Advocacy Paper
on
The Need to Ratify the ILO Convention No 190 in Ethiopia

Association for Human Rights in Ethiopia

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Addis Ababa

About Association for Human Rights in Ethiopia

Association for human rights in Ethiopia (AHRE) is a non-governmental, non-partisan, and not for-profit organization dedicated to the advancement of human rights in Ethiopia established in 2015. The organization was initially registered and based in Geneva, Switzerland. It was established through the initiative of an Ethiopian human rights activist who fled the country and other members of the Ethiopian Diaspora, as an overseas human rights organization carrying out activities that were difficult for organizations based in Ethiopia to undertake due to financial and administrative restrictions imposed by the then repressive CSO law of the country. Under the Federal Democratic Republic of Ethiopia Agency for Civil Society Organization, AHRE has been registered and accorded legal personality with registration number 5223 on November 12, 2020, as a local organization in accordance with the Civil Society Organization Proclamation NO 1113/2019.

The organization is engaged in contributing for the improvement of human rights situation in Ethiopia, mainly through its advocacy and research works. It is also engaged in training local actors, publishing press statements, rehabilitation and trial monitoring programs. All the above activities are tools used to work for creating awareness, strengthening the capacity of local actors in Ethiopia and call upon concerned parties to give it due concern.

Disclaimer: The opinions and positions in this Advocacy Paper do not belong to our partner Agence Française de Développement.

Acronyms

AHRE - Association for Human Rights in Ethiopia

AFD- Agence Française de Développement

CETU - Confederation of Ethiopian Trade Unions

CEACR- Committee of Experts on the Application of Conventions and Recommendations

CAS- Committee on the Application of Standards

CSO- Civil Society Organization

EHRC- Ethiopia Human Rights Commission

EIO- Ethiopia Institution of the Ombudsman

FDRE - Federal Democratic Republic of Ethiopia

GBV- Gender Based Violence

ICCPR- International Convention on Civil and Political Rights

ICESCR- International Covenant on Economic Social and Cultural Rights

IHRL-International Human Right Laws

ILC- International Labour Conference

ILO- International Labour Organization

ITUC- International Trade Union Confederation

MoLSA- Ministry of Labour and Social Affairs

OSH- Occupational Safety and Health

UDHR- Universal Declaration of Human Rights

UNDP- United Nations Development Program

UNCEDAW- United Nations Convention on the Elimination of All Forms of Discrimination against Women

Table of Contents

About Association for Human Rights in Ethiopia 2
Disclaimer: 2
Acronyms 3
Executive Summary 6
Part I: General Background 8
1. Understanding Violence and Harassment in the World of Work: Conceptual and Statistical Review 8
2. Exploring the Global Scene in Fight against Violence and Harassment in the World of Work: Policies, Laws, Standards, Recommendations and Practice/Experiences 15
Part II: Overview on the ILO Convention No. 190 and its Accompanying Recommendation No. 206 24
3. Genesis 24
4. Synopsis on the Basic Contents 27
4.1. Definitions of Violence and Harassment in the World of Work 28
4.2. Scope of Protection 31
4.3. Core Principles and Obligations on the Governments 33
4.4. Protection and Prevention 38
4.5. Enforcement and Remedies 40
4.6. The Promotion of Policies and Tools to Accelerate Social Change 44
4.7. How is the Implementation of Convention No. 190 Supervised? 46
Part III: Paradigm, Methodology and Design 47
5. Research Paradigm, Methodology and Design 47
5.1. Research Paradigm 47
5.2. Research Methodology & Design 47
5.2.1. Research Methodology 47
5.2.2. Design of the Qualitative Study 49
5.2.3. Secondary & Tertiary Quantitative Data 52
5.3. Tactics to Ensure Validity and Reliability 52
5.4. Ethical Considerations 53
Part IV: Discussion of Major Findings 54
6. The Case Study in Ethiopia 54

6.1. The Existing Legal and Policy Framework on Workplace Violence and Harassment in Ethiopian 54
6.1.1. Constitutional Considerations and Policy Frameworks 54
6.1.2. Legal Framework/Other Subsidiary Legislations on Violence and Harassment in the World of Work in Ethiopia 57
6.2. The Practices with Regard to Fighting Violence and Harassment in the World of Work in Ethiopia 63
6.3. Issues on Ratifying Convention No 190 and Recommendation No 206 in Ethiopia 67
6.3.1. Why Ratification of the Convention is Important to Ethiopia? 67
6.3.2 How to Proceed Towards Ratification? 72
Part V: Conclusion and Recommendations 74
7. Conclusion 74
8. Way Forward in Ratifying Convention 190 & Recommendation 206 75
9. Bibliography 79

Executive Summary

The year 2019 marked the Centenary of the International Labour Organization (ILO). In June 2019, at the 108th International Labour Conference (ILC), the ILO tripartite constituents adopted the 'Centenary Declaration for the Future of Work', committing to a world of work free from violence and harassment. The ILC adopted Convention No. 190 (C 190) and its accompanying Recommendation No. 206 (R 206) on Violence and Harassment. These newly adopted International Labour Standards (ILS) aim to prevent and eliminate violence and harassment in the world of work. This Advocacy Paper is primarily directed to the government of Ethiopia including workers and their organizations. Its main purpose is to promote the understanding of the new ILS and to raise awareness on the importance of ratification of Convention No. 190 by Ethiopia.

Once Convention No. 190 is ratified the instrument will have to be effectively implemented in law and practice. It is clearly stated that all ILO member States that ratify the Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment.

Understanding the need to continue to working for social justice by developing a human-centered approach to the future of work, it is essential to put workers' rights and needs at the center of the fight against violence and harassment in the world of work. The Convention defines violence and harassment as "a range of unacceptable behaviors and practices" that "aim at, result in, or are likely to result in physical, psychological, sexual or economic harm". It covers everyone who works, including interns or apprentices and persons who exercise the duties or authority of an employer, and applies to the public and private sectors, the formal and informal economy, as well as urban and rural areas.

This Convention provides the possibility of building a future of work based on dignity and respect for all, free from violence and harassment. It represents an enormous challenge for workers both in keeping the momentum and promoting the awareness-raising, including ratification campaigns, and in using the existing language in these ILS in their daily efforts for the promotion and protection of workers' rights in the world of work.

Ethiopia is among the founding members of the ILO, the supervisory body on the protection of employees' rights. It is also a signatory party to most of the core ILO conventions on the rights of employees. Similarly, Ethiopia is a member state of international and regional treaties, which incidentally addresses violence & harassment in the world of work including CEDAW and Maputo Protocol. Violence & harassment in the world of work is impliedly overruled by the FDRE Constitution albeit the Country lacks a consolidated policy on the area. Other subsidiary legislations on workplace violence & harassment are there yet they are fragmented and not comprehensive to cover the whole world of work.

Be that as it may, Ethiopia is experiencing significant economic growth and rapid industrialization. While this progress has brought benefits to the nation, it has also exposed vulnerable segments of the population to various human rights abuses within several sectors, namely industrial parks, private agency employees, women's participation in trade unions, and cases of gender-based violence (GBV).

In this regard, this Advocacy Paper is aimed at launching an advocacy initiative to promote the ratification of the ILO Violence and Harassment Convention, 2019 (No. 190). Workplace violence & harassment remains a pervasive problem in Ethiopia, where women continue to experience disproportionate workplace violence, harassment, and discrimination, often compounded by conflict-induced displacement and economic vulnerability. Ethiopia's non-ratification of ILO C190 has left many workers, especially women, without adequate legal protection or redress mechanisms. Cultural barriers, fear of retaliation, and lack of awareness further discourage victims from reporting abuse.

The research method designated for conducting the Study is a mixed methods approach incorporating a desk review, policy and legal analysis, and consultative approach combining review of relevant ILO and Ethiopian labour instruments, comparative analysis of best practices, stakeholder consultation, and integration of gender-sensitive, human-rights-based analysis. The Consultant has thoroughly reviewed existing literature, reports, and studies related to workplace violence & harassment; also conducted semi-structured interviews with key stakeholders, including government officials, trade union representatives, and NGOs; designed to consider secondary and tertiary quantitative data; and analyze the collected data using thematic qualitative data analysis.

Part I: General Background

1. Understanding Violence and Harassment in the World of Work: Conceptual and Statistical Review

In June 2019, the International Labour Organization (ILO) adopted Convention 190, a landmark global treaty addressing violence and harassment in the world of work. A systematic comparison of national legislations[1] reveals that nearly two-thirds of UN member states have legislated prohibitions of violence and harassment in the world of work.[2] However, one-third still fail to prohibit violence and harassment in the world of work, and important gaps exist in the countries with legislative protections.[3]

Studies, further, reveal that following the International Labour Organization (ILO) adoption of Convention 190 both the signatory states and not-signatory states used to reincorporate and regulate, in their national policies and legislations violence and harassment in the world of work.[4] This public effort is backed with private hands in which private undertakings used to come up with anti-violence and anti-harassment policies; fighting violence and harassment used to be collective bargaining agenda through instrumentality of the ILO Decent Work Advocacy Programs.[5]

Be that as it may, violence and harassment at workplace is notoriously pervasive and has been studied at length. Surprisingly less is known about the different façades of violence and harassment to which many workers are exposed at work and in their way to or from work. This section presents findings to provide the conceptual overview of literatures on violence and harassment in the world of work, from a broad range of disciplinary perspectives, including both conceptual papers and descriptions of regulatory frameworks from around the world. It first

[1] This study provides a baseline assessment of all 193 United Nations (UN) member states' workplace sexual harassment laws. Tracking countries' enactment of workplace sexual harassment laws over time will provide an important tool for monitoring the Convention's impact.

[2] Amy Raub et al, Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries, Published by Johns Hopkins University Press, Human Rights Quarterly, Vol. 43, No. 2, (2021), P.378

[3] Ibid, P.379

[4] By tracking countries' enactment of laws and policies addressing sexual harassment at work in the years following the Convention's adoption, the global community can monitor the Convention's impact and identify whether countries are taking the first steps to realize their commitments.

[5] Amy Raub et al, Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries, Published by Johns Hopkins University Press, Human Rights Quarterly, Vol. 43, No. 2, (2021), P.379

looks at definitions of workplace violence and harassment, including physical, psychological, sexual, economic and discriminatory violence and harassment as well as workplace related intimate partner violence. It then turns to determinants of occupational violence and harassment, including psychosocial risk factors, victims, perpetrators and structural violence. A discussion of the importance of using a gender lens to understand occupational violence and harassment, and its roots concludes the conceptual section. Finally, the section, *inter alia*, presents statistical differentiations exposing the prevalence of violence and harassment in the world of work.

The phenomenon of workplace violence and harassment growingly captures the attention of sociologists, psychotherapists, occupational psychologists, business ethicists, lawyers and policymakers world-wide.[6] The identification of workplace violence and harassment as a social problem originates in the pioneering work of Swedish social psychologist Heinz Leymann some thirty years ago.[7] It was only later that joint-coalitions of social activists, lawyers, and other scholars began calling for the adoption of legal tools to tackle the problem. This effort has been productive, at least in certain jurisdictions; for example, in several European countries, workplace violence and harassment is currently actionable as a civil wrong.[8] In some jurisdictions, it is even specifically prohibited as a criminal offense.[9] The entry of workplace violence and harassment to the legal domain is usually discussed in a pragmatic manner—law is perceived as an instrument to tackle a social problem. This paper assumes that much conceptual work is yet to be done to define workplace violence and harassment as a legal wrong.

While there was no universally-accepted definition for workplace violence and harassment the International Labour Organization (ILO) Convention 190 with its Recommendation 206 downsizes the fatigue in defining workplace violence and harassment. The Convention stipulates that the term "violence and harassment" in the world of work refers to a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at,

[6] Schneebaum, Gail (2021) "Conceptualizing Workplace Bullying as Abuse of Office," South Carolina Law Review: Vol. 73: Iss. 1, Article 6, P.66 Available at: https://scholarcommons.sc.edu/sclr/vol73/iss1/6

[7] Heinz Leymann, The Content and Development of Mobbing at Work, 5 EUR. J. WORK & ORGANIZ. PSYCH. 165 (1996)

[8] Schneebaum, Gail (2021) "Conceptualizing Workplace Bullying as Abuse of Office," South Carolina Law Review: Vol. 73: Iss. 1, Article 6, P.68 Available at: https://scholarcommons.sc.edu/sclr/vol73/iss1/6

[9] Ibid

result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.[10]

Significant bodies of literatures have developed in recent years on workplace violence and harassment, a phenomenon labeled differently in different jurisdictions. Bullying is the term used in Australia, the United Kingdom, the United States and other Anglo-Saxon jurisdictions; mobbing is a term more commonly used in Scandinavian and German-speaking countries; *acoso* or *hostigamiento moral*, in Spanish; *harcèlement moral* in France and Belgium; *harcèlement psychologique* in French-speaking Canada and psychological harassment is used in some Canadian legislation.[11] All these terms, however designate similar phenomena - workplace violence and harassment.

Workers are subjected to myriad forms of occupational violence and harassment including physical violence, psychological violence (including harassment and bullying as well as verbal abuse), sexual violence (including sexual harassment and assault), economic violence, other forms of discriminatory harassment, criminal violence, intimate partner violence related to the workplace, and technology-based violence including cyber-bullying. These categories are not mutually exclusive, but each raises challenges needing to be addressed.

A) Physical Violence and Harassment:- The World Health Organization (WHO) and the ILO defined Physical Violence and Harassment (VH) in a joint questionnaire developed to study VH in the healthcare sector as 'the use of physical force against another person or group that results in physical, sexual or psychological harm, which includes, among others, beating, kicking, slapping, stabbing, shooting, pushing, biting and pinching'.[12] Intention is not part of the definition, so that it includes not only behavior that would be considered as a crime, but focus on acts by the "perpetrators" who are not criminally liable for this type of behavior, such as

[10] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021) [hereinafter ILO C190] Article 1(1)a

[11] On the origin of the different terms in different linguistic contexts see, Katherine Lippel, 'The Law of Workplace Bullying: An International Overview' (2010) 32 Comparative Labor Law & Policy Journal 1.

[12] ILO et al, 'Workplace Violence in the Health Sector: Country Case Studies Research Instruments' (2003)

children, psychiatric patients, or residents of long term care facilities suffering from dementia.[13] Here, the focus is protection and prevention of occupational violence and harassment.

In some exceptional scenarios, women occupying non-traditional jobs may be particularly vulnerable to acts of physical violence and harassment, as they are in the minority and their presence may be resented or they may be perceived to be vulnerable. In this regard, South Africa has adopted regulatory incentives to increase the presence of women in mines, a move designed to promote women's equality and ensure their access to better jobs. Yet many of the women who take up this challenge have been exposed to physical and sexual violence in the workplace.[14]

B) Psychological Violence and Harassment:- this form of workplace violence and harassment usually labeled as workplace bullying.[15] The term bullying was first proposed by Adams (1992) as "an offensive behavior by cruel, humiliating, vindictive attempts to weaken people or group of individuals working in an organization which affect personal and professional performance of an individual, and can cause anxiety, stress, physical and mental distress".[16] Namie and Namie (2011) defined bullying as "mistreatment of an individual by one or more employees by threatening, verbal abuse, humiliating or intimidating behavior; sabotage that prevents work from getting done; or some combination of the three."[17] Leading European researchers and theorists like Einarsen (1999), Hoel and Salin (2003) and Zapf (1999) tested bullying, mobbing at workplace and defined bullying as "…acts, that are directed to one or more individuals at work, which are unwelcome by the target, which may be done intentionally or

[13] Katherine Lippel, Conceptualizing Violence at Work through a Gender Lens: Regulation and Strategies for Prevention and Redress, University of Oxford Human Rights Hub Journal, 2018, Vol.1, P.145

[14] Lindiwe Zungu, 'Workplace Violence and Sexual Harassment Against Women Workers in the South African Mining Industry' (19-22 April 2016) Proceedings of the 10th International Conference on Workplace Bullying and Harassment, Auckland, New Zealand; Doret Botha, 'Women in Mining Still Exploited and Sexually Harassed' (2016) 14(1) South African Journal of Human Resource Management' 753.

