred to “labour inspectorates or other competent bodies”.

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- 1565.** The Government members of Canada, Jordan and Lebanon supported the amendment as further subamended by the Workers' group.
- 1566.** The Government members of Argentina, Malaysia and Panama did not support the subamended text.
- 1567.** The Employer Vice-Chairperson supported the amendment as further subamended.
- 1568.** The amendment was adopted as subamended.
- 1569.** Subsequently, one amendment fell.
- 1570.** An amendment, submitted by the Government members of Australia and Canada, to insert the word "relevant" before "competent authorities" was withdrawn.
- 1571.** The Government members of Belarus and the Russian Federation submitted an amendment to insert "appropriate" before "gender-responsive training" and to delete the text after "gender-responsive training".
- 1572.** Due to a lack of support, the amendment was not adopted.
- 1573.** The Government members of Canada and Switzerland withdrew an amendment regarding the French and Spanish text of proposed Paragraph 20, on the understanding that the issue would be addressed in the Committee Drafting Committee.
- 1574.** The Employer Vice-Chairperson introduced an amendment to delete "psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers". The term violence and harassment was broad enough to encompass the elements that they proposed to delete.
- 1575.** The Worker Vice-Chairperson did not support the amendment. Labour inspectors and officials of other competent authorities had to have specific knowledge on issues relevant to addressing and preventing violence and harassment in the world of work, such as psychosocial hazards and risks.
- 1576.** The Government member of the Russian Federation supported the amendment.
- 1577.** The Government member of France, on behalf of EU Member States, introduced a subamendment to insert the word "including" before "psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers".
- 1578.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the subamendment.
- 1579.** The Government member of Argentina did not support the subamendment.
- 1580.** The amendment was adopted as subamended.
- 1581.** Paragraph 20 was adopted as amended.

Paragraph 21

- 1582.** The Government members of Belarus and the Russian Federation submitted an amendment to delete Paragraph 21.
- 1583.** Due to a lack of support, the amendment was not adopted.
- 1584.** The Government member of Israel, seconded by the Government members of Brazil and the United States, introduced an amendment to insert “labour inspection,” before “occupational safety and health”. The current wording gave a mandate to a few national bodies, while different national bodies treated different cases of violence and harassment in the world of work. It was important to recognize the role that labour inspectorates played in that regard.
- 1585.** The Worker Vice-Chairperson supported the amendment.
- 1586.** The Employer Vice-Chairperson stated that a wide range of national bodies had to cover violence and harassment in the world of work, including the police. She sought clarity from the secretariat on what the intention of Paragraph 21 was with regard to the mandate of the national bodies.
- 1587.** The deputy representative of the Secretary-General stated that the proposed Convention referred to an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work, and that occupational safety and health and equality and non-discrimination policies were both key to preventing and addressing violence and harassment in the world of work. Paragraph 21 highlighted the importance of those national bodies and institutions responsible for designing and implementing those policies.
- 1588.** The Employer Vice-Chairperson introduced a subamendment to replace “and” with “;” before “equality” and to insert “or other competent authorities” after “non-discrimination”, with the purpose of adding flexibility.
- 1589.** The Worker Vice-Chairperson did not support the subamendment. Paragraph 21 aimed at ensuring that the national bodies listed would include issues of violence and harassment in their respective mandates.
- 1590.** The Government member of Argentina supported the subamendment.
- 1591.** The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment.
- 1592.** The Government member of the United States, seconded by the Government members of Australia, Bangladesh, Canada and New Zealand, introduced a further subamendment to replace “competent authorities” with “relevant issues”.
- 1593.** The deputy representative of the Secretary-General stated that the reference to gender equality was relating to the national body or bodies in charge of the issue. Bodies responsible for equality and non-discrimination might have a mandate also for gender equality, while, in other instances, such bodies might have a dedicated focus on women and gender equality.
- 1594.** The Worker Vice-Chairperson introduced a further subamendment to use the word “and” instead of “or” after “including gender equality”.
- 1595.** The Employer Vice-Chairperson said that the word “or” was critical to the Employers’ group. It should be governments who decide what kind of bodies should deal with violence

and harassment in the world of work, based on their national context. The wording “other competent bodies” would give such flexibility to governments.

