

SIPTU Submission
on the ratification
by Ireland of the
International Labour
Organisation (ILO)
Violence and Harassment
Convention, 2019
(No.190)

**Fairness
at Work and
Justice in
Society**

The Services Industrial Professional and Technical Union (SIPTU) is Ireland's largest trade union representing workers across a range of industries in the public and private sectors. SIPTU welcomes the opportunity to make this submission to the Department of Enterprise, Trade and Employment regarding the ratification by Ireland of the International Labour Organisation (ILO) Violence and Harassment Convention, 2019 (No. 190).

SIPTU welcomes the Government intention to ratify the ILO Violence and Harassment Convention, 2019 (No. 190) and Recommendation 206.

This short submission is to signal our support for the submission by the Irish Congress of Trade Unions who were part of the Workers Group at the ILO who negotiated the Convention and its accompanying Recommendation 206.

The Convention establishes the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. It is the first international law to do so. Convention 190 is supplemented by Recommendation 206 (R206), which gives further, more detailed guidance on how the Convention should be implemented at national level.



In particular, we appreciate the focus of the Convention on gender-based violence and harassment in the world of work and the inclusion of the need to address its root causes and provide a gender responsive approach.

SIPTU appreciates that Convention 190 defines violence and harassment as,

“a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”.

We also note that all individuals in the world of work are covered, including:

- **employees as defined by national law and practice;**
- **persons working irrespective of their contractual status (including, for example, temporary agency workers, freelance workers, workers hired through platform businesses);**
- **persons in training, including interns and apprentices;**
- **workers whose employment has been terminated;**
- **volunteers;**
- **jobseekers and job applicants; and**
- **individuals exercising the authority, duties or responsibilities of an employer.**

The Convention also applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.

Crucially, the world of work is a broader concept than just the physical workplace. The workplace can be a range of public spaces as well as private space as it is for domestic and home-care workers, home-based workers and individuals who are teleworking.

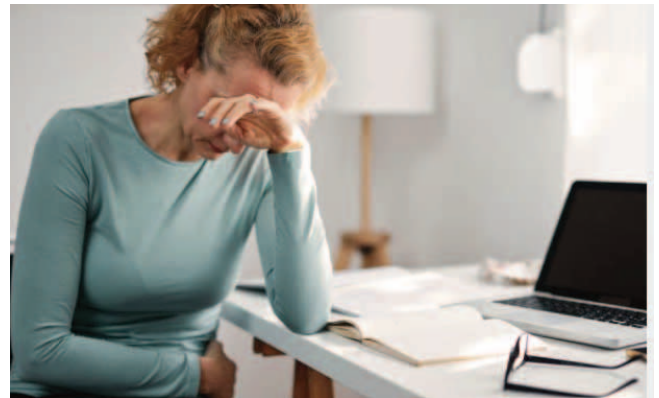
Violence and harassment in the world of work can occur during work-related events and activities, including off-site conferences, meetings and trainings, work-related trips and travel and social activities, such as office parties or outings.

The Convention requires governments to enact laws that oblige employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:

- (a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- (b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and
- (d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures, including on the rights and responsibilities of workers and other persons concerned in relation to the workplace policy.

One of the most important elements of the Convention is that it deals with the issue of domestic violence. This

was a key demand of trade unions. Perpetrators of domestic violence can be colleagues, where the partners work for the same employer, and perpetrators can follow



or stalk their partners at their workplace. Workers experiencing domestic violence can lose their jobs and incomes as a result of frequent absenteeism, loss of concentration and loss of motivation.

The Convention recognises that domestic violence can impact the world of work. It can affect employment, productivity and health and safety, and the world of work can be a key point of intervention in mitigating or reducing the impacts of domestic violence. The Convention therefore requires governments to take appropriate measures to recognise the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work.

We note the announcement on 22 September 2022 by the Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman T.D. of the government’s publication of the Work Life Balance and Miscellaneous Provisions Bill 2022, which would see the introduction of paid leave for victims of domestic violence. While SIPTU has called for and continues to call for 10 days paid leave as opposed to the 5-day entitlement which was announced, the introduction in law of the legal right to paid leave is very much in line with the spirit of the Convention and Recommendation 206 which specifies that:

“18. Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 10(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, as appropriate, 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.”



Finally, we note that governments should 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, mitigating the impact of domestic violence in the world of work.

Employers and trade unions can assist workers experiencing domestic violence by negotiating:

- paid leave for victims of domestic violence;
- flexible work arrangements and protection; and
- temporary protection against dismissal for victims of domestic violence.

Employers and trade unions can also ensure that domestic violence is included in workplace risk assessments; provide a referral system to existing mitigation measures for domestic violence, and raise awareness about the effects of domestic violence.

Finally, It is imperative that the introduction of domestic violence leave policies at national, sectoral and enterprise level are the subject of meaningful negotiations between trade unions and employers.



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