[15] Misra, R.K. and Sharma, D. (2022) 'Understanding Workplace Bullying: A Conceptual Review', Int. J. Management Practice, Vol. 15, No. 3, P.348-350

[16] Adams, A. (1992) Bullying at Work: How to Confront and Overcome it, Virago, London

[17] Namie, G. and Namie, R. (2011) The Bully-free Workplace – Stop Jerks Weasels and Snakes from Killing Your Organization, John Wiley & Sons, Hoboken.

unintentionally, but clearly cause distress, offence, humiliation and that may interfere with job performance and/or cause an unpleasant working environment"[18]

Typical scenarios of psychological violence and harassment include verbal abuse, shouting, excessive monitoring, overly harsh and unjustified criticism, threats or intimidations.[19] In another note, technology provides a vehicle to multiply opportunities for psychological abuse, and recently researchers and regulators have been turning their attention to technology-facilitated violence, among others including cyber-bullying (cyber-intimidation) and other forms of violence facilitated by social media and technology.[20]

C) Sexual Violence and Harassment:- Definitions and measures of sexual violence and harassment varies among jurisdictions and cultures. The ILO Committee of Experts on the Application of Conventions and Recommendations defines sexual violence and harassment as including the following elements:

> **"**(1) (quid pro quo) any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men which is unwelcome, unreasonable and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or (2) (hostile work environment) conduct that creates an intimidating, hostile or humiliating working environment for the recipient."[21]

[18] Einarsen, S.V., Hoel, H., Zapf, D. and Cooper, C.L. (2020) 'The Concept of Bullying and Harassment at Work: the European Tradition', in Bullying and Harassment in the Workplace, CRC Press, P.3–53

[19] Gary Namie & Ruth Namie, The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity on the Job (1st ed. 2000), P. 18–33

[20] Women's Legal and Human Rights Bureau, 'From Impunity to Justice: Domestic Legal Remedies for Cases of Technology-Related Violence Against Women' (2015)

[21] International Labour Organization (ILO), "Giving Globalization a Human Face' (2012); See also ILO Committee of Experts on the Application of Conventions and Recommendations, 'General Observation Convention No 11' (2003) 463.

Similarly, a literature from the United States specifies that the concept of sexual harassment can also include 'quid pro quo behaviors where the unwelcome behavior becomes a term or condition of employment or advancement.[22]

Typical examples of Workplace Sexual Harm, *inter alia*, include the following scenarios:[23]

- ✓ Sexual assault, rape, indecent exposure, stalking or obscene communication.
- ✓ Unwelcome physical contact including patting, pinching, tickling, stroking, kissing, hugging, fondling, bushing up against, cornering, or inappropriate touching.
- ✓ Asking intrusive questions about an employee's private life or body.
- ✓ Making insulting comments or jokes about someone's gender identity.
- ✓ Repeated asking for dates despite being rebuffed.
- ✓ Asking for sexual favour in exchange for a promised job or promotion.
- ✓ Sharing or displaying sexually explicit pictures, videos, screen savers, or posters.
- ✓ Sending sexually explicit email or text messages etc.

D) Economic Harm: this category of workplace harm used to cause the worker any type of financial loss or damage that occurs as a result of violence and harassment in the world of work. It includes economic harms like:

- ✓ Loss of income or property damages
- ✓ Medical bills due to injuries
- ✓ Restrictions in accessing financial resources, education or the labour market etc.[24]

E) Discrimination: Discrimination is subjecting employees to social undermining based on characteristics not relevant to the job, such as gender, ethnic background, race, age, disability

[22] Kimberly T. Schneider et al 'Sexual Harassment Research in the United States' in Ståle Einarsen et al (eds) Bullying and Harassment in the Workplace: Development in Theory, Research and Practice (2nd ed, CRC Press, 2011).

[23] International Labour Organization (ILO), Advancing Social Justice, and Promoting Decent Work: What is Violence and Harassment at Work (Module 2), Slide No 15

[24] International Labour Organization (ILO), Advancing Social Justice, and Promoting Decent Work: What is Violence and Harassment at Work (Module 2), Slide No 16

status, etc.[25] Studies by the ILO reveal that the five most common types of discrimination perceived to be experienced by respondents throughout their entire work life were observed to be based on their ethnicity/nationality, religious/ideological beliefs, age, dress and/or appearance, and gender. The order of the most frequently observed forms is somewhat different, with the most frequently reported discrimination being those based on religion/ideology followed by age.[26] This form of violence and harassment more or less falls within the ambit of psychological harm so much so that it can mathematically depicted as the proper subset of psychological violence and harassment.

In a final note, the relationship between the target/victim of violence and the perpetrator is, of course, relevant. Violence and Harassment can come from external sources, as in the case of robberies, external sources within the workplace, such as patients or school children, or internal sources, such as supervisors, colleagues or subordinates. With regard to internal violence, when it occurs between colleagues it is referred to as horizontal violence, while violence between different levels of the organizational hierarchy is usually referred to as vertical violence.

Concerning the statistical differentiation, violence and harassment in the world of work affects all countries, sectors, occupations, and work arrangements, and it threatens the dignity, safety, health, and wellbeing of all people of all ages, races, social classes, and economic statuses.[27] GBVH, on the other hand, is the most widespread form of violence and harassment in the world of work, mainly affecting women disproportionately. According to UN statistics, 736 million women worldwide have been subjected to physical and/or sexual intimate partner violence, non-partner violence, or both at least once in their life.[28] And although 158 countries have passed laws on violence, and 141 have laws on sexual harassment in employment (including ratification

[25] International Labour Organization (ILO) and Özyeğin University, Perceptions and Experiences of Workplace Violence and Harassment Research Report, Ankara: International Labour Organization, 2024 © ILO, P.37

[26] Ibid

[27] Georgia Montague-Nelson and Dave Spooner, Train the Trainers Toolkit on the ILO Violence and Harassment Convention (No. 190) and Recommendation (No. 206), developed with the financial support of Mondiaal FNV, June 2021, P.6

[28] Facts and Figures: Ending Violence Against Women, UN Women, ONU Mujeres, available at https://www.unwomen.org/

of international and regional conventions), this does not mean that they are compliant with the international standards and recommendations or are implemented and enforced.[29]

Violence and harassment at work is more prevalent in developing countries compared to the developed ones. A global study on the prevalence of violence found out that in the past years, such incidents were most prevalent in Africa and Asia (80%), followed by Europe (70%), and Latin America and North America (60%).[30] The pervasiveness of violence and harassment at work in Africa necessitates efforts to set a foundation for a regional model law to address workplace violence and harassment.[31]

2. Exploring the Global Scene in Fight against Violence and Harassment in the World of Work: Policies, Laws, Standards, Recommendations and Practice/Experiences

Globally, there is increased momentum for countries to address the pervasive human rights violations in the world of work. Indeed, the ILO's new Convention Concerning the Elimination of Violence and Harassment in the World of Work is a tremendous universal step toward increasing countries' accountability for ending workplace violence and harassment.[32] As the analysis in this paper reveals, while many countries across regions and income groups have taken some legislative action separately to address violence and harassment in employment, significant gaps remain in policies, laws, standards, and recommendations relevant in fighting violence and harassment at work place at the international arena. The very target of the section is appraising the policies, laws, standards, and recommendations relevant in fighting violence and harassment in the world of work at the international arena other than the ILO 190 Convention. Accordingly, the Section will first examine the attention given for fighting violence and harassment at work place by the International Human Right Instruments. Next it will examine the efforts in fighting

[29] UNI Global Union's Training Guide for Trade Unions on ILO Convention 190, Violence and Harassment in the World of Work, P.3

[30] Meinck, F. et al, (2015), Risk and Protective Factors for Physical and Sexual Abuse of Children and Adolescents in Africa: A Review and Implications for Practice. Trauma, Violence, & Abuse, 16(1), 81–107. Available at https://doi.org/10.1177/1524838014557271

[31] Vance Center, AESHI & PALU Launch New Report on Sexual Harassment Laws in Africa, November 2024

[32] Amy Raub et al, Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries, Published by Johns Hopkins University Press, Human Rights Quarterly, Vol. 43, No. 2, (2021), P.391

violence and harassment at work place by different ILO documents other than the ILO 190 Convention.

A. Workplace Violence and Harassment in the International Human Right Instruments

In International Human Rights Law (IHRL), workplace violence and harassment has received relatively little attention[33] despite the #meToo campaign which gained prominence in 2017 and subsequent discussions highlighting the pervasiveness of workplace violence and harassment in society. Workplace violence and harassment has been a subject of IHRL, but researchers have long noted its marginalized position and the unaddressed structural issues surrounding it.[34] Alice Edwards argues that the IHRL principle of 'violence against women as sex discrimination' was first developed by US-American legal scholar Catherine McKinnon in 1979,[35] and may be well-placed to address the 'structural causes of inequality and violence'.[36]

Recent research has primarily focused on the 2011 Istanbul Convention, in which the discourses of discrimination and sexual violence intertwine, creating a complex and multilayered concept of sexual harassment.[37] The absence of a supranational obligation to criminalize workplace violence and harassment further undermines its perceived seriousness on the national level.[38] Yet no unfragmented and comprehensive coverage of workplace violence and harassment in contemporary IHRL has been undertaken, and existing analyses fail to provide a complete picture of what workplace violence and harassment currently entails within IHRL. Hence, the

[33] Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova (eds), International Law and Violence Against Women: Europe and the Istanbul Convention (Routledge 2020).
See also Beverley H Earle and Gerald A Madek, 'An International Perspective on Sexual Harassment Law' (1994) 12 Minnesota Journal of Law & Inequality P.43

[34] Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova (eds), International Law and Violence Against Women: Europe and the Istanbul Convention (Routledge 2020).

[35] Catharine A MacKinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination (Yale University Press 1979).

[36] Alice Edwards argues that it was first developed by Catherine MacKinnon in her fundamental work on sexual harass ment: Alice Edwards, Violence against Women under International Human Rights Law (Cambridge University Press 2011)

[37] Council of Europe Convention on preventing and combatting violence against women and domestic violence 2001 [European Treaty Series 210]

[38] Minni Leskinen, 'The Istanbul Convention on Sexual Offences a Duty to Reform the Wording of National Law or the Way We Think?' in Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova (eds), International Law and Violence Against Women: Europe and the Istanbul Convention (Routledge 2020)

paper ghastly summarizes the nexus of contemporary IHRL with workplace violence and harassment in the following tables.

Table 1: Selected provisions on violence and harassment in the world of work as included in IHRLs

No	The IHRL Regime	Parts Relevant to workplace violence and harassment	Supplementary Remarks
1	Universal Declarations on Human Rights	Articles 1,2,3,7& 8 are indirectly relevant	
2	International Covenant on Civil & Political Rights	Articles 2,3,9,17& 26 are indirectly relevant	
3	International Covenant on Economic, Social & Cultural Rights	Articles 2,6,7& 12 are indirectly relevant	General Comment No 23 on the Right to Just & Favorable Conditions of work (Art 7 of the Covenant), 27 April 2016 is very important.[39]
4	Convention on the Elimination of All Forms of Discrimination Against Women	Articles 1,2,3,5,11& 14 are relevant	
5	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families[40]	Articles 1,2,16& 25 are relevant	
6	Convention on the Right of Persons with Disabilities[41]	Articles 27 is relevant	

[39] General Comment No. 23 on the Right to just and favorable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), 27 April 2016, Available at https://www.refworld.org/docid/5550a0b14.html

[40] UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, Available at https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx

[41] UN General Assembly, Convention on the Right of Persons with Disabilities, 13 December 2006, Available at https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf

Table2: Selected provisions on violence and harassment in the world of work as included in CEDAW Framework

No	The CEDAW Regime	Parts Relevant to workplace violence and harassment	Supplementary Remarks
1	CEDAW Recommendation No. 19: Violence against Women[42]	No. 6-10,17, 18& 24 are relevant	
2	CEDAW Recommendation No. 28: The Core Obligations of States Parties Under Article 2 of CEDAW[43]	No. 19,22,23, 25& 29 are relevant	
3	CEDAW Recommendation No. 35 on Gender Based Violence against Women (Updating Recommendation No. 19)[44]	No. 1,2,6-10,14,15,20,21,24, 26,29-34,& 39-46 are relevant	
4	CEDAW Recommendation No. 26 on Women Migrant Workers[45]	No 6,7,9,10,12,13,& 19-26 are relevant	
5	CEDAW Recommendation No. 32 on Gender Related Dimension of Refuge Status, Asylum, Nationality & Statelessness of Women[46]	No 13,15,23,27& 37 are relevant	

[42] UN Committee on the Elimination of Discrimination General Recommendation No. 19: Violence Against Women, 1992, Available at HTTP://TBINTERNET.OHCHR.ORG/TREATIES/CEDAW/SHARED%20DOCUMENTS/1_GLOBAL/INT_CEDAW_GEC_3731_E.PDF

[43] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010, CEDAW/C/GC/28, Available at https://www.refworld.org/docid/4d467ea72.html

[44] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 35 on gender based violence against women, updating general recommendation No. 19, 14 July 2017, CEDAW/C/GC/35, Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf

[45] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 26 on Women Migrant Workers, 5 December 2008, CEDAW/C/2009/WP.1/R, Available at https://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

[46] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of women, 14 November 2014, CEDAW/C/GC/32, Available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf?OpenElement

6	CEDAW Recommendation No. 33 on Women's access to Justice[47]	No 15-20,29,51& 58 are relevant	
7	CEDAW Recommendation No. 34 on the Rights of Rural Women[48]	No 19,25& 52 are relevant	
8	CEDAW Recommendation No. 24: on Article on Women & Health[49]	No 12& 15 are relevant	

A close look at the previous tables shows that the place given for workplace violence and harassment in IHRL is nominal, scattered and indirect/incidental. In another note, Yulia Dergacheva in her 'A Critical Engagement with the Conceptualization of Sexual Harassment in International Human Rights Law' concludes that "workplace violence and harassment in IHRL is largely constructed around the 'universal subject' of the white middle-class women, with other identities perceived as exceptions."[50] This leads to the exclusion of subjects who are different from the imaginary victim, thus creating people, spaces, and settings in which workplace violence and harassment is neglected by the law as stipulated in IHRL.

B. Workplace Violence & Harassment in the International Labour Organization (ILO) Instruments

Convention No. 190 and Recommendation No. 206 are anchored in the Declaration of Philadelphia (1944), which states that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". The need to protect the

[47] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 33 on Women's Access to Justice, 23 July 2015, CEDAW/C/GC/33, Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf

[48] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 34 on the rights of rural women, 4 March 2016, CEDAW/C/GC/34, Available at HTTP://TBINTERNET.OHCHR.ORG/TREATIES/CEDAW/SHARED%20DOCUMENTS/1_GLOBAL/INT_CEDAW_GEC_7933_E.PDF

[49] UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 24: Article 12 of the Convention (Women and Health), 1999, A/54/38/Rev.1, chap. I, Available at http://www.refworld.org/docid/453882a73.html

[50] Yulia Dergacheva (2024), A Critical Engagement with the Conceptualization of Sexual Harassment in International Human Rights Law, Nordic Journal of Human Rights, 42:3, P.261, Available at https://doi.org/10.1080/18918131.2024.2378646

dignity of all human beings has been intrinsic to all the works of the ILO since its outset. Throughout its history, the ILO has adopted a number of standards that have the objective of protecting workers in general, or certain categories of workers, against situations in which violence and harassment is present (see table 3). For instance, some of the illegal forms of work addressed in the **ILO fundamental Conventions** relate to violence and harassment at workplace.[51]

Other international labour standards either refer directly to various manifestations of violence and harassment in the world of work, or have been considered by the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) to cover certain manifestations of violence and harassment. A number of ILO instruments relate to occupational safety and health (OSH) and set out to protect workers' safety and health, including from the risk of violence and harassment.[52] Even if violence and harassment may not be explicitly addressed in these instruments, such conduct does constitute a health risk. ILO social security instruments set out the right to medical and allied care and rehabilitation, including psychological care and treatment for victims of work-related injuries (work accident or occupational diseases), and in case of general sickness. They also seek to ensure the provision of periodical payments in the event of temporary incapacity to work, permanent loss of earning capacity or death.[53]

Be that as it may, provisions in the ILO standards can be summarized and presented as follows.

[51] The ILO Governing Body has identified eight "fundamental" Conventions covering subjects that are considered to be fundamental principles and rights at work: 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. These principles are covered by the ILO Declaration on Fundamental Principles and Rights at Work (1998). For more information see: https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm.