- 1596.** The Government member of Egypt proposed a further subamendment to insert the words “including labour inspectorates” after “national bodies”, which was not seconded.
- 1597.** The Government member of Israel asked if it would be possible to remove “relevant issues” from the text as it seemed as though the original amendment was the clearest.
- 1598.** The Government member of Australia did not support the further subamendments as they made the text too vague.
- 1599.** The Government member of France, speaking on behalf of the EU and its Member States, agreed with the Government members of Australia and Israel, and with the Employers’ group. The inclusion of “other relevant issues” was too broad. The EU Member States supported the initial amendment made by the Government member of Israel but did not support the subamendments.
- 1600.** The Worker Vice-Chairperson also supported the initial amendment but not the subamendments.
- 1601.** The Employer Vice-Chairperson proposed a further subamendment to insert the words “, including as appropriate, those” after the text “The mandate of national bodies” and to delete the words “and other relevant issues”.
- 1602.** The Worker Vice-Chairperson did not support the subamendment made by the Employer Vice-Chairperson.
- 1603.** The Government member of the United States withdrew their subamendment, and supported the subamendment made by the Employers’ group.
- 1604.** The Government member of Uganda, speaking on behalf of the Africa group, did not support the subamendment made by the Employers’ group. He supported the initial amendment.
- 1605.** The Government members of Canada, Panama and Uruguay supported the amendment but not the subamendments.
- 1606.** The Employer Vice-Chairperson supported the amendment.
- 1607.** The amendment was adopted.
- 1608.** As a result, Paragraph 21 was adopted as amended.

Paragraph 22

- 1609.** The Employer Vice-Chairperson withdrew an amendment to delete the entire Paragraph 22.
- 1610.** The Government member of France, speaking on behalf of EU Member States stated that while EU Member States recognized the importance of having data on violence and harassment, the proposed paragraph seemed too detailed. To further simplify the text, he subamended an amendment they had submitted so that instead of inserting “, in light of national circumstances,” the Paragraph would read: “Members should make efforts to collect”.

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- 1611.** The Worker Vice-Chairperson did not support the amendment. It was important to put strong emphasis on data in order to measure impact and ensure no one was left behind. She indicated that there was already sufficient flexibility in how data was collected and published.
- 1612.** The Employer Vice-Chairperson supported the amendment and proposed a further subamendment, to reinstate the reference to national circumstances and to insert the words “and after consultation with employer and worker representatives” to signal the social partners’ role in building a strong evidence base. The beginning of Paragraph 22 would thus read, “Members should, in light of national circumstances and after consultation with employer and worker representatives, make efforts to collect”.
- 1613.** The Worker Vice-Chairperson did not support the subamendment. While she recognized the importance of social dialogue, the Paragraph was meant to guide States in the gathering of adequate data to also address the situation of specific groups.
- 1614.** The Government members of Brazil, Mexico, New Zealand, the Russian Federation and Singapore, did not support the subamendment submitted by the Employer Vice-Chairperson, but supported the amendment as subamended by the EU Member States.
- 1615.** The Employer Vice-Chairperson noted that, while the Employers’ group could support the amendment as subamended by EU Member States, they were disappointed that language regarding social dialogue was not accepted.
- 1616.** The amendment was adopted as subamended.
- 1617.** The Government member of Australia, speaking also on behalf of the Government member of the United States, introduced an amendment to delete “, in particular in respect of the groups referred to in Article 7 of the Convention” at the end of Paragraph 22. She explained that the phrase “in particular” continued to be too strong, and she therefore introduced a subamendment, seconded by the Government member of New Zealand, to replace the words “in particular in respect of” with the word “including” while keeping the rest of the sentence.
- 1618.** The Worker Vice-Chairperson and the Government members of Canada and Mexico supported the amendment as subamended.
- 1619.** The Government member of Uganda, speaking on behalf of the Africa group, supported the amendment as subamended.
- 1620.** The Employer Vice-Chairperson supported the amendment as subamended, emphasizing that implementation of the Paragraph would take place in consultation with employers’ and workers’ organizations, as provided for in other ILO instruments.
- 1621.** The amendment was adopted as subamended.
- 1622.** As a result one amendment fell.
- 1623.** Paragraph 22 was adopted as amended.
- 1624.** Part III was adopted as amended.

Part IV. Guidance, training and awareness-raising

Title

1625. The title of Part IV was adopted.

Paragraph 23

Chapeau

1626. The Employer Vice-Chairperson introduced an amendment to insert the word “fund,” after the word “should” as the Paragraph contained a long list of measures that would need to be appropriately funded.

