



**RCNI Submission to the
Department of Enterprise, Trade and
Employment on the
Ratification of the ILO Convention No 190 on
Violence and Harassment and
Accompanying Recommendation R206**

September 2022

Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

Introduction – This Submission

RCNI welcomes this opportunity to make submissions on whether Ireland should ratify this ILO Convention on Violence and Harassment (2019)¹. We are very much aware that women and girls are exposed to sexual violence and harassment in the world of work much more than men and boys. We also know from our daily work supporting survivors of sexual violence and harassment that these behaviours can have serious and durable consequences for women in the world of work in many ways, not all of which are easy to identify and address.

In our view, the world of work should be made as safe as possible from the impacts of sexual violence and harassment. Therefore, RCNI urges our Government to ratify this Convention as soon as it can.

We think the Government should proceed to ratification for these reasons:

Reasons based on the ILO Convention No 190 on Violence and Harassment (C190)

This ILO Convention No 190 on Violence and Harassment (C190) is concise and clear and provides a firm foundation from which to address sexual violence and harassment in the world of work. It aims to prevent violence and harassment including gender-based forms of these behaviours, and to protect victims of such violence and harassment, as far as possible. There is a clear recognition of the gendered nature of sexual violence and harassment. Importantly, third parties are included within its scope (e.g. shop customers, hotel guests).

The following aspects of C190 are especially welcome in a world in which many women and girls must work:

- The clear statement of a right to a world of work which is free from violence and harassment, including gender-based violence and harassment: (Article 4);
- The clear statements of obligations on both State and employer to do their best to provide a world of work free of violence and harassment: (Articles 7, 8, and 9);

¹ Accessible online via this web-link:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

- The wide definition of violence and harassment, including in gender-based forms. It refers to a range of unacceptable behaviours and practices aiming at, resulting in or likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment explicitly (Article 1 (a));
- The further definition of gender-based violence and harassment as violence and harassment because of a person's sex or gender, or affecting persons of a particular sex or gender disproportionately, which includes sexual harassment explicitly (Article 1 (b));
- The wide range of persons covered by C190, including employees, contractors, volunteers, trainees, interns, apprentices, jobseekers and applicants and "those exercising the authority, duties or responsibility of an employer", and third parties (e.g. customers): (Articles 2 and 4);
- The broad definition of the world of work, including workplaces at home, in public or dedicated spaces, work-related events, social outings, training, and meetings: (Article 3);
- The explicit naming of gender-based violence and harassment at Articles 7 (statutory definition and prohibition of violence and harassment), 9 (legal obligations on employers concerning prevention, risk assessment, information and training on rights provision, 10 (enforcement) and 11 (training generally));
- Note that **Article 10 (e)** also provides explicitly for effective access to supports for victims of gender-based violence and harassment as well as for complaint mechanisms;
- The emphasis on risk assessment, for vulnerable groups of people and also for riskier work settings and arrangements (working at night/alone/in hospitality e.g.): (Articles 8 and 9);
- The emphases on an integrated approach, on training, on monitoring, and awareness raising activities and materials: (Articles 4, 9, 11); and
- The importance of effective inspection, investigation, redress and enforcement generally: (Articles 4 and 10).

Reasons related to Recommendation R206, (2019) accompanying C190²:

Recommendation R206 (2019), though not binding as C190 would be if ratified, provides a useful and relevant list of actions at paragraphs 16, 17, 20, 22 and 23, which taken together, ensure that Article 10(e) and C190 as a whole take concrete shape and make the world of work a place safe from sexual violence and harassment for women and girls.

The most relevant extracts from the respective Paragraphs with regard to Article 10 (e) and gender-based violence and harassment generally, are set out below for ease of reference.

² Accessible via this web-link:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

Those which we think need more attention are in **bold type**. RCNI recognizes that many measures are already in place or planned in the 3rd National Strategy on Domestic, Sexual and Gender-Based Violence.

- 16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:
 - (a) **courts with expertise in [...] gender-based violence and harassment;**
 - (b) timely and efficient processing;
 - (c) **legal advice and assistance for complainants and victims;**
 - (d) guides and other information resources available and accessible in [multiple languages] [...]
- 17. The support, services and remedies for victims of gender-based violence and harassment [...] in Article 10(e) of the Convention should include measures such as:
 - (a) **support to help victims re-enter the labour market;**
 - (b) [accessible] counselling and information services;
 - (c) 24-hour hotlines; [...]
 - (f) crisis centres, [...]; and
 - (g) specialized police units or [...] officers to support victims.
- 20. Labour inspectors and officials [...] should undergo gender-responsive training with a view to identifying and addressing [...] gender-based violence and harassment [...].
- 22. Members should [...] **collect and publish statistics on violence and harassment in the world of work disaggregated by sex, form of violence and harassment, and sector [...], [and membership of a minority group].**
- 23. Members should fund, develop, implement and disseminate [...]:

[nb paraphrased wording is in square brackets below]

- (a) [general public awareness programmes on causes of] violence and harassment in the world of work, including [...] gender, cultural and social norms that support violence and harassment;
- (b) **gender-responsive guidelines and training programmes [for legal professionals] and other public officials [on] violence and harassment in the world of work, [and for] private employers and workers [on] preventing and addressing violence and harassment in the world of work; [...]**

- (e) gender-responsive [...] materials on [...] gender-based violence and harassment, at all levels of education and vocational training [...]
- (f) materials for journalists [...] on gender-based violence and harassment, [...]

Sometimes, sexual harassment in the workplace happens in front of colleagues and is easy to identify and address. More often, sexual harassment and most sexual violence take place in private at times when women and girls are isolated. These behaviours are criminal offences, and/or contraventions of the civil law, employment contracts or workplace policies, so that there is at least one mechanism through which a complaint can be made and redress and support sought.

However, other impacts of sexual violence or harassment, especially if it takes place elsewhere, may be less obvious. They may have significant effects on a woman's ability to focus on work, at least for a period, and over time, on her future career and earning power, so they too need to be recognized and addressed as early as possible. A victim of recent rape is likely to need leave for urgent medical and psychological reasons and in order to provide statements to Gardaí. She may need time also to attend court and counselling appointments over a prolonged period, during which her recovery proceeds. An adult victim of historic child sexual violence will also need time as she too recovers from it, both to access psychological support and to engage with the justice system.

Having the right to take leave to deal with the consequences of sexual violence, the right not to be dismissed for reasons related to sexual violence or harassment, and/or to seek more flexible working arrangements if necessary, are all likely to make a huge positive difference to victims of sexual violence and harassment.

Awareness-raising about the myriad, sometimes subtle but often devastating impacts of sexual violence and harassment is the key to work systems which are safe, supportive and sensitive for victims of these behaviours.

Conclusion

Ireland needs to ratify this ILO Convention without delay and to start work on implementing the relevant paragraphs of Recommendation R206.

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