[52] ILO Occupational Safety and Health (OSH) Standards include the: Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981; Protocol of 2002 to the Occupational Safety and Health Convention, 1981; Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985; List of Occupational Diseases Recommendation, 2002 (No. 194); and Promotional Framework for Occupational Safety and Health Convention (No. 187) and Recommendation (No. 197), 2006.

[53] The main ILO standards on employment injury benefits are: Part VI of the Social Security (Minimum Standards) Convention, 1952 (No. 102); Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); Employment Injury Benefits Recommendation, 1964 (No. 121); and List of Occupational Diseases Recommendation, 2002 (No. 194).

Table 3: Selected provisions on violence and harassment included in other ILO Conventions, Protocols and Recommendations[54]

No	IL	Provisions on Violence & Harassment
1	Forced Labour Convention, 1930 (No. 29), and its 2014 Protocol; and Abolition of Forced Labour Convention, 1957 (No. 105)	Convention No. 29 defines forced or compulsory labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Art. 2(1)). The "menace of a penalty" should be understood in a very broad sense, covering penal sanctions, as well as various forms of coercion, such as physical violence, psychological coercion, retention of identity documents, etc. The penalty here in question might also take the form of a loss of rights or privileges (ILO 2012).
2	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); and Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	While the instruments do not include an explicit prohibition of violence against trade union activities, the ILO Conference Committee on the Application of Standards and the Committee on Freedom of Association have, in line with the 1970 Resolution concerning trade union rights and their relation to civil liberties, consistently stressed the interdependence between civil liberties and trade union rights, and in particular the importance for trade unions to operate in a climate free from violence, pressure and threats of any kind
3	Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182)	The worst forms of child labour inherently include physical and psychological violence and harassment (Convention No. 182, Art. 3(a)–(d)). In addition, possible exposure to violence and harassment is relevant for identifying hazardous work (Convention No. 138, Art. 3(1); Convention No. 182, Art. 3(d))
4	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Sexual harassment is considered a serious form of sex discrimination falling within the scope of the Convention (Art. 1) (ILO 2012). Definitions of discrimination should also include discrimination-based harassment as a serious form of discrimination, in particular racial harassment (ILO CEACR 2019).
5	Indigenous and Tribal Peoples Convention, 1989 (No. 169)[55]	Article 20(3) provides that workers belonging to indigenous peoples should enjoy protection from sexual harassment.
6	Private Employment Agencies Convention,	Article 8(1) calls for the adoption of measures to provide adequate protection for, and prevent abuses of, migrant workers

[54] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P. 3&4

[55] Ethiopia has not ratified this convention. See Ratifications of ILO conventions: Ratifications for Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:102950

	1997 (No. 181)	recruited or placed in a Member State's territory by private employment agencies
7	Maritime Labour Convention, 2006 (MLC, 2006)	Guideline B4.3.1 requires the competent authority to ensure that the implications of harassment and bullying for health and safety are taken into account. Guideline B4.3.6 provides that, with respect to investigations, consideration should be given to the inclusion of problems arising from harassment and bullying.
8	HIV and AIDS Recommendation, 2010 (No. 200)	Paragraph 14(c) requires measures to be taken in or through the workplace to reduce the transmission and alleviate the impact of HIV by, among other things, "ensuring actions to prevent and prohibit violence and harassment in the workplace".
9	Domestic Workers Convention, 2011 (No. 189) and Recommendation (No. 201)[56]	Article 5 requires Member States to take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. Paragraph 7 of Recommendation No. 201 refers to the establishment of mechanisms to protect domestic workers from abuse, harassment and violence,
10	Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)	Paragraph 11(f) calls for the adoption of a comprehensive policy framework, which should include "the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace".
11	Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)	Paragraph 15(e) states: "In responding to discrimination arising from or exacerbated by conflicts or disasters and when taking measures for promoting peace, preventing crises, enabling recovery and building resilience, Members should: … (e) prevent and punish all forms of gender-based violence, including rape, sexual exploitation and harassment, and protect and support victims."

All these provisions show how the ILO has addressed issues related to violence and harassment at work throughout the past decades. However, it has done so in a fragmented manner, protecting only certain groups and only from certain manifestations of violent and harassing behaviors.[57] There was a need for a comprehensive instrument that could cover all instances of violence and harassment for all workers and other persons in the world of work, and in 2015, the ILO

[56] Ethiopia has not ratified this convention. See Ratifications of ILO conventions: Ratifications for Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:102950

[57] Chappell, Duncan, and Vittorio Di Martino, 2006, Violence at Work, 3rd ed. ILO; and Trebilcock, Anne, 2019, "What the New Convention on Violence and Harassment Tells Us about Human Rights and the ILO." in ILO100: Law for Social Justice, edited by George P. Politakis, Tomi Kohiyama, and Thomas Lieby. 1031–1056, ILO

Governing Body decided that this gap needed to be filled. After extensive dialogue at the national, regional and international levels, Convention No. 190 and Recommendation No. 206 were finally adopted at the 108th Session of the International Labour Conference (2019) by an overwhelming majority of ILO tripartite constituents.[58] As a binding international treaty, Convention No. 190 lays down the basic principles to be implemented by ratifying countries. Recommendation No. 206 accompanies Convention No. 190 by providing more detailed – although non-binding – guidance on how Convention No. 190 could be applied.[59]

[58] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.5

[59] Ibid

Part II: Overview on the ILO Convention No. 190 and its Accompanying Recommendation No. 206

3. Genesis

At the Centenary Conference of the International Labour Organization (ILO) in June 2019, the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) were adopted. The global community has made it clear that violence and harassment in the world of work will not be tolerated and must end. Convention No. 190 and Recommendation No. 206 are the first international labour standards to provide a common full-fledged framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment.[60] The Convention includes the specific recognition, for the first time in international law, of the right of everyone to a world of work free from violence and harassment, and sets out the obligation to respect, promote and realize this right.[61]

In 2019, the ILO celebrated one hundred years of promoting social justice and decent work. The ILO marked its centenary in a particularly meaningful and enduring manner, with a focus on ending violence and harassment in the world of work, including gender-based violence and harassment. On June 21, 2019, the ILO's constituents (representatives of governments, workers, and employers) adopted the first comprehensive international instruments aimed at addressing and preventing violence and harassment in the world of work.[62] The Violence and Harassment Convention, 2019 (No. 190), which has treaty status in international law, and its accompanying Recommendation (No. 206), which provides guidance to help implement the Convention, provide a clear framework for action. Adopted on the same day as these instruments, the ILO Centenary Declaration for the Future of Work equally sets out a firm commitment to a world of work free from violence and harassment.[63]

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[60] International Labour Organization (ILO), Convention No. 190 and Recommendation No. 206 at a Glance, P.1

[61] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4(1)

[62] Eric Stener Carlson & Shauna Olney, A New Global Mandate to End Violence and Harassment in the World of Work: A Gender Responsive Approach, 35 ABA Journal of Labor & Employment Law 3 (2021), P.493

[63] International Labour Organization (ILO), ILO Centenary Declaration for the Future of Work, at 2 (June 21, 2019), https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_711674.pdf

The ILO instruments, in general, are significant additions to international law in many ways. The Convention 190 is the first international instrument to articulate "the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment", and it requires ratifying States to respect, promote and realize this right.[64] It recognizes that violence and harassment in the world of work can constitute a human rights violation or abuse. Furthermore, it provides, for the first time, a common definition of violence and harassment; it gives a broad scope to the concept of "the world of work" going well beyond the traditional workplace;[65] and it extends protection to all those who work, irrespective of their contractual status and whether they work in the formal or informal economy.[66] Another innovative aspect of the instruments is that they address the impact of domestic violence in the world of work.[67]

The ILO's unique structure must be considered in this context, as it shapes not only the way international labor standards are adopted but also their contents, too. The ILO is the oldest organization in the UN family, and the only specialized agency of the United Nations that is tri partite, which means that representatives of governments, employers, and workers fully and actively participate in its governance structures.[68] The ILO's members are composed of representatives from 187 member States from around the world.[69] It is these representatives from the world of work who negotiate and adopt the ILO's international labor standards, ensuring that the standards are practical, reflect a range of national realities, and stand the test of time.

Convention No. 190 and Recommendation No. 206 are the result of an extensive process of dialogue between the ILO's tripartite members. They are the outcome of many years of campaigning by workers, and particularly women workers, in trade unions and in organizations

[64] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Preamble & Article 4(1)

[65] The Convention applies to violence and harassment occurring in the course of, linked to or arising out of work: in the workplace, including public and private spaces where they are a place of work; in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; during work-related trips, travel, training, events or social activities; through work-related communications, including those enabled by information and communication technologies; in employer-provided accommodation; and when commuting to and from work. C190, Art. 3.

[66] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 2(2)

[67] Ibid Preamble and Article 10(f)

[68] Eric Stener Carlson & Shauna Olney, A New Global Mandate to End Violence and Harassment in the World of Work: A Gender Responsive Approach, 35 ABA Journal of Labor & Employment Law 3 (2021)P.494

[69] Ibid

representing some of the workers in the most vulnerable situation. The process for agreeing on a Convention was kick started in 2009 with the publication of an ILO special report "Gender Equality at the Heart of Decent Work", which called for new ILO standards to prevent and end gender-based violence at work.[70] In 2015, the ILO Governing Body gave the mandate to commence a standard setting process for a new instrument on violence and harassment. This acknowledged that although some existing ILO standards refer to violence and harassment, there remained significant gaps so much so that there is no single instrument specifically addressing violence and harassment in the world of work, and importantly covering all workers in the future world of work.[71]

The process began with a tri-partite meeting of experts in 2016,[72] and formal negotiations in two standard setting committees at the International Labour Conference (ILC) in June 2018 and June 2019.[73] The discussions were informed by a series of technical reports[74] produced by the International Labour Office (the secretariat of the Organization), which set out the law and practice in this area and reflect the views of the constituents regarding the way forward. At each stage since 2015, when the ILO's Governing Body placed the issue on the Conference agenda, where extensive consultations and dialogue were held with the ILO's constituents across the world - notably governments, employers and workers - in the conceiving, negotiating, framing and drafting of the Convention and Recommendation.

It is also worth discussing that the Workers' Group played an active part in these negotiations, contributing to a significant milestone in tripartite social dialogue.[75] It is basically due to the 2017 the "#MeToo" movement which sparked international conversations about the prevalence

[70] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.3

[71] Ibid

[72] ILO, Report of the Meeting of Experts on Violence against Women and Men in the World of Work (Geneva, 3–6 October 2016), as cited in Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.6

[73] summary of proceedings of the Standard Setting Committee 2018 and outcomes of the Standard Setting Committee 2019

[74] As a key part of the standard-setting process, the International Labour Office produced a series of technical reports that reflected the opinions, laws, and practices of its constituents regarding violence and harassment. For details on the Reports see Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.6

[75] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.3

and cost of sexual harassment in the workplace, bringing to the forefront stories of gender-based violence in an "uprising of the formerly disregarded."[76]

When the texts were voted on by the tripartite members at the ILO's annual International Labour Conference on June 21, 2019 the Convention was adopted with 439 votes in favor, seven against, and with thirty abstentions.[77] Similarly, the Recommendation was adopted with 397 votes in favor, twelve against, and with forty-four abstentions.[78] Having received such strong international endorsement, there is a clear global mandate to end violence and harassment in the world of work, including gender-based violence and harassment. Finally, the Convention & Recommendation entered into force on 25 June 2021.

4. Synopsis on the Basic Contents

Convention No. 190, together with Recommendation No. 206, provide a clear and comprehensive framework for employers and governments to prevent, address and reduce the risks of violence and harassment at work, and contain important guidance for governments and employers on how to protect workers in a world of work that has changed rapidly as a result of swift globalization. This section describes the definitions, ambit, basic principles, and rights and obligations set out in the Convention and where relevant, supplemented with guidance by the Recommendation. They are covered under the following main headings that frame the instruments:

I. Definitions of violence and harassment
II. Scope:- who is covered, and when and where under the instruments?
III. Core principles and obligations on Members
IV. Protection and prevention
V. Enforcement and remedies
VI. Guidance, training and awareness raising

[76] Catherine A. MacKinnon, #MeToo Has Done What the Law Could Not, N.Y. Times, 4 Feb. 2018, available at https://www.nytimes.com/2018/02/04/opinion/metoo-law-legal-system.html.

[77] International Labour Organization (ILO), Plenary Sitting—Outcomes of the Work of the Standard-Set ting Committee on Violence and Harassment in the World of Work, ILC Doc. PR13 (July 25, 2019), available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meeting document/wcms_713904.pdf

[78] Ibid

4.1. Definitions of Violence and Harassment in the World of Work

Manifestations of violence and harassment in the world of work are diverse and multifaceted, and have changed over time. The variety of conduct, practices or threats that may be covered under the general term "violence and harassment in the world of work" is very broad, and the norms and perceptions of unacceptable behavior vary across contexts and cultures. Taking these realities into consideration, Convention No. 190 provides for a broad notion of violence and harassment and for a gender sensitive, rights-based framework for its prevention and elimination.

Convention No. 190 refers to violence and harassment as a single composite concept covering "a range of unacceptable behaviors, practices or threats thereof", rather than providing a closed or uniform definition of what constitutes violence and harassment in the world of work. Articles 1-3 in Sections I and II form the basis of the Convention by defining the key terms "violence and harassment" as well as the personal and material scope of application. According to Article 7 in conjunction with Article 4 para.2 lit. a) of the Convention, ratifying states are obliged to adopt "laws and regulations to define and prohibit violence and harassment in the world of work". This is essential, as legislation lays the foundation for a culture of respect, including at work, and can trigger lasting change in the society.[79] By promoting a culture of dignity and respect for all, the law plays a crucial role in the prevention and eradication of violence and harassment. It can guide the development of prevention programmes, promote accurate identification of causes and consequences, ensure investigation, and provide protection and support for complainants, among other things[80]

The Convention describes violence and harassment as "a range of unacceptable behaviors 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 […]".[81] The definition of the ILO Violence and Harassment Convention covers a conduct or the threat thereof not only if it aim at harm, but also if it results in harm or even if there has not been any harm, but the conduct is likely to result in harm or a violation of legally protected interests. The Convention therefore

[79] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.10

[80] Ibid

[81] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 1(1)a

qualifies the objective probability of a violation to be sufficient to establish violence or harassment. Fault on the part of the perpetrator will therefore not be a prerequisite for establishing a violation.[82]

This approach allows for the flexibility needed to cover various manifestations of violence and harassment, including new ones that emerge over time. It also allows for "violence and harassment" to cover a wide range of terms found in different legislation to describe the same or similar phenomena. These laws often acknowledge that there is no clear line between violence and harassment.

The definition in Article 1(a) is comprised of two elements. The first is the prohibited conduct, which encompasses "a range of unacceptable behaviors and practices, or threats thereof". The use of the term "range" clarifies that violence and harassment can be understood to encompass conduct of different natures, which can be either independent behaviors or a combination of behaviors, including escalating ones. Whether a single occurrence may be sufficient to be considered as violence and harassment, or whether it must be repeated conduct, in all cases such conduct must be "unacceptable", based on subjective and objective considerations. To be unacceptable, this conduct should "aim at, be likely to result or result in physical, psychological, sexual or economic harm". The inclusion of "economic harm" along with physical, psychological and sexual harm ensures that all forms of violence and harassment are encompassed. Economic harm could consist of loss of income or property damages, but also restrictions in accessing financial resources, education or the labour market, including restricting a person's ability to remain in or advance in the labour market.

The definition does not include the intent as one of the constitutive elements.[83] By not including intent, the Convention adopts a pragmatic and victim-centred approach, which focuses on the unacceptability of the conduct, practices or threats, and on their effect on victims. The absence of any reference to perpetrators in the actual text of Article 1 reinforces the purpose of the

[82] Eva Kocher et al, ILO Convention No. 190 Concerning the Elimination of Violence and Harassment in the World of Work and Recommendation No. 206, European University Viadrina Frankfurt(Oder),Germany, 2023, P.3 available at https://orcid.org/0000-0002-0056-5306

[83] In this regard, it is worth mentioning that within the framework of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has already pointed out that the lack of intent or the existence of intent should not be relevant in harassment issues ; see ILO 2012.

instruments, which is to prohibit all forms of violence and harassment in the world of work, regardless of their source, whether it be:

a. by or against individuals exercising the authorities, duties or responsibilities of an employer (**vertical**);

b. directed toward one's peers (**horizontal**); or

c. involving **third parties**, such as clients, patients, passengers or customers.