1627. The Worker Vice-Chairperson supported the amendment.

1628. The Government members of Australia, Chile, Colombia, France, on behalf of the EU and its Member States, and New Zealand did not support the amendment, as it was self-evident that developing, implementing and disseminating would be funded by governments.

1629. The amendment was adopted.

1630. The Employer Vice-Chairperson submitted an amendment to add the words “, as appropriate” after the word “disseminate”, in order to provide flexibility for governments given the extensive list of measures listed.

1631. The Worker Vice-Chairperson did not support the amendment. While governments could indeed develop measures on violence and harassment in accordance with their national contexts, it was important that they take all the measures listed in the clauses in order to address the many drivers of violence and harassment, including discrimination, stereotypes and gender norms.

1632. The Government members of Argentina, Australia, France, speaking on behalf of the EU and its Member States, and Mexico supported the amendment, as did the Government member of New Zealand, who noted that the measures listed would require different levels of funding, implementation and dissemination.

1633. The amendment was adopted.

1634. The chapeau was adopted as amended.

Clause (a)

1635. The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment to replace the word “likelihood” with the word “risks”, in line with the language used in Paragraph 8 of the proposed Recommendation.

1636. The Worker Vice-Chairperson did not support the amendment. The original text was consistent with the wording adopted in Paragraph 8.

1637. The Employer Vice-Chairperson noted that the language in Paragraph 8 appeared to be different.

1638. The Government members of Canada and New Zealand did not support the amendment.

1639. The amendment was not adopted.

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- 1640.** The Employer Vice-Chairperson introduced an amendment to insert the words “the abuse of” before “unequal power relations”. In order to align with the wording adopted in Paragraph 8(c) of the Recommendation, she introduced a subamendment to delete the word “unequal”.
- 1641.** The Worker Vice-Chairperson supported the original text while acknowledging that the expression had been adopted in the proposed Recommendation. Nevertheless, the presence of unequal power relations fuelled gender inequality, which was a recognized cause of gender-based violence and replicated through societal and economic structures, including in the world of work.
- 1642.** The Government member of New Zealand supported the amendment as subamended for the sake of consistency, and because it was the abuse of power relations, and not unequal power relations alone, that gave rise to violence and harassment.
- 1643.** The Government members of Bangladesh, Canada and the United States, supported the subamendment.
- 1644.** The amendment was adopted as subamended.
- 1645.** The Government members of Belarus and the Russian Federation submitted an amendment to insert “between women and men” after “unequal power relations”, and “stereotypes” after “gender”.
- 1646.** Due to a lack of support, the amendment was not adopted.
- 1647.** An amendment submitted by the Government members of Canada and Switzerland to insert the words “work organization factors,” after “unequal power relations,” was withdrawn.
- 1648.** Clause (a) was adopted as amended.

Clause (b)

- 1649.** An amendment submitted by the Government members of Australia and Canada to insert the word “relevant” before “public officials”, was withdrawn.
- 1650.** The Government members of Belarus and the Russian Federation submitted an amendment to insert “, as well as journalists and other media personnel” after “and other public officials”.
- 1651.** Due to a lack of support, the amendment was not adopted.
- 1652.** The Government member of the United States, speaking also on behalf of the Government member of Switzerland, introduced an amendment to insert the phrase “in the world of work” twice, once after “regarding violence and harassment”, and again at the end of the clause for the purpose of clarification.
- 1653.** The Employer Vice-Chairperson supported the amendment.
- 1654.** The Worker Vice-Chairperson did not support the amendment and was concerned about the implications of limiting the application of the clause to the world of work, since public officials dealt with violence and harassment beyond the world of work. She requested the secretariat to clarify how the addition of those words would affect implementation.
- 1655.** The deputy representative of the Secretary-General explained that the original text did not specify the context because, on the one hand, the provisions were all connected with the

world of work, and on the other, the actors mentioned in the clause might have to deal with violence and harassment in other areas as well. The secretariat considered that providing a broader understanding of the issue, and of the factors underpinning violence and harassment beyond the world of work, would be helpful. However, including the phrase would be consistent with the overall approach taken in the development of the instruments.