The Importance of Gender-Based Violence and Harassment

"Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work." (Convention No. 190, Preamble)

In another note, the Convention specifically defines gender-based violence and harassment.[84] Gender-based violence and harassment is central to the Convention. It acknowledges that women are disproportionately affected by violence and harassment in the world of work and that this is affected by social norms and unequal gender relations. Furthermore, there is recognition of the importance of multiple and intersecting forms of discrimination. Gender-based violence featured as an important part of the trade union campaign for a Convention, as seen in the ITUC Campaign 'End-Gender Based Violence at Work'.[85] Throughout the Convention, references are made to the importance of preventing and eliminating gender-based violence and harassment.

Domestic violence is a further form of violence and harassment specifically covered in the Convention and Recommendation. They recognize that domestic violence can affect the world of work, and that governments, employers and worker's organizations can help to recognize,

[84] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 1(1)b

[85] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.5

respond and address the impacts of domestic violence. It is a relatively new area of trade union activity and workplace bargaining.[86]

4.2. Scope of Protection

Wide scope and definition of workers

"This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, 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."

(Art. 2 (1))

The Convention has a broad scope so that it applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.[87] The Convention has a wide scope and gives an inclusive definition of a worker. It provides protection for all workers irrespective of their contractual status, with or without contracts of employment. This means that protection is given to workers in non-standard forms of employment, including workers in precarious jobs, working part-time, on temporary contracts or on zero hours contracts.[88] A further benefit of the inclusive definition of a worker is that protection is also given to jobseekers, workers whose employment has been terminated, trainees, interns, apprentices and volunteers, as well as individuals exercising the authority, duties or responsibilities of an employer.

The Convention also takes account of the fact that work does not always take place at a physical workplace and that the world of work can include areas such as work related communications, such as enabled by Information and Communication Technologies (ICT) or that work often takes

[86] Recognizing the problem, implementing appropriate support for victims of domestic violence and the impact in the world of work, and referring victims to specialized agencies for information, legal, housing and other supports mechanisms, can ensure that victimized workers stay safely in their jobs.

[87] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 2(2)

[88] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.5

place away from the formal workplace. The broad definition given to the world of work reflects the reality of present-day work tasks and the location of work, including in the gig economy.

"The Convention applies to violence and harassment in the world of work, occurring in the course of, linked with or arising out of work: (a) in the workplace, including public and private spaces where they are a place of work; (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; (c) during work-related trips, travel, training, events or social activities; (d) through work-related communications, including those enabled by information and communication technologies; (e) in employer-provided accommodation; and (f) when commuting to and from work."[89]

Equally, the Convention includes in its scope workers in the formal and informal economy. It recognizes that workers working in public and private spaces are potential victims of violence and harassment, and that violence and harassment can occur on the way to and from workplaces. It is particularly relevant for those who work in public spaces such as street vendors, market traders or waste pickers, or those working in private spaces such as domestic workers, social care workers and home-based workers, acknowledging that working conditions in these sectors may constitute risk factors for violence.[90] The Convention also recognizes the risks faced by workers in the informal economy, where more than 2 billion workers or 61% of the world's workers work.[91] For workers in the informal economy the Convention makes an important contribution to the rights of workers in the informal economy and especially the transition to the formal economy.[92] It is a major step forward that informal workers are included in the scope of the new

[89] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 3

[90] In this regard, Recommendation No. 206, (Para.9) states that "Members should adopt appropriate measures for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment."

[91] ILO Women and men in the informal economy: A statistical picture (Third edition): https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_627189/lang--en/ index.htm In Africa, 85.8 per cent of employment is informal. The proportion is 68.2 per cent in Asia and the Pacific, 68.6 per cent in the Arab States, 40.0 per cent in the Americas and 25.1 per cent in Europe and Central Asia. The report shows that 93 per cent of the world's informal employment is in emerging and developing countries.

[92] More than 60% of all workers are employed in the informal economy. The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) was adopted by the International Labour Conference in June 2015. For further information see the ILO ACTRAV Workers' Guide to the Recommendation: https:// www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_545928.pdf

standard, thereby recognizing the realities of the risks faced by some of the workers in vulnerable situations. Some of the worst experiences of violence and harassment are found in sectors, where women informal workers are particularly vulnerable to gender-based violence and harassment.

Moreover, members shall, in preventing and addressing violence and harassment in the world of work, take into account the involvement of THIRD PARTIES, (both as victims or perpetrators).[93]

Last but not least, the Convention acknowledges some groups of workers, such as workers in sectors, occupations and work arrangements are particularly exposed to violence and harassment.[94] For example, this could apply to sectors such as health, transport, education and domestic work, or where workers work alone and/or in isolated areas, and/or work late or night shifts.[95] Although these sectors are not identified in the Convention, Convention No. 190 does make it clear that consultations with employers' and workers' organizations will take place to identify the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment. This will enable each country to identify the sectors where workers are most exposed to violence and harassment, and are an area where trade unions will be able to contribute significant knowledge. And when this is done, governments will be required to take measures to effectively protect these workers.

4.3. Core Principles and Obligations on the Governments

A. Adoption of an Inclusive, Integrated and Gender-Responsive Approach in Fight against Violence and Harassment in the World of Work

The Convention sets out core principles and obligations on governments who ratify the Convention, notably that: "Each Member that ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment". [96] At the

[93] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4(2)

[94] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 8

[95] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.7

[96] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4 (1)

heart of the Convention is the obligation on governments to introduce laws and regulations that "… respect, promote and realize the right of everyone to a world of work free from violence and harassment" and to adopt "…an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work."[97] As the Convention is addressed to the ILO's member States, ratification of the Convention means that governments are obliged to draw up laws and policies to implement and monitor the Convention.[98]

The Convention and the Recommendation are, hence, grounded on the adoption of an inclusive, integrated and gender-responsive approach to prevent and eliminate violence and harassment in the world of work, in consultation with representative employers' and workers' organizations. These approaches envisage action on prevention, protection, enforcement, remedies, guidance, training and awareness-raising. In adopting this approach, the Convention requires Members to recognize the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.[99]

Inclusive Approach

Broad scope of protection stands on the basis that everyone has the right to a world of work free from violence and harassment. It also takes into account that certain groups are disproportionately affected by violence and harassment, and that workers and other persons concerned in certain sectors, occupations and work arrangements are more exposed to it. Information, tools and training materials need to be provided in accessible formats.[100]

Integrated Approach

To be able to prevent and eliminate violence and harassment in the world of work, it is necessary to address it in all the fields concerned, including in labour, equality and non-discrimination,

[97] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4 (2)

[98] Ibid

[99] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4(3)

[100] International Labour Organization (ILO), Convention No. 190 and Recommendation No. 206 at a Glance, P.2

occupational safety and health, migration and criminal laws, regulations and policies, as well as through collective bargaining.[101]

Gender-Responsive Approach

Women are particularly vulnerable to violence and harassment in the world of work. Measures need to take this into account and to address the related underlying causes, such as multiple and intersecting forms of discrimination, unequal gender-based power relations, gender stereotypes, and gender, social and cultural norms that support violence and harassment. Measures are also to be taken, as appropriate, to mitigate the impact of domestic violence in the world of work.[102]

B. Calls on States to Respect, Promote and Realize the Fundamental Principles and Rights at Work, and to Promote Decent Work

Convention No. 190 and Recommendation No. 206 recognize that the right to be free from violence and harassment in the world of work is inseparable and closely interrelated with all fundamental principles and rights at work and, more broadly, with decent work. Violence and harassment and decent work deficits often act as contributing causes and consequences of one another, as research has shown. After recognizing in its Preamble that violence and harassment in the world of work is compatible with decent work, Convention No. 190 calls on States to respect, promote and realize the fundamental principles and rights at work, and to promote decent work, in order to prevent and eliminate violence and harassment.[103] For instance, freedom of association and of the effective recognition of the right to collective bargaining are key means to both prevent and address situations of violence and harassment at work. Conversely, the denial of such rights is a significant factor in increasing the risk of experiencing violence and harassment.[104] That is why Recommendation No. 206 recommends that these fundamental rights

[101] International Labour Organization (ILO), Convention No. 190 and Recommendation No. 206 at a Glance, P.2

[102] Ibid

[103] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 5

[104] Although ILO instruments on freedom of association do not include an explicit prohibition of violence against trade union activities, the ILO CEACR has consistently stressed the interdependence between civil liberties and trade union rights, and in particular the importance for trade unions to operate in a climate free from violence, pressure and threats of any kind; see ILO 2012.

should be ensured to "all workers and employers, including those in sectors, occupations and work arrangements that are more exposed to violence and harassment".[105]

C. Ensuring Equality and Non-Discrimination for Women and Groups in Vulnerable Situations

Promoting equality at work and tackling intersecting and multiple discriminations are key elements of any approach to prevent and end violence and harassment.[106] In this regard, Article 6 of Convention No. 190 requires Members "to adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work". Research shows that personal characteristics, such as race or ethnicity, disability, gender identity, HIV/AIDS status or family responsibilities may make individuals or groups more exposed to the risk of violence and harassment.[107]

In relation to the identification of vulnerable groups and groups in situations of vulnerability, Recommendation No. 206 clarifies that this should be done in accordance with applicable international labour standards and international instruments on human rights.[108] The only group in a vulnerable situation that Recommendation No. 206 specifically mentions is "migrant workers, particularly women migrant workers, regardless of migrant status".[109] Migrant workers, particularly those in an irregular situation, are vulnerable to violence and harassment in the world

[105] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 3

[106] Social policies that alleviate the burden of unpaid care work and promote a more equal share of family responsibilities are also essential, as they combat discrimination in the workplace and enable workers, particularly women, to combine family and wage work. See ILO 2018d; 2019g.

[107] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.31

[108] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 13

[109] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 10

of work at all stages of the migration cycle.[110] The fact that, in many instances, temporary migrant workers or migrants in irregular situations do not enjoy in law or in practice equality of treatment with national workers or may be excluded from the scope of application of individual and collective employment provisions exacerbates this situation and creates a higher degree of threat.[111]

D. Zero Tolerance Principle

> The preamble to the Convention recognizes: "…the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment…that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work."

The global community has made it clear that violence and harassment in the world of work will not be tolerated and must end.[112] Convention No. 190 and Recommendation No. 206 are the first international labour standards to provide a common full-fledged framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment. The Convention includes the specific recognition, for the first time in international law, of the right of everyone to a world of work free from violence and harassment, and sets out the obligation to respect, promote and realize this right.[113]

The Violence and Harassment Convention, 2019 (No. 190), which has treaty status in international law, and its accompanying Recommendation (No. 206), which provides guidance to help implement the Convention, provide a clear framework for action. Adopted on the same day

[110] In this regard, the United Nations Committee on the Protection of the Rights of Migrant Workers (CMW) and the Special Rapporteur on the Human Rights of Migrants have expressed the view that irregular entry or stay should not be considered a criminal offence, and that migrants in an irregular situation are not criminals per se and should not be treated as such.

[111] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.35

[112] International Labour Organization (ILO), Convention No. 190 and Recommendation No. 206 at a Glance, P.1

[113] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4(1)

as these instruments, the ILO Centenary Declaration for the Future of Work equally sets out a firm commitment to a world of work free from violence and harassment.[114]

It recognizes that violence and harassment in the world of work can constitute a human rights violation or abuse. In this regard, the Convention puts obligations on governments to spell out positive duties on employers to protect workers and prevent violence and harassment in the world of work. The government may, for instance, require employers to adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment.[115] In relation to development of a workplace policy, the Paragraph 7 of the Recommendation states that laws and regulations should specify that workers and their representatives should be involved in the design, implementation and monitoring of the policy as referred to in Article 9(a) of the Convention. The workplace policy should, inter alia, include the following: (a) state that violence and harassment will not be tolerated.[116] All these reveal that Zero Tolerance can be taken as the core principle in the Convention.

4.4. Protection and Prevention

In Section IV the Convention No. 190 contains measures on protection and prevention of violence and harassment in the world of work. It, *inter alia*, requires Members to introduce laws and regulations to define and prohibit violence and harassment in the world of work, including gender based violence and harassment.[117] It sets out duties on employers, to create clear and effective workplace policies and procedures to prevent and address violence and harassment. In this regard, the Convention puts obligations on governments to spell out positive duties on employers to protect workers and prevent violence and harassment in the following areas so far as is reasonably practicable,:

[114] International Labour Organization (ILO) ILO Centenary Declaration for the Future of Work, at 2 (June 21, 2019), https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_711674.pdf

[115] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 9(a)

[116] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraph 7(a)

[117] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 7

(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.[118]

In relation to development of a workplace policy, the Para 7 of the Recommendation states that laws and regulations should specify that workers and their representatives should be involved in the design, implementation and monitoring of the policy as referred to in Article 9(a) of the Convention. The workplace policy should include the following: (a) state that violence and harassment will not be tolerated; (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives; (c) specify the rights and responsibilities of the workers and the employer; (d) contain information on complaint and investigation procedures; (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate; (f) specify the right to privacy of individuals and confidentiality, as referred to in Art. 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards; and (g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.[119]

The Convention also highlights the importance of prevention of violence and harassment in occupational safety and health. It includes reference to the inclusion of violence and harassment in occupational risk assessments. In light of this Para 6 of the Recommendation specifies that

[118] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 9

[119] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 7

occupational safety and health provisions in national laws, regulations and policies should take into account relevant safety and health instruments of the ILO.[120]

Workplace risk assessments, as set out in the Convention and detailed further in the Recommendation, should also help to change attitudes by taking into account factors that increase the likelihood of violence and harassment (such as gender, cultural and social norms).[121] In relation to the workplace risk assessment (referred to in Article 9(c) of the Convention), particular attention is given to risk factors that increase the likelihood of violence and harassment, including psychosocial risks and hazards. The Recommendation states that account should be taken of risk factors that: (a) arise from working conditions and arrangements, work organization and human resource management, as appropriate; (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.[122]

4.5. Enforcement and Remedies

Section V (Article 10) of the Convention is dedicated to enforcement and remedies. Member states must ensure sanctions and monitoring as well as provide effective enforcement & remedies for the concerned persons. The concrete obligations of the Member States, with regard to enforcement and remedies, are described mainly in Article 10. It is because ensuring effective enforcement and remedies is essential to respond to cases of violence and harassment once they have occurred, and to prevent that they do not happen again. To do so, the Convention foresees that Members shall monitor and enforce such laws and regulations and ensure easy access to safe, fair and effective reporting and dispute resolution mechanisms and procedures, such as

[120] These include the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). See International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 6

[121] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.10

[122] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 8

complaint and investigation procedures, dispute resolution mechanisms in the workplace and external to the workplace, courts or tribunals.[123]

Besides, measures are to be taken to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.[124] Also, sanctions for cases of violence and harassment are to be provided for where appropriate as stipulated in Article 10 (d). The Convention also addresses the need to balance people's right to privacy and confidentiality, while ensuring effective enforcement and redress. Accordingly, Article 10(c) of the Convention explicitly requires Members to protect privacy and confidentiality and ensure that such requirements are not misused.

Together with dispute resolution, remedies and support are necessary to ensure full redress. The Convention requires Members to ensure easy access to appropriate and effective remedies, as well as to legal, social, medical and administrative support measures for complainants and victims.[125] In addition, Convention No. 190 provides workers with the right to remove themselves from a work situation which they have reasonable justification to believe present an imminent and serious danger, without retaliation.[126]

Equally, the Convention urges Member States to recognize trade unionism.[127] Trade union involvement can help in the development and implementation of effective remedies relating directly to the workplace. For example, when trade unions are involved in the development of complaint and investigation procedures in the workplace, these mechanisms are more likely to be relevant to, understood and trusted by workers, and effectively implemented in practice.[128]

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[123] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(b)I, ii & iii

[124] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(b) iv

[125] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(b)

[126] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(g)

[127] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 5

[128] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.10

In recognition of the extent and seriousness of gender based violence in the world of work, Convention No. 190 reiterates the need for a gender-responsive approach in case of enforcement and remedies. Central to this is to ensure that victims of gender-based violence and harassment in the world of work have access to gender-responsive, safe, and effective complaint and dispute resolution mechanisms, support, services, and remedies.[129] In providing for gender-responsive complaint and dispute mechanisms, the Recommendation suggests that this could include some or all of the following measures, all of which are drawn from best-practice approaches across the world: (a) courts with expertise in cases of gender-based violence and harassment; (b) timely and efficient processing; (c) legal advice for complainants and victims; (d) guides and information resources in relevant languages; (e) shifting the burden of proof in proceedings that are not criminal proceedings.[130]

In addition, support services and remedies for victims of gender-based violence and harassment (under Art. 10(e) of the Convention) should include measures provided or funded by government, such as: (a) support to help victims re-enter the labour market; (b) counseling and information services; (c) 24-hour hotlines; (d) emergency services; (e) medical care and treatment and psychological support; (f) crisis centers, including shelters; and (g) specialized police units or specially trained officers to support victims.[131]

It is also worth mentioning that the effects of domestic violence at work and ways to mitigate them are covered in both the Convention and the Recommendation.[132] Convention No 190 notes that domestic violence has an impact on workers especially women workers and their livelihoods. The Convention, hence, lays out measures governments, employers and workers organizations can take to support victims/survivors of domestic violence, and to "recognize the

[129] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(e)

[130] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 16

[131] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 17

[132] This is highlighted in the Preamble of Convention No. 190 and stipulated "Noting that domestic violence can affect employment, productivity and health and safety, and that governments, employers' and workers' organization and labour market institutions can help, as part of other measures, to recognize, respond to and address the impacts of domestic violence."

effects of domestic violence and, so far as practicable, mitigate its impact in the world of work".[133] Further guidance is given in the Recommendation of the measures that can be included in policies and procedures for mitigating the impact at the workplace.[134] Domestic violence can have an impact in the workplace, for example, when victims of domestic violence are targeted at work, affecting their safety and that of their colleagues. While the workplace can provide a place of safety for victims of domestic violence, it can also be a place where perpetrators can easily find and harm them.[135]

Holding perpetrators accountable for violence and harassment is crucial if violence and harassment is to be eliminated in the world of work. That is why the Convention calls for sanctions for perpetrators of violence and harassment in order to hold the perpetrators accountable.[136] The Recommendation goes further in suggesting that perpetrators are provided with "…counseling or other measures to prevent the reoccurrence of violence and harassment, and facilitating their reintegration into work."[137]

The Convention, further, places responsibilities on labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work.[138] In line with the objective to be inclusive of all workers and to eliminate gender-based violence, the Recommendation specifies that this should include gender-responsive training on violence and harassment, including psychosocial hazards and risks, gender-based violence and

[133] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(f)

[134] For details see International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 18

[135] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.11

[136] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4(2)f

[137] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 19

[138] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(h)

harassment, and discrimination against particular groups of workers.[139] In addition, national bodies responsible for labour inspection, occupational safety and health, and equality and non-discrimination, including gender equality, should also include violence and harassment in their mandate.[140]

In another note, the Recommendation states that statistics should be collected on violence and harassment disaggregated by sex, form of violence, and sector of economic activity, including the groups referred to in Article 6 of the Convention.[141] As a first instance, this could ensure that employers provide relevant information about the number and type of complaints made and how they were resolved, whether workplace policies and occupational risk assessments have been drawn up and how they have been implemented, the introduction of complaints procedures, support for victims etc. Further data could be developed to delve further into the causes of violence and harassment, drawing on workers' experiences through participatory forms of research.[142]

4.6. The Promotion of Policies and Tools to Accelerate Social Change

Convention No. 190 sets out measures to enable and accelerate a more in-depth socio-cultural change and a shift towards a paradigm of respect, safety and security for all at work. Articles 4(2) and 11 call on ratifying countries, in consultation with representative employers' and workers' organizations, to address violence and harassment in relevant policies; to develop tools, guidance, education and training; and to raising awareness, in accessible formats as appropriate.

A. Taking Violence and Harassment into Account in Relevant Policies

[139] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 20

[140] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 21

[141] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 22

[142] International Labour Organization (ILO), Policy Brief on ILO Violence and Harassment Convention No. 190 and Recommendation No. 206, July 2020, P.12

Article 11(a) of Convention No. 190 calls for "violence and harassment in the world of work [to be] addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration". In light of the complexities of this multifaceted issue and the wide range of individuals who need protection, violence and harassment should be mainstreamed into all relevant policies related to the world of work. By doing so, ratifying countries would be able to ensure a holistic approach, and benefit from specific entry points and measures brought about by different policy interventions.[143]

B. Promoting Guidance, Training and Awareness Raising

To accelerate a socio-cultural change and to equip relevant authorities, as well as employers and workers and their respective organizations, with the information and tools necessary to prevent and eliminate violence and harassment within their respective areas of influence, Convention No. 190 calls on ratifying countries to provide guidance, training and resources, in accessible formats as appropriate.[144] Recommendation No. 206 stresses the role that key actors could play in this regard, such as those in the education, justice and media sectors.[145]

Be that as it may, Article 11(c) of the Convention also requires States to undertake initiatives such as awareness-raising campaigns. Awareness-raising is an important component of a broader strategy to prevent and eliminate violence and harassment, but Convention No. 190 and Recommendation No. 206 remind us that it is not effective as a standalone strategy. Its full potential can only be achieved within the broader context of an inclusive, integrated and gender-responsive approach.[146]

[143] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.86

[144] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 11(b)

[145] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021, Paragraph 23

[146] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.87

4.7. How is the Implementation of Convention No. 190 Supervised?

The other issue worth discussing is monitoring the proper implementation of the Convention and the Recommendation upon ratification. Generally, the implementation of international labour standards is supervised by ILO supervisory bodies, whose nature is unique at the international level. The ILO supervisory system, comprising the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the ILO Conference Committee on the Application of Standards (CAS), regularly examines the application of standards in Member States and point out areas where they could be better applied.[147]

Once a country has ratified Convention No. 190, it is required, according to the ILO Constitution, to report regularly on the measures it has taken for its implementation.[148] When submitting its first report, the Member is asked to complete a detailed report form correspondingly adopted by the Governing Body. Every six years, governments have to provide reports detailing the steps they have taken in law and practice to apply the Convention, and provide replies to comments issued by the CEACR. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the government reports, or send comments directly to the ILO on the application of Conventions, following the standards in the ILO Constitution.[149]

[147] In addition, a number of complaints-based procedures exist; see Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.92

[148] International Labour Organization (ILO) *Constitution of the International Labour* Organisation, 1 April 1919, Article 22

[149] International Labour Organization (ILO) *Constitution of the International Labour* Organisation, 1 April 1919, Article 23

Part III: Paradigm, Methodology and Design

5. Research Paradigm, Methodology and Design

5.1. Research Paradigm

It is explicit that using an established paradigm allows the researcher to build on a coherent and well-developed approach to research, rather than having to construct all of the philosophical assumptions later on. But choosing research paradigms envisages critical analysis of the research questions and the intended outcome of the proposed research (objective of the study). Accordingly, the Consultant decided that the investigation process of the proposed research best be guided by the **Critical Research Paradigm**. Because the intended outcomes of the proposed research, as explained in the study objective, are critiques and transformations which can be best achieved by the Critical Research Paradigm rather than other paradigms.

It is also clear that the participants (including the Consultant) in this consultancy had their own perspectives and understandings on efforts and strategies in fighting violence and harassment at work, the Legislative Changes in Ethiopia, and other contemporary developments in the field domestically, regionally and internationally. In order to effectively incorporate these perspectives and understandings and to reach at full-fledged findings the Study has also followed the **Interpretive and Constructive Paradigm**. Hence, the Study had also explored and explained the conceptual and legal underpinnings which justify and enable to develop an evidence-based advocacy paper and policy brief that will support national advocacy efforts urging the Ethiopian government to ratify ILO Convention No. 190.

5.2. Research Methodology & Design

5.2.1. Research Methodology

The Consultant has been expected to employ a desk review, policy and legal analysis, and consultative approach combining review of relevant ILO and Ethiopian labor instruments, comparative analysis of best practices, stakeholder consultation, and integration of gender-sensitive, human-rights-based analysis.[150]

[150] Association for Human Rights in Ethiopia, Terms of Reference (TOR) to Develop a Policy Brief (that advocates for Ethiopia's ratification of ILO Convention No. 190), Posted on October 17, 2025.

To be specific, the Consultant opted for hybrid of doctrinal and non-doctrinal approach after taking into consideration the research objectives, research philosophy, amount of time available to the consultancy, level of existing knowledge, and available resources.

Literatures reveal that there are three types of non-doctrinal research methodology which are: qualitative, quantitative, and mixed methods.[151] Since the qualitative methodology principally relay on qualitative data than quantitative one, it permits the researcher to deeply explore the subject from its own perspectives and to incorporate the participant's actual expression of matters and concerns from their own perspective by their own words.[152] Furthermore, qualitative research is based on methods of data generation which are both flexible and sensitive to the social contexts in which data are produced rather than rigidly standardized or structured or entirely abstracted from real life contexts.[153] In short, this approach seeks to interpret the meaning people make of their lives in natural setting rather than describing statistical associations between variables.

The quantitative methodology, on the contrary, rely on numerical interpretations and focus on systematic empirical studies, which involve quantification, and numerical data is collected and transformed into numbers which are empirically tested. The quantitative methodology enables the researcher for the collection of large amounts of data and often permits for faster collection and analysis than qualitative methods for it basically relay on numerical data.[154] Scholars agree that the distinct advantage of quantitative research is its suitability to assess, both the existence and strength of, the causal link between variables.

The third approach is the mixed approach which strategically combines qualitative and quantitative methods to provide a more elaborated understanding of the phenomenon of the subject, and to gain greater confidence in the conclusion generated by the evaluation of the study. Mixed method is the type of research approach in which researchers combine elements of qualitative and quantitative approaches (e.g. use of qualitative and quantitative viewpoints, data

[151] □□□ □□□□□□ □□□□□ □□□□□ □□□□□□ □□□□□□□ 3□ □□□□ 2017

[152] Bridget, S. and Cathy, L. (2005). *Research Methods in the Social Sciences.* London: SAGE Publications Ltd.

[153] Kathleen, M. (2007). Mixed Methods: Investigation of Mixed Methods Sampling Designs Social and Health Science Research; *Journal of Mixed Methods Research, Vol. 1, No. 3,* P.267-297. Retrieved from http://www.mmr.sagepub.com on April 9, 2014.

[154] Bryman, A. (2001). *Social Research Methods.* Oxford: Oxford University Press.

collection, analysis, inference techniques) for the purpose of breadth and depth of understanding and corroboration.[155]

Therefore, the empirical part of this study has employed **mixed methodology** for the purpose of obtaining a fuller picture and deeper understanding of the path to develop an up-to-date and standard policy brief (that advocates for Ethiopia's ratification of ILO Convention No. 190) by offsetting methodological biases to take advantage of the combination of the two methods. Concerning the balance of the mix, this study largely employed qualitative data albeit it has also used **secondary and tertiary quantitative data**. This is because the objectives of the Study envisage both qualitative and quantitative data even though they are mainly best answered by qualitative ones. Regarding the order of mixing, the Consultant simultaneously collected both qualitative and quantitative data through desk review, document analysis, FGD and interviews, in the selected study offices and make a *prima facie evaluation*. Based on the result of the *prima facie evaluation*, the first draft of a comprehensive advocacy paper summarizing the core arguments for ratification, stakeholder perspectives, and tailored policy recommendations has been developed. The final policy brief was culminated by incorporating feedback from the client (AHRE) and stakeholders at the validation workshop. At the end, the Project had delivered a final publishable, adequate, up-to-date and standard policy brief (that advocates for Ethiopia's ratification of ILO Convention No. 190).

5.2.2. Design of the Qualitative Study

5.2.2.1. Sample and Sampling Technique for the Qualitative Methods

According to Bloor and Wood, purposive non-probability sampling enables the researchers to easily acquire any data they want to access for this sampling is based on personal decision of the researcher rather than randomization.[156] In selecting the research participants for the qualitative data, the Consultant employed the **purposive non-probability sampling** technique. Hence, the **key-informant interviewees** of this study has been selected purposively based on their knowledge, relevance, positions and other criteria among Directors, Heads and Program Managers /team leaders/ of Federations and Confederation of Trade Unions and Employers

[155] Burke Johnson (2007), *Towards a Definition of Mixed Methods of Research.* London: Sage Publication

[156] Bloor, M. and Wood, F. (2006). *Keywords in Qualitative Methods: A Vocabulary of Research Concepts*. London, New Delhi: Sage Publications Ltd.

Associations; LRBs, Ethiopian Human Right Commission; Ethiopian Ombudsman Office and Civil Societies working on the area including the Association for Human Rights in Ethiopia (AHRE). **In-depth interview** and **FGD** was also held with purposively selected experts in the offices hereinabove.

Unlike the quantitative method, the sample size of the participants in the key-informant interview, in-depth interview, and FGD has been very small, and the exact sample size has been determined based on **tailored data saturation point**. The draft advocacy paper has also been presented at a consultation workshop which has been held in Addis Ababa so much so that the Consultant was able gather key inputs and recommendations from stakeholders. Detailed descriptions of the uses of the different data collecting methods are provided in the following sections. Regarding data collectors both the qualitative and quantitative data were collected by the Consultant in person.

5.2.2.2. Data Collection Instruments in the Qualitative Methods

The qualitative method of this study has deployed the following primary and secondary data collection tools tailored with stakeholder consultation, and integration of gender-sensitive, human-rights-based analysis.

A. Desk Review

As Saldana urged documents "contain texts and images that reflect and metaphorically represent their creators' ideologies and value systems".[157] As such, pertinent primary documents, which might take a hard or soft copy form, were collected. The pertinent Laws, Policies Practices of the FDRE; International Laws, Policies, Standards, Guidelines and Recommendations on rights to be protected from violence and harassment of the employee and other jurisdictions' best experience were examined, synthesized and synergized. The Consultant also extensively goes through the relevant Cassation Decisions and Decisions by the HoF in Ethiopia, if any.

In addition to the primary qualitative data hereinabove, the Consultant extensively goes through the relevant literatures such as books, published articles and research findings on right to be free from violence and harassment of the employee which served as a source of secondary qualitative

[157] Saldana, J. (2011). *Fundamentals of qualitative research: Understanding qualitative research*, Oxford: Oxford University Press, P.54

data. Actually, many of these primary and secondary qualitative data sources served as a ground work for the preparation of the policy brief.

B. In-depth and Key-informant Interview

An interview was one of the most commonly used data collection instruments. In-depth interviews were one source of the qualitative part of the study as we share the Creswell's position that '[it] is the most vital tool which allows the interviewer to interact with the society and extract depth, rich and detailed information about the problems'.[158] It can be categorized into structured, semi-structured and unstructured interview.[159] Among these interview techniques semi-structured interview questions are structured and standardized, while it equally guarantees liberty of discussions for both the Consultant and participants.[160] As such this study prefers and employed **semi-structured in-depth interview** so as to extract depth information which enabled the development of adequate, up-to-date and standard policy brief.

Semi-structured interview has also been conducted with selected **key-informants**. Data gained in the key-informant interview were employed to corroborate the in-depth interview and as input by itself. The semi-structured interviews with in-depth informants and with key informants were conducted through Amharic language**.**

C. Focus Group Discussion and Stakeholders Consultation

Focus group discussion enables the researchers to obtain collective opinions or attitudes at a group level that could help the Consultant as a source of validation. According to Kitchin and Tate it can also be a useful supplement to one-to-one interview.[161] Accordingly, the Consultant has conducted a **focus group discussion with purposively selected informants** in order to cross-check and triangulate the data that has been obtained from interview and to came up with the general communal (shared) understandings of the participants.

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[158] Creswell, J. (2003). *Qualitative, Quantitative and Mixed Method Approaches* (2nd Ed.). London: Sage Publications.

[159] □□□ □□□□□□ □□□□□ □□□□□ □□□□□□ □□□□□□□ 3□ □□□□ 2017

[160] Kitchin, R. and Tate, N. (2000).*Conducting Research in Human Geography: Theory, Methodology and Practice*. Michigan: Prentice Hall; and Crang M. and Ian, Cook (2007).*Doing Ethnographies.* London: Sage Publications Ltd.