- 1656.** The Government members of Argentina, Chile and New Zealand supported the amendment.
- 1657.** The amendment was adopted.
- 1658.** The Employer Vice-Chairperson introduced an amendment to insert “public and private” before “employers” to clarify that both public and private employers were implicated.
- 1659.** The Worker Vice-Chairperson supported the amendment.
- 1660.** The Government members of Argentina, Australia, Canada, Chile, Colombia, France, speaking on behalf of the EU and its Member States, New Zealand and Peru, supported the amendment.
- 1661.** The amendment was adopted.
- 1662.** Clause (b) was adopted as amended.

Clause (c)

- 1663.** The Employer Vice-Chairperson introduced an amendment to delete the words “workplace policies”, as it was the responsibility of employers, and not States, to develop those. While guidance and tools from member States were welcome, employers would be best placed to develop workplace policies adapted to their own contexts. She also noted that Paragraph 7 already provided guidance on what should be included in the workplace policy.
- 1664.** The Worker Vice-Chairperson supported the Office text, considering that model workplace policies could provide useful guidance, and that the actual workplace policies adopted in a specific context would, in any case, be the result of collective bargaining.
- 1665.** The Government member of New Zealand supported the amendment, and suggested that another option would be to add the word “model” before the words “workplace policies”.
- 1666.** The Government members of Australia, Bangladesh, Chile, Egypt and the United States supported the amendment.
- 1667.** The Government member of the Russian Federation did not support the amendment.
- 1668.** The amendment was adopted.
- 1669.** The Government member of the United States, speaking also on behalf of the Government member of Switzerland, introduced an amendment to insert the phrase “in the world of work” after “violence and harassment”, consistent with clauses (a) and (b).
- 1670.** The Employer Vice-Chairperson and the Worker Vice-Chairperson supported the amendment.
- 1671.** The amendment was adopted.

1672. The Government members of Belarus and the Russian Federation submitted an amendment to delete the words “taking into account the specific situations of workers and other persons belonging to the groups referred to in Article 7 of the Convention”.

1673. Due to a lack of support, the amendment was not adopted.

1674. An amendment submitted by the Employers’ group to replace the words “workers and other” with “the” was withdrawn.

1675. Clause (c) was adopted as amended.

Clause (d)

1676. The Employer Vice-Chairperson introduced an amendment to insert the word “public” before “awareness-raising campaigns”, considering that campaigns at the workplace level would not be sufficient and that community-wide, public support would be necessary.

1677. The Worker Vice-Chairperson supported the amendment.

1678. The Government members of Argentina, Mexico, and Qatar, speaking on behalf of the GCC countries, supported the amendment.

1679. The amendment was adopted.

1680. The Government members of Belarus and the Russian Federation submitted an amendment to replace “various” with “official” before “languages”.

1681. Due to a lack of support, the amendment was not adopted.

1682. The Government members of Belarus and the Russian Federation submitted an amendment to replace “, including those of the migrant workers residing in the country, that convey the unacceptability of violence and harassment, in particular gender-based violence and harassment, address discriminatory attitudes and prevent stigmatization of victims, complainants, witnesses and whistle blowers” with “regarding violence and harassment in the world of work”.

1683. Due to a lack of support, the amendment was not adopted.

1684. Clause (d) was adopted as amended.

Clause (e)

1685. The Government member of France, speaking on behalf of EU Member States, introduced an amendment to replace “gender responsive curricula” with “training on violence and harassment, including gender-based violence and harassment,”. Education and training should touch on all drivers of violence and harassment, and not just on gender-based violence and harassment. Education was a primary means to prevent violence and harassment in people’s lives and careers. He introduced a further subamendment to replace the words “training” with “gender responsive curricula and instructional materials” and to insert “in line with national law and circumstances” after “all levels of education and vocational training” in order to accommodate ideas expressed in upcoming amendments to the same clause.

1686. The Worker Vice-Chairperson requested further information as to the intention behind “in line with national law and circumstances”.

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- 1687.** The Government member of France, speaking on behalf of EU Member States, stated that “in line with national law and circumstances” accounted for the wide variety of educational systems in different countries, and to provide flexibility for States to adapt to them.
- 1688.** The Worker Vice-Chairperson and the Employer Vice-Chairperson, as well as the Government members of Australia and Canada, supported the subamendment.
- 1689.** The amendment was adopted as subamended.
- 1690.** As a result, two amendments fell.
- 1691.** Clause (e) was adopted as amended.