[161] Kitchin, R. and Tate, N. (2000).*Conducting Research in Human Geography: Theory, Methodology and Practice*. Michigan: Prentice Hall.

In addition to the FGD hereinabove, the Consultant has presented the draft advocacy paper at a consultation workshop held in Addis Ababa. In the workshop the Consultant gathered key inputs and recommendations from stakeholders and employ them in further enriching the draft through incorporating core arguments for ratification, stakeholder perspectives, and other tailored policy recommendations.

5.2.2.3. Data Analysis in the Qualitative Method

For analyzing the qualitative data, the Consultant has employed **thematic qualitative data analysis**. In this thematic data analysis technique, the analysis and interpretation of the raw data involved four stages. First, the raw qualitative data obtained from interviews, key informant interviews, and focus group discussions were transcribed and translated from Amharic to English and the raw data were coded and organized based on its dimension and the conditions of each dimension and categories of data were interpreted. Then, the description, classification and triangulation of raw data was made and analyzed qualitatively. Following this, the data extracted from secondary sources of information were qualitatively interpreted and analyzed. After that, the information, perspectives and insights from the interpretation of primary sources were integrated with the secondary sources. Finally, the information obtained from secondary and tertiary quantitative data were integrated with the qualitative data.

5.2.3. Secondary & Tertiary Quantitative Data

In addition to the qualitative data hereinabove, the Consultant was also extensively go through the relevant secondary and tertiary quantitative data on the thematic area which were collected from literatures and relevant offices listed in the previous section. Actually, many of these secondary and tertiary quantitative data sources were served as a supplement for the preparation of the policy brief.

5.3. Tactics to Ensure Validity and Reliability

In order to ensure validity and reliability, the Consultant has devised the following strategies:

i. Tactics to ensure ***Constructive Validity***

- Using multiple sources of evidence in the data collection, i.e., policies, laws, court decisions, HoF Decisions, literatures, library observations and searches, semi structured

interviews, focus group discussions, stakeholders consultation and secondary & tertiary quantitative data, and

- Establishing chain of evidence in the data collection (as discussed before the researcher planned to use literature reviewing, key-informant interview, in-depth structured interview, focus group discussions, and library observations and searches ***consecutively***),

ii. Tactics to ensure ***External Validity***

- Using replication logic in the analysis stage; and

iii. Tactics to ensure ***Reliability***

- The Consultant planned to do all the investigations in person with due care and diligence not to commit ***errors***, and
- The Consultant has a plan to ***bracket*** his preconceived ***biases*** in advance.

5.4. Ethical Considerations

As far as ethical considerations concerned the Consultant was supposed to:

- Respect the rights and dignity of all those who will involve in or be affected by the Consultancy,
- Ensure as far as possible the physical, social and psychological well-being of all those who take part in the Consultancy or are subsequently affected by it,
- Ensure that the purpose of the Consultancy is properly expressed to the participants so as to get their free consent to participate in the study and they shall also be told that they will have the right to withdraw from being interviewed at any time, and
- Conduct his professional work with integrity and in such a way as to not jeopardize future research, the public standing of researchers or the ability of others to publish and promote the findings of their research.

Part IV: Discussion of Major Findings

6. The Case Study in Ethiopia

6.1. The Existing Legal and Policy Framework on Workplace Violence and Harassment in Ethiopian

6.1.1. Constitutional Considerations and Policy Frameworks

A. Workplace Violence and Harassment in the FDRE Constitution

The FDRE Constitution enshrines, among other things, that all workers are entitled to enjoy the fundamental rights and freedoms recognized under the constitution without any discrimination based on sex, religion, ethnic background or other status.[162] Workers enjoy both the rights and freedoms recognized for any other person and the group right recognized for employees under the constitution. Article 41(1) of the Constitution respects every Ethiopian's right to engage freely in economic activity and pursue a livelihood of his choice.[163] But the specific and substantive right of workers is defined more elaborately in the subsequent provision of the Constitution.

To be more specific, Article 42 of the Constitution is destined to deal with the detailed rights of employees in Ethiopia. The Provision, *inter alia*, stipulates that workers "… have the right to form associations to improve their conditions of employment and economic well-being."[164] It is well recognized elsewhere that forming an association is an effective means of ensuring better conditions of employment and economic benefits free from violence and harassment.[165] Moreover, the Provision guarantees, the categories of persons recognized to have the right to organize, the right to express grievances including the right to strike.[166] However, Article 137(2)

[162] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Articles 25 cum 41

[163] Needless to mention, the freedom to engage in economic activity of once choice includes, among other things, the right to choose occupation or profession. See Article 41(2) of the FDRE Constitution

[164] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Article 42(1)a

[165] In tandem with this noble idea, the constitution has made it clear that government employees are equally entitled to form an association where they deem it necessary for attaining their interest. Under the constitution, workers have also the right to form trade unions and other associations to bargain collectively with employers or other organizations that affect their interests. Lemlem W/Gebriel (Sr.), CETU-Women and Youth Affairs Department Head & Mesfin Legesse, Ethiopian Employer's Confederation-Board Member, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia".

[166] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Article 42(1)(b)

of the Labour Proclamation No. 1156/2019 has placed some limitations on the right to strike for employees engaged in essential public services as defined by the Proclamation. The practice would imply that the constitutionality of the limitation is not challenged on a constitutional basis and it seems it is accepted as standard practice in the Ethiopian legal system although the constitution does not indicate as to the possibility of any limitation to the right to strike.

In another note, the Provision abolishes the practice of paying less to women than men for equal work by stipulating that women workers have the right to equal pay for equal work.[167] The Constitution also provides that women workers have the right to get affirmative measures in order to remedy the historical legacy of inequality and discrimination.[168] The legal protection of women includes the right to equality in employment, promotion, pay, transfer or pension entitlements.[169]

Access to justice, being an important aspect of fighting violence and harassment in employment relationship[170], workers and their association has the right to bring any justiciable matter before a court of law or any institution with judicial power and to get a decision or an award, as the case might be.[171]

It is also good to mention that as far as the human rights section of the Constitution is required to be interpreted in line with the UDHR and international human rights instruments adopted by Ethiopia,[172] so that the exercise of the right to be protected from work place violence and harassment is expected to be in line with the existing best practices.

Be that as it may, the FDRE Constitution never incorporates anything as to violence and harassment in the world of work specifically. All the allegations hereinabove are results of

[167] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Article 42(1)d

[168] Article 35(3) of the FDRE Constitution. The purpose of the measure would be to provide special attention to women to enable them to compete and participate based on equality with men in political, social, and economic life in public and private institutions.

[169] Article 35(8) of the FDRE Constitution. Moreover, the right of women to get maternity leave with full pay is recognized by Article 35(5).

[170] Asfaw Kaba,Sinqqe Womens Development Association; & Frehiwot Wendoosen, Ethiopian Women Lawyers Association, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia".

[171] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Article 37

[172] The Federal Democratic Republic of Ethiopia Constitution, Proc. 1/1995, Article 13(2)

interpretations of indirect provisions scattered in the FDRE Constitution so much so that it indicates that the place given for workplace violence and harassment is stumpy and incidental.

B. Ethiopian Policy Frameworks on Violence and Harassment in the World of Work

Despite a zero tolerance threshold request at the global struggle against workplace violence and harassment, Ethiopia did not have a unified policy to fight work place violence and harassment both at national and regional level. In Ethiopia, the law does not require institutions to have policies in place relating to workplace violence and harassment. Victims of workplace violence and harassment often petition through their trade union or HR department for the development of such a policy.[173] All these make it difficult to develop a robust system of fighting workplace violence and harassment across the Country.

However, there are emerging endeavors by some government institutions to adopt policies to fight sexual harassment at workplace which is usually absent in the private employment relationship.[174] On 5 January 2023, the former President of the Federal Supreme Court of Ethiopia announced the launch of the Federal Court's Sexual Harassment Policy and an accountability procedure for the first time.[175] It is yet to be implemented. The Ministry of Education has also launched a sexual harassment policy because sexual harassment seriously interferes with learning, and learning institutions are obligated to, above all, safeguard female students who are usually the victims. Following this, a directive was also issued by the Ministry titled "A Directive issued to Prevent Sexual Harassment in Educational Institutions" in December 2010 which was communicated to higher education institutions.[176] However, it is still not clear whether this directive is obligatory for higher education institutions. The Directive (issued by the Ministry of Education) inspired universities to adopt and develop their own policies or directives. Addis Ababa University, Bahir Dar University, Hawassa University and

[173] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.24 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[174] Key Informant Interview with Lemlem W/Gebriel (Sr.); CETU Women and Youth Affairs Department Head, on "The Need to Ratify the ILO Convention No 190 in Ethiopia" She witnessed presence of the Policy in Hawassa IP & some CSO sector.

[175] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.24 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[176] Ibid

Wolayita Sodo University are among public higher learning institutions known to have a sexual harassment policy.[177]

6.1.2. Legal Framework/Other Subsidiary Legislations on Violence and Harassment in the World of Work in Ethiopia

In Ethiopia, the legal frameworks relating to workplace violence and harassment are in development[178] and, *inter alia*, include the Criminal Code of the Federal Democratic Republic of Ethiopia No. 414/200, the Criminal Procedure Code of Ethiopia No. 185/1961, the Civil Code of Empire of Ethiopia No. 165/1960 as well as two pieces of legislation specifically dealt with workplace sexual harassment. In Ethiopia, employment relationship in the public and private sectors are regulated by the Civil Service Proclamation No.1064/2017 and the Labour Proclamation No. 1156/2019 respectively.

The Occupational Safety and Health (OSH) Directive grant piecemeal coverage and protection against violence and harassment in the workplace.[179] But the existing laws were found to be insufficient to adequately address violence and harassment in the world of work. Similarly, the relevant provisions of the Discrimination and Workplace Harassment Laws do not adequately reflect the provisions of Convention 190 and Recommendation 206.[180]

The United Nations Convention on the Elimination of All Forms of Discrimination against Women(CEDAW) and the Maputo Protocol on the Rights of Women in Africa, to which Ethiopia is signatory, outlines general rights and protections against harassment.[181] However, Ethiopia is not a signatory party to the Violence and Harassment Convention (No. 190) of the ILO which provides full-fledged protection to violence and harassment in the world of work.[182]

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[177] Ibid

[178] Etalemahu Kefyalew, CETU- Gender Expert, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia".

[179] Ethiopia Decent Work Country Program Report, 2021-2025, P.7 available at wcms_837828.pdf

[180] Ethiopia Decent Work Country Program Report, 2021-2025, P.7 available at wcms_837828.pdf

[181] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.23 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[182] Ratifications of ILO conventions: Up-to-date Conventions and Protocols not ratified by Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102950

Be that as it may, there is no substantive case law that is publicly available,[183] and along with non-comprehensive workplace violence and harassment legislation, this makes it difficult to develop a robust system of protection for victims of violence and harassment in the world of work in the Country.[184]

A. The Labour Proclamation No. 1156/2019

The Labour Proclamation provides protection from sexual harassment and violence but the definition encompassed is insufficient to cover all forms of violence and harassment in the world of work. The protection accorded is only limited to sexual harassment and assault accompanied by force or any other sign and utterances.[185] The ILO convention on Violence and Harassment considers violence and harassment in the world of work as a range of unacceptable behaviors and practices, threats that result a physical, psychological, sexual or economic harm on a worker.[186] From this definition, sexual harassment and assault is only one facet of violence and harassment in the world of work. Even worse, the Proclamation provides protection only to the workers who qualify this status as stipulated in Articles 3 & 4.[187] Thus, the Proclamation is inadequate to provide a full range of coverage for instances of violence and harassment in the world of work across the Country.

This legislation directly addresses workplace sexual harassment and assault. Articles 14(1)(h) and 14(2)(h) prohibit sexual harassment and sexual assault at the workplace by employers, managerial employees, and other workers. An employer is strictly prohibited from any retaliatory measure against an employee who tries to enforce his/her right.[188]

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[183] Tarikawit Fikadu, Ethiopian Human Rights Defenders-Acting ED & Program Director; and Habl Kindu, Ethiopian Law Schools Association Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia"

[184] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.23 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[185] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 2(11) cum 2(12) of the Labor Proclamation. Sexual harassment and sexual violence are defined in Articles 2(11) and 2(12), respectively.

[186] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021) Article 1

[187] For instance Managers are not entitled for such a protection.

[188] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 14(1)a

Besides, the Ethiopian Labour Proclamation accredits sexual harassment and sexual assault as conditions to terminate employment contracts without notice for both the employer and the worker.[189] This is a new addition to the Ethiopian labour law. We shall briefly look into what sexual harassment and sexual assault are and the consequences in terms of termination of employment contract, severance pay and compensation. Sexual harassment has been defined in the Proclamation as "pursuing or convincing another through utterances, signs or any other manner, to submit for sexual favor without his/her consent".[190] On the other hand, sexual harassment accompanied by force or an attempt thereof is defined as sexual violence.[191]

Committing sexual harassment or sexual assault at workplace is termed a prohibited act for employer and managerial employee.[192] Similarly committing sexual harassment or sexual assault at work place is a prohibited act for the worker.[193] Sexual harassment or sexual violence at workplace is therefore a sufficient ground for termination of employment without prior notice by the employer.[194] The right of the employer to terminate the contract of employment shall, however, lapse after thirty working days from the date the employer knew the existence of a ground for termination.[195]

Similarly, where a worker has been a victim of sexual harassment or sexual violence by the employer or managerial employee, the worker can terminate his contract of employment without notice.[196] In this regard, the worker has to inform the employer in writing the reasons for termination, and the action should be taken within 15 working days from the date at which the act occurred or ceased to exist.[197] Otherwise it will be barred by period of limitation.

In another note, severance pay is available for a worker who resigned due to sexual harassment or sexual violence by the employer or managerial employee.[198] In the same fashion, where such

[189] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Articles 27(1)i cum 14(2)h and Articles 32(1)b
[190] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 2(11)
[191] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 2(12)
[192] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 14(1) h.
[193] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 14(2)h
[194] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 27(1)(i)) cum 14(2)h
[195] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 27(3)
[196] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 32(1)b
[197] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Articles 32(2)&(33)).
[198] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 39(1)d

an act is committed by a colleague and the incident was reported to the employer but the latter failed to take appropriate action in due time, the worker is entitled to severance pay.[199] The amount of severance pay shall be thirty times the average daily wage of the last week of service for the first year of service; and where the service of the worker is less than one year the severance pay shall be calculated in proportion to the period of service.[200] Where a worker has served for more than one year, severance pay shall be increased by one-third of the monthly wage (i.e thirty times the average daily wage of the last week of service) for every additional year of service. Nevertheless, the total amount shall not exceed twelve months wage of the worker.[201]

In addition to the severance pay hereinabove, the worker is also entitled to compensation of his daily wage multiplied by 90 where the termination of employment is made by a worker due to sexual harassment or sexual violence.[202] A victim of sexual harassment or sexual violence is therefore entitled to severance pay and compensation simultaneously.

To sum up, the introduction of sexual harassment or sexual violence as a serious ground for termination of employment without notice shows the level of attention such an act is given by the legislator. The employer is required by law to take action when such a sexual harassment or sexual violence in a work place is reported.[203]

B. The Federal Civil Servants Proclamation No. 1064/2017

This legislation directly addresses workplace sexual harassment only. The Proclamation defines sexual harassment in a broader way than the Labor Proclamation.[204] Accordingly, "sexual harassment" means unwelcome sexual advance or request or other verbal or physical conduct of a sexual nature and includes:

a) unwelcome kissing, patting, pinching or making other similar bodily contact;

b) following the victim or blocking the path of the victim in a manner of sexual nature;

[199] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 39(1)d
[200] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 40(2)
[201] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 40(3)
[202] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 41(2)
[203] Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019 Article 39(1)d
[204] Federal Civil Servants' Proclamation No. 1064/2017, 15th Day of December 2017, Article 2(13)

c) Put sexual favor as prerequisite for employment, promotion, transfer, redeployment, training, education, benefits or for executing or authorizing any human resource management act.

Committing sexual harassment or abuse at the workplace is an offence entailing fines of up to three months' salary, downgrading for a period of up to two years, and dismissal.[205] In the case of government employees, the Civil Servants Proclamation provides that administrative decisions may be made by the head of the government institution, after which cases may be referred to the civil servants' administrative tribunal. The decision of the administrative tribunal on questions of fact is final. However, any party which claims that the decision of the administrative tribunal is a result of an error of law may appeal to the Federal Supreme Court.[206]

C. The Criminal Code of the Federal Democratic Republic of Ethiopia No. 414/2004

The Criminal Code of the Federal Democratic Republic of Ethiopia No. 414/2004 provides that whoever procures from a woman sexual intercourse or any other indecent act by taking advantage of her material or mental distress or the authority he exercises over her by virtue of his position, function or capacity as protector, teacher, master or employer, or by virtue of any other similar relationship is punishable, upon complaint, with simple imprisonment.[207] This provision, however, wrongly appears to only envisage men as potential perpetrators.

Similarly, punishment for public servants who misuse their official position with intent to obtain or procure an undue advantage or injure the right or interest of another is also punishable with simple imprisonment not exceeding ten years and a fine.[208] This provision, in one way or another, appears to target violence and harassment in the public sector.

In another note, a Study by the Ethiopian Civil Societies urges that the Ethiopian Criminal Law needs to be revised on defining domestic violence (narrow definition), absence of procedural

[205] Federal Civil Servants' Proclamation No. 1064/2017, 15th Day of December 2017,

[206] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.23 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[207] The Criminal Code of the Federal Democratic Republic of Ethiopia No. 414/2004, Article 625

[208] The Criminal Code of the Federal Democratic Republic of Ethiopia No. 414/2004

protections such as restraining orders, that provide safeguards to women at risk of imminent violence.[209]

D. The Criminal Procedure Code of Ethiopia No. 185

The Criminal Procedure Code can also be used to provide protections in relation to sexual harassment. Articles 47 and 150, for instance, provide that in criminal cases complaints over sexual harassment should be brought to the police. This is because the Criminal Code makes sexual harassment a crime punishable upon complaint; the victim should complain before the relevant organ for the case to be initiated.[210]

In another note, a Study by the Ethiopian Civil Societies urges strengthen and expand special investigation and prosecution units (including training for staff, allocate adequate budget) and improve evidence gathering techniques to decrease the number of wrong acquittals.[211]

E. The Civil Code of Empire of Ethiopia No. 165/1960

The Civil Code also endeavors to provide protections in relation to sexual harassment. A person commits an offence where he intentionally makes contact with the other person against the latter's will.[212] An offence shall be committed regardless of whether bodily harm is caused by personal contact or by use of an object, animate or inanimate.[213] At this juncture, material damage is compensated by awarding the victim an equivalent amount in damages.[214] In cases of moral injury the compensation awarded may, however, in no case exceed one thousand Ethiopian Dollars (ETB 1000).[215]

A fragmented approach (in Ethiopia) of what constitutes violence and harassment in the world of work, whom it impacts and in what circumstances creates uncertainty and limits access to justice

[209] Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019 3rd Cycle UPR Pre-sessions (unpublished) Slide 3

[210] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.24 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[211] Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019 3rd Cycle UPR Pre-sessions (unpublished) Slide 5

[212] The Civil Code of Empire of Ethiopia No. 165/1960, Article 2038(1)

[213] The Civil Code of Empire of Ethiopia No. 165/1960, Article 2038(2)

[214] The Civil Code of Empire of Ethiopia No. 165/1960, Articles 2091 and 2091

[215] The Civil Code of Empire of Ethiopia No. 165/1960, Article

for victims of sexual violence and harassment in the world of work as well as the potential of achieving workplace equality.[216] As Ethiopia continues its journey towards development and modernization, addressing violence and harassment in the world of work must become a priority. By strengthening legal frameworks and promoting a culture of respect and equality in the workplace, Ethiopia can take significant steps toward protecting its workforce from violence and harassment, and enhancing women's participation in the economy.[217] Experts note that the absence of robust laws (on violence and harassment in the world of work) not only diminishes workers' economic opportunities but also perpetuates a culture of impunity for perpetrators.[218] The ILO Convention 190 offers a roadmap for reforming national laws and policies.[219] However, Ethiopia has yet to ratify this critical treaty, which aims to provide comprehensive protections against violence and harassment in the world of work.

6.2. The Practices with Regard to Fighting Violence and Harassment in the World of Work in Ethiopia

Violence and harassment in the world of work affects all countries, sectors, occupations, and work arrangements, and it threatens the dignity, safety, health, and wellbeing of all people of all ages, races, social classes, and economic statuses.[220] GBVH, on the other hand, is the most widespread form of violence and harassment in the world of work, mainly affecting women disproportionately. According to UN statistics, 736 million women worldwide have been subjected to physical and/or sexual intimate partner violence, non-partner violence, or both at least once in their life.[221] And although 158 countries have passed laws on violence, and 141 have laws on sexual harassment in employment (including ratification of international and

[216] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.24 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[217] Capital News, Urgent Need for Enhanced Legal Frameworks to Combat Workplace Sexual Harassment, Nov 25 2024

[218] Capital News, Urgent Need for Enhanced Legal Frameworks to Combat Workplace Sexual Harassment, Nov 25 2024

[219] Australian Council of Trade Union (ACTU), International Labour Organization Convention Concerning the Elimination of Violence and Harassment in the World of Work (No. 190), Submission 5, ACTU Submission, 16 December 2022, ACTU D. No 53/2022, P.5

[220] Georgia Montague-Nelson and Dave Spooner, Train the Trainers Toolkit on the ILO Violence and Harassment Convention (No. 190) and Recommendation (No. 206), developed with the financial support of Mondiaal FNV, June 2021, P.6

[221] Facts and Figures: Ending Violence Against Women, UN Women, ONU Mujeres, available at https://www.unwomen.org/

regional conventions), this does not mean that they are compliant with the international standards and recommendations or are implemented and enforced.[222]

Violence and harassment at work is more prevalent in developing countries compared to the developed ones. A global study on the prevalence of violence found out that in the past years, such incidents were most prevalent in Africa and Asia (80%), followed by Europe (70%), and Latin America and North America (60%).[223] The pervasiveness of violence and harassment at work in Africa necessitates efforts to set a foundation for a regional model law to address workplace violence and harassment.[224]

The same holds true for Ethiopia. Despite the adoption of international conventions such as the UNCEDAW and the Maputo Protocol on the Rights of Women in Africa, violence and harassment in the world of work remains pervasive.[225]

In relation to criminal offences, the police, public prosecutors, and the courts are the public authorities responsible for the implementation and enforcement of the law on violence and harassment in the world of work. In this regard a Study by Civil Society reveals there is low level of reporting and high number of acquittals due to lack of evidence and decisions not to prosecute.[226]

On the other hand, civil cases are referred to the relevant civil courts by the application of the parties. As it is within the ambit of labour disputes, administrative measures can also be sought from a body constituted by a collective agreement, if there is any. Cases may then be taken to the competent labour relations board and pass through the regular court procedures by way of an

[222] UNI Global Union's Training Guide for Trade Unions on ILO Convention 190, Violence and Harassment in the World of Work, P.3

[223] Meinck, F. et al, (2015), Risk and Protective Factors for Physical and Sexual Abuse of Children and Adolescents in Africa: A Review and Implications for Practice. Trauma, Violence, & Abuse, 16(1), 81–107. Available at https://doi.org/10.1177/1524838014557271

[224] Vance Center, AESHI & PALU Launch New Report on Sexual Harassment Laws in Africa, November 2024

[225] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.23 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/ Lemlem W/Gebriel (Sr.), CETU-Women and Youth Affairs Department Head & Mesfin Legesse, Ethiopian Employer's Confederation-Board Member, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia"

[226] Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019 3rd Cycle UPR Pre-sessions (unpublished) Slide 3

appeal. There are no other regulatory authorities that specifically enforce matters relating to violence and harassment in the world of work.[227]

An empirical study in the context of Ethiopia also showed that there is a high prevalence of violence towards women at work, particularly girls aged between 15 and 49.[228] According to the Health and Demographic survey conducted by the Central Statistical Agency (2017), nearly one third of women in Ethiopia had experienced either physical or sexual violence.[229]

Similarly, a recent study conducted by the Industrial Parks Development Corporation in cooperation with the World Bank Group's Industrial Development Association to address gender based violence in industrial parks shows that the work environment creates conditions that could expose workers to violence and harassment due to the existing gender imbalance at the management level and housing conditions.[230] In addition, female workers are vulnerable to sexual violence due to the power imbalance between workers, supervisors and investors.[231] In light of this, the Corporation has developed various documents including gender mainstreaming guideline, good practice note for prevention of violence, a training manual, and GBV risk assessment manual. However, the existence of the documents could not guarantee the protection unless a proper institutional mechanism and sufficient legal framework is put in place.[232] There

[227] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.24 available at https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[228] Jemila Hussen Mohammed, Exploring the Prevalence of Gender Based Violence in Ethiopia's Special Economic Zones: Lessons from Hawassa Industrial Park, African Journal of Leadership and Development, 2024, Vol. 9 No. 1; and
Association for Human Rights in Ethiopia, The Human Rights Conditions of Workers in Ethiopia: Focus on Industrial Parks, Private Agency Employees, Women's Participations in Trade Unions, and Gender-Based Violence (GBV) Cases in Amhara, Oromia and Addis Ababa, May 2024

[229] Jemila Hussen, Exploring the Prevalence of Gender Based Violence in Ethiopia's Special Economic Zones: Lessons from Hawassa Industrial Park, African Journal of Leadership and Development, 2024, Vol. 9 No. 1, P.74

[230] Gender Based Violence Risk Assessment and stakeholder mapping in the industrial parks, Competitiveness and job creation project report, 2022, P. 69

[231] Ibid

[232] Association for Human Rights in Ethiopia, The Human Rights Conditions of Workers in Ethiopia: Focus on Industrial Parks, Private Agency Employees, Women's Participations in Trade Unions, and Gender-Based Violence (GBV) Cases in Amhara, Oromia and Addis Ababa, May 2024, P.21

is also a high turnover of female workers due to inflexible working conditions. Turnover is especially high among pregnant women and women who have recently given birth.[233]

To sum up, Ethiopia is grappling with significant challenges related to workplace violence and harassment, highlighting the urgent need for comprehensive legal frameworks to protect and prevent workplace violence and harassment, particularly women, from gender-based violence in the labour market.[234] A recent report "Mapping Legal Protections against Workplace Sexual harassment in Africa" by the World Bank[235] underscores the pervasive nature of sexual harassment across various sectors, including employment, education, and public spaces, emphasizing that many employees in Ethiopia remain vulnerable due to inadequate legal protections. The report reveals that while Ethiopia has made strides in addressing gender equality, gaps remain in the legal prohibitions against violence and harassment in the workplace. Even worse, the problems of violence and harassment at work are prevalent against well-educated workers in Ethiopian Higher Education and Health institutions.[236] The mishap, in Ethiopia, is further exacerbated by cultural barriers, fear of retaliation, inaccessible justice machineries, and lack of awareness so that victims are discouraged from reporting abuse.[237]

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[233] Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019 3rd Cycle UPR Pre-sessions (unpublished) Slide 7

[234] Capital News, Urgent Need for Enhanced Legal Frameworks to Combat Workplace Sexual Harassment, Nov 25 2024; Tarikawit Fikadu, Ethiopian Human Rights Defenders-Acting ED & Program Director and Frehiwot Wendoosen, Ethiopian Women Lawyers Association, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia".

[235] Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024, P.23-26 https://www.vancecenter.org/vance-center-aeshi-palu-launch-new-report-sexual-harassment-laws-in-africa/

[236] Bikila Balis et al, Prevalence, Patterns, and Determinants of Workplace Violence among Healthcare Providers in Ethiopia: A Systematic Review and Meta-Analysis, Journal of Health Services Insights Volume 18: Feb. 2025;
Mulugeta Dile et al, Prevalence of sexual violence in Ethiopian workplaces: systematic review and meta-analysis, 2020; and
Mowlid Abdi Ali et al, Workplace Gender-Based Violence among Female Staff in Public Higher Education Institutions in Eastern Ethiopia: Institution Based Cross-Sectional Study, PLOS Global Public Health, July 26, 2024

[237] Association for Human Rights in Ethiopia, The Human Rights Conditions of Workers in Ethiopia: Focus on Industrial Parks, Private Agency Employees, Women's Participations in Trade Unions, and Gender-Based Violence (GBV) Cases in Amhara, Oromia and Addis Ababa, May 2024; and
Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019, Unpublished

6.3. Issues on Ratifying Convention No 190 and Recommendation No 206 in Ethiopia

6.3.1. Why Ratification of the Convention is Important to Ethiopia?

Ratification is a formal procedure whereby a State accepts the Convention as a legally binding instrument. Verily, ratifying an international convention like Convention No. 190 sends an important signal to individuals and to the international community about the State's commitment to take all measures necessary to prevent and address violence and harassment in the world of work.[238] Moreover, Convention No. 190, as with all international labour standards, can play an invaluable role in the design of policies, laws and regulations, as these instruments provide authoritative guidance on law and policy.[239] Where the Convention has been ratified, it entails international law obligations for Ethiopia.

As the globalization has further highlighted, ratifying and implementing Convention No. 190 and its accompanying Recommendation No. 206 for a world of work free from violence and harassment is of paramount importance to Ethiopia at least for the following specific reasons:

i. To prevent and address the rise of violence and harassment beyond the physical workplace in Ethiopia.

In this regard, the Convention No. 190 and Recommendation No. 206 protects against all forms of violence and harassment in the world of work which absolutely lacks in the constitutional, policy and legal frameworks of the Country[240]. The Convention is based on a broad concept of the "world of work" that takes account of the fact that nowadays work does not always take place at a physical workplace. For example, it covers violence and harassment occurring during work-related travel, when commuting to and from work, in employer-provided accommodation or through work-related communications, including those enabled by information and communications technologies (ICT) etc.[241]

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[238] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.91

[239] Ibid

[240] Infra Note Pages 55-64

[241] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 3

ii. To protect everyone in the world of work in Ethiopia

Convention No. 190 and Recommendation No. 206 protects all individuals in the world of work regardless of the narrow protection granted by the Labour Proclamation No1156/2019 and the Federal Civil Servants' Proclamation No. 1064/2017. Convention 190 builds on the understanding that no one should be subject to violence and harassment in the world of work. It protects workers and other persons in the world of work, including employees as defined by national law and practice, persons working irrespective of their contractual status, 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.[242]

iii. To address violence and harassment in the Country in a comprehensive manner.

Convention No. 190 and Recommendation No. 206 are grounded on the adoption of an inclusive, integrated and gender-responsive approach. This approach envisages action in all the fields concerned, including in labour, equality and non-discrimination, occupational safety and health, migration and criminal laws, regulations and policies, as well as through collective bargaining and work rules. In adopting such an approach, Convention 190 recognizes the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.[243] Hence, ratification of Convention No. 190 and Recommendation No. 206 will enable Ethiopia to suppress violence and harassment in a comprehensive manner.

iv. To prevent and address the rise of gender-based violence and harassment in Ethiopia.

Both Convention No. 190 and Recommendation No. 206 provided for specific measures to address gender-based violence and harassment. They acknowledged that gender-based violence and harassment disproportionately affects women and girls so much so that it is intolerable envisaging special attention. They also recognized that a gender-responsive approach, which

[242] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 2

[243] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 4

tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work.[244] In this way the Convention will enable Ethiopia in its fight against gender-based violence and harassment in the Country.

v. To mitigate the impact of domestic violence on the Ethiopian world of work.

Convention No. 190 and Recommendation No. 206 recognizes the link between domestic violence and its impact on the world of work. It calls upon member States to recognize the effects of domestic violence, and mitigate its impact in the world of work. Recommendation No. 206 supplements Convention No. 190 by setting out some specific measures that can be taken, including leave for victims, flexible work arrangements, temporary protection against dismissal, inclusion of domestic violence in workplace risk assessments and awareness-raising.[245] All these packages in the Convention and the Recommendation will lend hands to Ethiopia in mitigating the impact of domestic violence on the world of work.

vi. To prevent and address cyber bullying in the future digitized Ethiopia

Convention No. 190 and Recommendation No. 206 also applies in fighting cyber bullying. By covering all forms of violence and harassment occurring in the course of, linked with or arising out of work, Convention No. 190 extends protection against violence and harassment occurring through work-related communication, including those enabled by ICT.[246] This package of the Convention and the Recommendation will improve Ethiopia's caliber to fight violence and harassment in the future digitized world of work across the Country.