Clause (f)

- 1692.** The Government member of the Russian Federation, speaking also on behalf of the Government member of Belarus, introduced an amendment, which was identical to an amendment submitted by the Employers’ group, to delete clause (f). A previous amendment of the Russian Federation to include journalists and other media personnel in provisions of Paragraph 23, clause (b) had not been adopted. Thus, it was inconsistent to single out journalists and other media personnel in clause (f).
- 1693.** The Employer Vice-Chairperson supported the amendment. Journalists had to report on many sensitive issues and it would be inappropriate for governments to interfere with their work.
- 1694.** The Worker Vice-Chairperson did not support the amendment. Journalists and media played a key role in addressing stigma and dispelling myths linked to violence and harassment in the world of work and in the wider society. Making training available for journalists and other media personnel would assist them in better understanding and reporting on the issues effectively.
- 1695.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the amendment. Governments would not be interfering in the work of the press if they were to provide training. Training programmes had been made available for the media on a range of labour-related issues already, and journalists often welcomed such training.
- 1696.** The Government member of France, speaking on behalf of the EU and its Member States did not support the amendment, as the press could play an important role in fighting violence and harassment. Their independence, however, must be respected, and he therefore submitted a subamendment, on behalf of EU Member States, to reinstate the clause and insert “, with due respect for freedom of expression and their independence” at the end of it.
- 1697.** The Government member of New Zealand introduced a further subamendment, seconded by the Government member of the United States and the Employer Vice-Chairperson, to delete the words “training programmes and” before “materials”, as a means of limiting the influence of government over the press.
- 1698.** The Worker Vice-Chairperson supported the subamendment introduced by the Government member of France on behalf of EU Member States, and did not support the subamendment introduced by the Government member of New Zealand.
- 1699.** The Government members of Argentina, Israel, Mexico, the Plurinational State of Bolivia and Uruguay supported the subamendment introduced by the Government member of France, on behalf of EU Member States, but not the further subamendment introduced by

the Government member of New Zealand. The Government member of Mexico specified that training did not violate freedom of the press or of expression. Training programmes and materials could be useful for the media, whose reports on violence and harassment were sometimes influenced by gender stereotypes and patriarchy.

- 1700.** The Government member of France, speaking on behalf of the EU and its Member States, supported the subamendment of the Government member of New Zealand.
- 1701.** The Government members of Australia, Brazil, Chile, Colombia, Israel, Japan, Peru and Thailand supported both subamendments.
- 1702.** The Government member of Namibia, speaking on behalf of the Africa group, did not support the further subamendment by the Government member of New Zealand. Journalists and media officials were at different levels of capacity and welcomed capacity-building opportunities, including those offered by the ILO. Public training programmes for media already existed and did not interfere with the freedom of the press.
- 1703.** The Employer Vice-Chairperson did not support inclusion of “training programmes”. The press had sufficient capacity, and it was largely thanks to the media that discussions on violence and harassment in the world of work were occurring.
- 1704.** The amendments were adopted as subamended.
- 1705.** Clause (f) was adopted as amended.

Clause (g)

- 1706.** The Employer Vice-Chairperson introduced an amendment, which was identical to an amendment proposed by the Government members of Belarus and the Russian Federation, to insert “public” before “campaigns”, considering again that campaigns at the workplace level would not be sufficient and that community-wide, public support was necessary.
- 1707.** The Government members of Argentina, Bangladesh, Chile, Mexico, New Zealand, Peru, the Plurinational State of Bolivia, and Uganda on behalf of the Africa group, supported the amendment.
- 1708.** The Worker Vice-Chairperson supported the amendment given that “public” in that case included workers’ and employers’ organizations and noted the workers’ organizations had already planned to hold campaigns to raise awareness of the Convention and the issues contained therein.
- 1709.** The amendments were adopted.
- 1710.** Clause (g) was adopted as amended.
- 1711.** Paragraph 23 was adopted as amended.
- 1712.** Part IV was adopted as amended.
- 1713.** The Recommendation was adopted.

Consideration of the proposed resolution concerning the elimination of violence and harassment in the world of work

- 1714.** The Chairperson invited the Committee to consider a draft resolution.
- 1715.** Broad support for the Preamble of the draft was expressed.
- 1716.** Regarding the operative paragraphs, the Employer Vice-Chairperson suggested a number of changes, highlighting the implementation of the instruments by Members, in consultation with employers' and workers' organizations, the importance of considering the availability of resources, and the need to develop a comprehensive strategy.
- 1717.** The Government member of Canada proposed referring to the development of a comprehensive strategy for the wide ratification of the Convention and the effective implementation of the instruments. She also proposed to refer to "the appropriate allocation of resources". While there was broad support for the proposal, further discussion took place on the wording related to the allocation of resources. It was agreed that a general reference would be made to measures to "allocate resources ...". The Government member of Uganda, speaking on behalf of the Africa group, stated that resources would in any event need to be allocated so that the ILO could support the wide ratification and implementation of the Convention.
- 1718.** The Government member of the United States indicated that the provision on consultation with employer and worker organizations should not be read to mean that consultation would be appropriate regarding all matters set out in the instruments.
- 1719.** While preferring to have a specific reference to an action plan, the Worker Vice-Chairperson indicated that it was implied, as a strategy needed to be implemented, which should involve the employers' and workers' organizations. The Employer Vice-Chairperson also stressed the important role of employers' and workers' organizations to develop and give full effect to the strategy.
- 1720.** The resolution was adopted.

Part VIII of the Convention: Final provisions

- 1721.** The Employer Vice-Chairperson stated that the text of Part VIII had been used in the standard-setting process of the ILO since 1928. The Centenary offered an appropriate moment to examine and review the language used. The Employers' group had raised that concern already in the context of the discussion on the Domestic Workers Convention, 2011 (No. 189); however the Governing Body of the ILO, which was tasked with that review, had not undertaken a comprehensive review. Her group intended to request that the issue of the standard final provisions be placed on the agenda of the Governing Body of the ILO.
- 1722.** The Worker Vice-Chairperson stated that it was the responsibility of the Standards Review Mechanism Tripartite Working Group (SRM TWG) to deal with the matter.
- 1723.** Part VIII of the Convention was adopted.
- 1724.** The Committee adopted the texts of the Convention and of the Recommendation in their entirety.

Closing statements

- 1725.** All speakers in their closing statements included special thanks to the Chairperson for his leadership, patience and sense of humour; to the Worker and Employer Vice-Chairpersons, and the Government members for their engagement in constructive tripartite dialogue; and to the Secretary-General, the secretariat, and the interpreters for their diligent and tireless work – all of which had supported the adoption of the instruments.
- 1726.** The Employer Vice-Chairperson reiterated the Employers' group's view that nobody should be subjected to violence and harassment at work. That goal had been shared by all Committee members, however, there were differing views on how best to achieve it. The majority of the Employers' group supported the Convention, which provided a foundation for policy development and global action for governments, employers and workers and their respective representatives on ending violence and harassment in the world of work. While there had been important improvements to the text of the proposed Recommendation, her group continued to have concerns regarding its scope, some prescriptive provisions, and the fact that the list of vulnerable groups, which would have provided protection to LGBTI persons in addition to other persons in situations of vulnerability, had not been retained. The Employers' group was committed to efforts to eliminate violence and harassment at work, and to work closely with trade unions and governments in doing so. The Employers' group was looking forward to working closely with the Office in the development and implementation of the comprehensive strategy for the wide ratification of the proposed Convention and the effective implementation of the instruments.
- 1727.** The Worker Vice-Chairperson stated that the proposed Convention and Recommendation would bring about profound change in the lives of millions of workers, especially women workers, as well as a cultural shift in workplaces to make them safer, more dignified and respectful for all. The global trade union movement, in particular the women of the movement, had been working tirelessly toward that historic moment. The instruments would give voice to all those workers for whom violence and harassment was a daily reality: garment workers, domestic workers, street vendors, and survivors of domestic violence. The Convention took an inclusive approach, extending protection to all workers irrespective of their contractual status, including individuals who were exercising the authority of an employer, as well as jobseekers, trainees, interns and apprentices, volunteers and others. It also covered the informal economy where more than 60 per cent of workers were employed. A first step towards prevention was to identify the sectors that were more exposed to violence and harassment in the world of work, either because of the nature of the work, or because of the way work was designed, organized and managed. The Convention also recognized that people whose experience was exacerbated by discrimination and marginalization needed the most robust protection. The Committee had adopted an instrument that all governments could ratify and the Workers' group was confident that the Convention and Recommendation enabled the protection of everyone against violence and harassment in the world of work.
- 1728.** The Government member of France, speaking on behalf of the EU and its Member States, as well as the European Economic Area countries Iceland and Norway, stated that it was essential that violence and harassment was addressed in a comprehensive and inclusive manner. The adoption of the first international instruments on the topic on the occasion of the ILO Centenary demonstrated the vitality and relevance of the ILO, social dialogue and tripartism. The Convention and Recommendation provided a comprehensive framework for protecting victims of violence and harassment in the world of work through an inclusive, integrated and gender-responsive approach. Throughout the negotiation process, the EU and its Member States had called for a binding international agreement that was inclusive, providing protection and remedies in cases of work-related violence or harassment. The reference in the Recommendation to applicable international labour standards and

international instruments on human rights would ensure that those disproportionately affected by violence and harassment would be protected. The international #MeToo movement had been groundbreaking in raising awareness of violence and harassment in the world of work, and the instruments would respond to that call for action through a powerful and binding international instrument.

- 1729.** The Government member of Algeria said that ending violence and harassment in the world of work was important due to its social and economic repercussions on all workers. The Government of Algeria was pleased with the adoption of the two instruments, and considered that their content was already reflected in Algeria's national law, in particular its Penal Code. She called for wide ratification of the Convention and universal application of the instruments.
- 1730.** The Government member of Brazil, speaking on behalf of GRULAC, stated that throughout the process, GRULAC had sought to act in a balanced and constructive manner. The negotiations confirmed ILO's important standard setting role, and addressed a subject of indisputable relevance. The GRULAC countries reaffirmed their commitment to a world of work free from violence and harassment.
- 1731.** The Government member of Argentina said that the results obtained had been the fruit of constructive and sincere social dialogue. Today marked a historic step towards protecting people from violence and harassment and promoting dignity at work. The work of the Committee demonstrated a global commitment to zero tolerance of violence and harassment in the world of work.
- 1732.** The Government member of Canada said that the Convention and Recommendation were instruments that would stand the test of time and called for their wide ratification and implementation. It had been recognized that violence and harassment constituted a range of behaviours; that their effects could be physical and psychosocial; and that they affected individuals and workplaces, employers and society. Violence and harassment created barriers to diverse and inclusive workplaces, particularly for women, young workers, persons with disabilities, individuals who identify as LGBTI, indigenous peoples, and others. Her delegation had consistently and repeatedly spoken in favour of protections for groups in situations of vulnerability. The Committee had refined the language through a pragmatic approach, while retaining strong protections. Through their effective implementation, the standards would prevent, address and respond to violence and harassment in the world of work and by extension, society more broadly, including by recognizing the effect of domestic violence in the world of work.
- 1733.** The Government member of New Zealand fully supported the outcome of the Committee. The negotiations had been arduous for the social partners and the approach of the Governments had been to facilitate dialogue and help find constructive solutions. The details of how to implement the Convention and Recommendation would be worked out through national social dialogue, so their adoption would not be the end of the discussion. New Zealand had been consistent in its commitment to a list of workers at particular risk of violence and harassment. Nevertheless, the delegate was confident that all vulnerable groups could be protected through the instrument and encouraged Committee members to adopt both the Convention and the Recommendation, and for member States to ratify the Convention.
- 1734.** The Government member of Australia encouraged all delegates to adopt the first international instruments to end violence and harassment in the world of work. The instruments were a product of three years of tripartite negotiations which resulted in a common position. The Committee had agreed that violence and harassment could constitute an abuse of human rights. Violence and harassment at work took a significant economic toll

on individuals, businesses and governments. The Australian Government had no tolerance for violence and harassment in the workplace, at home or anywhere else.

- 1735.** The Government member of the Philippines expressed satisfaction about the consensus achieved. The formal and informal discussions had resulted in consensus being reached, including to acknowledge that violence and harassment in the world of work could constitute a human rights violation or abuse, was a threat to equal opportunities, and had wide-reaching adverse effects. Her Government was cognizant that decisive steps to address violence and harassment in the world of work required a collaborative effort that included governments, workers, employers, civil society organizations and non-governmental organizations. She hoped that the landmark instruments would eventually be adopted so that workers all over the world, especially migrants in precarious working conditions, could benefit from the comprehensive measures that had been agreed upon.
- 1736.** The Government member of Trinidad and Tobago supported the adoption of the proposed Convention and Recommendation. The Centenary session of the Conference was coming to a close and the proposed Convention and Recommendation on ending violence and harassment would go down in history as the newest instruments to be adopted, as the ILO entered its next hundred years. She expressed hope that the shining of the international light signified the beginning of the end of violence and harassment in the world of work, and a world of work built on mutual respect and dignity.
- 1737.** The Government member of Israel stated that the elimination of violence and harassment at work could only be achieved if everyone was protected. She expressed appreciation for the inclusive language of the proposed Convention and Recommendation, which also ensured accessibility. The Government of Israel would vote in favour of the adoption of the proposed Convention and Recommendation, and encouraged all other delegates to do the same.
- 1738.** The Government member of Namibia, speaking on behalf of the Africa group, commended the work of the Committee to shape the historic ILO Convention No. 190 on violence and harassment in the world of work, and its accompanying Recommendation. The Africa group was proud that they were part of a tripartite process that had established the right of everyone to a world of work free from violence and harassment. The Committee had shaped labour standards of a new type, with far-reaching impacts in the world of work, including on workers, employers, contractors, apprentices and third parties such as clients and customers. Countries would begin to incorporate the instruments' provisions into their national legislation and policies and thereby introduce a paradigm of respect and dignity in the world of work. She noted the discussions among the government group, which helped the Committee to move forward by consensus. She appreciated the growing recognition of the contributions that African member States made to the work of the ILO which was an important step towards democratizing the governance structure of the ILO. She called on member States to commit to early ratification of the Convention in unprecedented numbers, which would be a fitting way to begin the second century of the ILO.
- 1739.** The Government member of Qatar, speaking on behalf of the GCC countries, noted the constructive dialogue of the Committee and commended the negotiation of a proposed Convention and Recommendation that would improve the world of work.
- 1740.** The Government member of Mexico noted that the text of the proposed instruments struck a delicate balance to address the concerns of all and evidenced the importance of tripartism. The Committee had found a way forward to ensure all workers, including, women workers, migrants and LGBTI, were protected by the instruments. While the Recommendation was ambitious, he recalled that it was not binding and provided a guide to implementation. He encouraged all parties to adopt the Convention and Recommendation, and member States to

ratify the Convention to build a future of work rooted in social justice and decent work, and free from violence and harassment.

- 1741.** The Government member of Indonesia, noting that his country had a total workforce of 130 million people, 58 per cent of whom were women, highlighted the importance of achieving equal participation of women in the world of work, which would be facilitated by the new instruments. He called for the total elimination of violence and harassment in the world of work, with the active and effective participation of the social partners.
- 1742.** The Government member of Barbados stressed that the causes of violence and harassment, and notably of gender-based and domestic violence, must be addressed and eliminated. The victor in the Committee's deliberations had been the human-centred approach in addressing matters related to workers across the globe. The discussions had evidenced the importance of social dialogue. He urged member States to work swiftly to put the Convention into law, using the Recommendation as guidance. The adoption of the instruments would signal the continued relevance of the ILO into its next century.
- 1743.** The Government member of Lebanon, welcoming the Convention and the Recommendation, pledged to transmit copies of those instruments to her national parliament and engage in dialogue with the social partners with a view to ratification of the Convention.
- 1744.** The Government member of the Russian Federation acknowledged the indisputable importance of the theme of the Convention and Recommendation and the complexity of the concepts set out therein.
- 1745.** The Government member of Sri Lanka emphasized that the adoption of the Convention and Recommendation was a remarkable achievement and hoped it would contribute to increasing female labour participation. His Government was committed to ending violence and harassment against everyone in the world of work.
- 1746.** The representative of the Secretary-General said that a landmark outcome had been achieved at an historic moment for the ILO and the world of work. Delegates had been trailblazers and pathfinders, imbued with a common purpose to reach a strong, effective, practical and implementable Convention and Recommendation, which had been made possible through their commitment to tripartism. She paid tribute to the Chairperson for his calm determination and his ability to listen carefully to all parties and take decisions on that basis, as well as to the Vice-Chairpersons for their constructive and open spirit throughout the debate. She noted that it was only the end of the beginning, and that the Office stood ready to assist as the next chapter began.
- 1747.** The Chairperson thanked Committee members for the courage and conviction they had shown in navigating complex issues, and confronting different social and cultural perspectives, leading to the adoption by the Committee of landmark instruments. The Convention would be the first ever global treaty on ending violence and harassment in the world of work, an historic achievement, which was particularly significant as it marked the beginning of the ILO's second centenary. The adoption of the instruments would be an important step toward the creation of a world of work founded on dignity and respect, free from violence and harassment, and he called upon all actors to ensure that the Convention would become a reality for all.