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[244] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Preamble and Articles 1, 4, 5 and 10; and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 16-18

[245] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10(f); and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 18

[246] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 3

vii. To protect those even more exposed to violence and harassment in certain sectors, occupations and work arrangements in Ethiopia.

Convention No. 190 and Recommendation No. 206 recognizes that some sectors, occupations and work arrangements, such as health, transport, education and domestic work, or working at night or in isolated areas, may be more exposed to violence and harassment. It further requires member States, in consultation with the employers' and workers' organizations concerned, to identify such sectors and take measures to effectively protect the persons concerned.[247] By doing so the Convention and the Recommendation help Ethiopia to protect those even more vulnerable to violence and harassment in certain sectors, occupations and work arrangements.

viii. To ensure protection of those working in the informal economy of Ethiopia

Convention No. 190 and Recommendation No. 206 extends protection to workers and other persons concerned operating in the informal economy. It recognizes that individuals in the informal economy also have the right to be free from violence and harassment, and that public authorities have an important role in ensuring that they are protected.[248] Ratification of the Convention and the Recommendation, hence, enables Ethiopia to ensure protection of those working in the informal economy across the Country against violence and harassment in the world of work.

ix. To ensure equality and non-discrimination of those in situations of vulnerability in Ethiopia.

Convention No. 190 and Recommendation No. 206 endeavors to mention workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work, and calls for

[247] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 8; and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 9

[248] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 8; and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 11

laws, regulations and policies ensuring their right to equality and nondiscrimination.[249] In this way the Convention and the Recommendation will support Ethiopia to ensure equality and non-discrimination of those in situations of vulnerability.

x. To adopt, adapt and implement workplace measures on violence and harassment in Ethiopia

Convention No. 190 and Recommendation No. 206 calls for the adoption of workplace policies on violence and harassment, and for the assessment of all associated factors as part of the OSH management system and workplace OSH risk assessment. Ratification of the Convention, along with Recommendation No. 206, will offer clear guidance to Ethiopia that could help employers and workers to identify hazards and assess the risks of violence and harassment, and to take effective measures to protect the safety, health and well-being of all workers.[250]

xi. To ensure safe, fair and effective reporting and appropriate and effective remedies.

Convention No. 190 and Recommendation No. 206 urge for enforcement, remedies and assistance as a key component of any efforts to end violence and harassment in the world of work. This includes dispute resolution mechanisms internal and external to the workplace, courts and tribunals, and access to support, services and remedies, including for victims of gender based violence and harassment in the world of work.[251] Hence, Ethiopia's ratification of the Convention and the Recommendation will ensure safe, fair and effective reporting and appropriate and effective remedies in the Country's legal system.

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[249] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 5;and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 10-13

[250] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 9; and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 8-18

[251] Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021), Article 10; and
International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 14-22

xii. To promote better data

Recommendation No. 206 recognizes the importance of data. Member States are called upon to make efforts to collect and publish statistics disaggregated by sex, form of violence and harassment, and sector of economic activity, as well as by characteristics of groups in vulnerable situations.[252] This data is necessary to inform and monitor policy responses in preventing and addressing violence and harassment in the world of work. In this way ratification will support its struggle in fighting violence and harassment in the world of work in informed manner.

6.3.2 How to Proceed Towards Ratification?

Indeed, each country has its own internal process for ratifying international conventions, which often involves a decision or approval by the national legislature. However, pursuant to Articles 19(5-7) of the ILO Constitution, ILO Member States have the obligation to submit any Convention and Recommendation adopted by the International Labour Conference to their competent national authority, with a view to the enactment of relevant measures, including the ratification of Conventions. According to the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), Member States shall, also, undertake tripartite consultations on the proposals to be made to the competent authority in connection with the submission of Conventions and Recommendations.[253]

Countries that have ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), have an obligation "to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organization … between representatives of the government, of employers and of workers".[254]

[252] International Labour Organization (ILO) Recommendation Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.R206), adopted 21 June 2019, (entered into force 25 June 2021), Paragraphs 22

[253] International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), Article 5(1)

[254] International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), Article 2

Here, it ought to be noted that Ethiopia is signatory of this Convention No 144.[255] Hence, Ethiopia is duty bound to abide by all the stipulations in this Convention.

Engaging in tripartite consultation also helps bring the Convention to the knowledge of a broader public and build a sense of ownership, which is likely to result in ensuring effective implementation. Participation of representative workers' and employers' organizations in social dialogue should be on an "equal footing", according to the ILO Convention No. 144, and representation should be gender-responsive and inclusive.[256] The procedures of submission to the competent national authorities and of ratification are a unique opportunity to spark social dialogue on the content of the Convention and the measures needed to implement it. Ensuring social dialogue is of paramount importance. All actors of the world of work need to be involved, and listened too. Social dialogue leads to better outcomes since it provides more practical information, and offers a range of approaches and solutions by those directly concerned.

In moving forward towards ratification, Ethiopia may opt for an assessment of their current legislative framework with a view to taking stock of existing policies, laws, regulations and practices dealing with violence and harassment and to identifying relevant gaps. Taking into account the actual provisions in policies, laws and regulations, and the areas identified where better protection is needed, one or more regulatory initiatives based on defined policy objectives can be prepared.[257]

[255] Ethiopia ratified International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) on 06 June 2011. Ratifications of ILO conventions: Ratifications for Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:102950

[256] International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

[257] Violence and Harassment in the World of Work: A Guide on Convention No. 190 and Recommendation No. 206, International Labour Office – Geneva: ILO, 2021, P.91

Part V: Conclusion and Recommendations

7. Conclusion

Violence and harassment in the world of work affects all countries, sectors, occupations, and work arrangements, and it threatens the dignity, safety, health, and wellbeing of all people of all ages, races, social classes, and economic statuses. Limited social and legal provisions in developing countries, like Ethiopia, have made it more difficult to prevent and address violence and harassment in the world of work. However, ILO Convention 190 and Recommendation 206 offer a transformative and clear global framework to recognize the rights of all workers to live in a world free from violence and harassment.

In current world economy, the international labour standards serve as vital components of the international regime for ensuring that the development of the world economy brings benefits to all. As Ethiopia is one of the founding member of ILO and known for actively ratifying different conventions attached therein it ratified 23 ILO Conventions, of which 22 are in force while 1 Convention has been denounced. To be specific, Ethiopia ratified 9 of 10 Fundamental ILO Conventions. Ethiopia is also a party to several international conventions and instruments, including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (1981) ,the United Nations Convention on the Rights of the Child (1989), the Convention on the Elimination of all forms of Discrimination Against Women (1995), and the African Charter on Rights and Welfare of the Child (1999). At this juncture, mention should be made as to "any international agreements ratified by Ethiopia are considered as an integral part of the law of the land". Regardless of all these commitments towards fighting violence and harassment at work, Ethiopia is not signatory state to the ILO Violence and Harassment Convention 190 (C190).

Despite a zero tolerance threshold request at the global struggle against workplace violence and harassment, Ethiopia did not have a unified policy to fight work place violence and harassment both at national and regional level. Even worse, the FDRE Constitution never incorporates anything as to violence and harassment at work place specifically. All the protections are results of interpretations of indirect provisions scattered in the FDRE Constitution so much so that it

indicates that the place given for workplace violence and harassment is unwarrantedly stumpy and incidental.

Ethiopia has also developed scattered national laws, which complemented these commitments as stipulated in the international agreements. Particularly, Ethiopia's Employment Laws, Civil Law, Criminal Law and Procedural Laws set a scenario for elimination of violence and harassment at work. They incorporate sexual harassment and sexual violence as conditions to terminate employment contracts without notice for both the employer and the worker. Committing sexual harassment or sexual assault at workplace is termed a prohibited act which will cause civil, administrative and criminal sanction.

A fragmented approach (in Ethiopia) of what constitutes violence and harassment in the world of work, whom it impacts and in what circumstances creates uncertainty and limits access to justice for victims of violence and harassment in the world of work as well as the potential of achieving workplace equality. As Ethiopia continues its journey towards development and modernization, addressing violence and harassment in the world of work must become a priority. By strengthening legal frameworks and promoting a culture of respect and equality in the workplace, Ethiopia can take significant steps toward protecting its workforce from violence and harassment, and enhancing women's participation in the economy. Experts note that the absence of robust laws and constitutional & policy setup (on violence and harassment in the world of work) not only diminishes workers' economic opportunities but also perpetuates a culture of impunity for perpetrators. The ILO Convention 190 on Violence and Harassment in the World of Work offers a roadmap for reforming national laws and policies. However, Ethiopia has yet to ratify this critical treaty, which aims to provide comprehensive protections against violence and harassment in the world of work

8. Way Forward in Ratifying Convention 190 & Recommendation 206

Indeed, Convention 190 and Recommendation 206 are the first international labour standards to provide a common full-fledged framework to prevent, remedy and eliminate violence and harassment in the world of work, including gender-based violence and harassment. The Convention includes the specific recognition, for the first time in international law, of the right of everyone to a world of work free from violence and harassment, and sets out the obligation to

respect, promote and realize this right. They provide a clear framework for action. For this landmark treaty to have an impact within countries, however, commitments to ending violence and harassment must be translated into action at the national level. The domestication of the Convention's principles within national laws and policies is one critical step toward ensuring its full and effective implementation, and it is required by the Convention's text itself. To this end the Paper urges for the following recommendations in Ethiopia's moving forward towards the ratification.

- In moving forward towards ratification, Ethiopia may opt for an assessment of their current legislative framework with a view to taking stock of existing policies, laws, regulations and practices dealing with violence and harassment and to identifying relevant gaps. Taking into account the actual provisions in policies, laws and regulations, and the areas identified where better protection is needed, one or more regulatory initiatives based on defined policy objectives can be prepared.
- Ensuring social dialogue is of paramount importance. All actors of the world of work need to be involved and listened to. Social dialogue leads to better outcomes since it provides more practical information and offers a range of approaches and solutions by those directly concerned. Engaging in tripartite consultation also helps bring C190 to the knowledge of a broader public and build a sense of ownership, which is likely to result in ensuring effective implementation. Participation of representative workers' and employers' organizations in social dialogue should be on an "equal footing", according to ILO C144, and representation should be gender-responsive and inclusive.
- Quality statistics on the phenomenon are important to inform prevention and remediation laws and mechanisms, policies, and programmes, as well as research and advocacy. The acquisition of better data requires a sound conceptual and methodological measurement framework, and legal gap analysis towards which the ILO is working, with the aim of supporting countries to measure the issue and monitor progress in the future.
- Existing national and workplace mechanisms should be extended or adapted to effectively prevent and manage violence and harassment in the world of work, including through occupational safety and health (OSH) management systems, OSH policies and programmes, OSH national tripartite mechanisms and labour inspection systems. These prevention mechanisms should be updated on a regular basis to enable protection against all forms of

violence and harassment by responding to the different needs of women and men in all their diversity.

In another note the Paper, in promoting the ratification, specifically recommends for the stakeholders as follows:

What can Governments do?

- ✓ Review and update labour laws to align with ILO C190 provisions through enhanced definitions, scope, and mechanisms for reporting and addressing incidents of violence and harassment;
- ✓ Develop targeted National Action Plans outlining strategies, objectives, and resources for preventing and addressing workplace violence and harassment; and
- ✓ Ensure coordination among relevant entities for effective implementation.

What can employers' and workers' organizations do?

- ✓ Submit written request to the Government to find out whether Convention No. 190 has been submitted to the competent authorities for possible ratification and whether the ratification is under consideration;
- ✓ Require a tripartite consultation at the national or sectoral level;
- ✓ Develop, join and/or support international and national initiatives, and mobilize members in support of Convention No. 190;
- ✓ Contact the most representative organizations in the country and coordinate with them;
- ✓ Raise awareness of Convention No. 190 and conduct assessments among members to understand the situation and challenges in relation to its effective implementation;
- ✓ Enhance the capacities of employer organization to build a system that prevents V&H, protects employees and raises awareness on V&H; and
- ✓ Promote the adoption of safeguards including anti V&H policies in work places

What can Parliamentarians do?

- ✓ Put an oral or written question to the Government during Question Time to find out whether ratification is under consideration, and if not, to determine why Convention No. 190 has not yet been ratified;

- ✓ Encourage a parliamentary debate on the question; and
- ✓ Work with the Ministry of Labour and Skills or any other relevant and competent ministries, social partners, media and civil society to mobilize public opinion in support of Convention No. 190.

What can civil society organizations do?

- ✓ Lobby government representatives and/or employers' or workers' organizations for the ratification of Convention No. 190;
- ✓ Keep institutions accountable for national and global commitments made by governments concerning the ratification and implementation of Convention No. 190;
- ✓ Develop, join and/or support international and national initiatives in support of the ratification and implementation of Convention No. 190;
- ✓ Mobilize members and other civil society organizations to create a movement in support of Convention No. 190; and
- ✓ Make your voice heard offline and online, including by using the hashtag #RatifyC190.

9. Bibliography

A. Laws

1. The Constitution of the Federal Democratic Republic of Ethiopia of 1995, Negarit Gazeta, Year 1, No.1;
2. Labour Proclamation No1156/2019, Federal Negarit Gazette No 89, Sep. 2019;
3. Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No.190), adopted 21 June 2019, (entered into force 25 June 2021);
4. Universal Declaration of Human Rights (UDHR);
5. The International Covenant on Civil and Political Rights;
6. The International Covenant on Economic, Social and Cultural Rights;
7. The International Convention on the Elimination of All Forms of Racial Discrimination;
8. The Convention on the Elimination of Discrimination against Women;
9. The Convention on the Right of the Child;
10. African Charter on Human and People Rights (also known as Banjul Charter on Human Rights);
11. African Charter on the Rights and welfare of Children; and
12. African Protocol to the African Charter on Human and Peoples Rights on the Rights on the Rights of women in Africa (APRW);
13. General Comment No. 23 on the Right to just and favorable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), 27 April 2016, Available at https://www.refworld.org/docid/5550a0b14.html
14. UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, Available at https://www.ohchr.org/en/professionalinterest/pages/cmw.aspx
15. UN General Assembly, Convention on the Right of Persons with Disabilities, 13 December 2006, Available at https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf
16. UN Committee on the Elimination of Discrimination General Recommendation No. 19: Violence Against Women, 1992, Available at HTTP://TBINTERNET.OHCHR.ORG/TREATIES/CEDAW/SHARED%20DOCUMENTS/1_GLOBAL/INT_CEDAW_GEC_3731_E.PDF
17. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention

on the Elimination of All Forms of Discrimination against Women, 16 December 2010, CEDAW/C/GC/28, Available at https://www.refworld.org/docid/4d467ea72.html

18. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 35 on gender based violence against women, updating general recommendation No. 19, 14 July 2017, CEDAW/C/GC/35, Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf
19. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 26 on Women Migrant Workers, 5 December 2008, CEDAW/C/2009/WP.1/R, Available at https://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf
20. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 32 on the Gender-related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of women, 14 November 2014, CEDAW/C/GC/32, Available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf?OpenElement
21. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 33 on Women's Access to Justice, 23 July 2015, CEDAW/C/GC/33, Available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf
22. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General recommendation No. 34 on the rights of rural women, 4 March 2016, CEDAW/C/GC/34, Available at HTTP://TBINTERNET.OHCHR.ORG/TREATIES/CEDAW/SHARED%20DOCUMENTS/1_GLOBAL/INT_CEDAW_GEC_7933_E.PDF
23. UN Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 24: Article 12 of the Convention (Women and Health), 1999, A/54/38/Rev.1, chap. I, Available at http://www.refworld.org/docid/453882a73.html

B. Books, Articles & Others

1. Amy Raub et al, Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries, Published by Johns Hopkins University Press, Human Rights Quarterly, Vol. 43, No. 2, (2021);
2. Adams, A. (1992) Bullying at Work: How to Confront and Overcome it, Virago, London

3. Alice Edwards argues that it was first developed by Catherine MacKinnon in her fundamental work on sexual harass ment: Alice Edwards, Violence against Women under International Human Rights Law (Cambridge University Press 2011);
4. Association for Human Rights in Ethiopia, Terms of Reference (TOR) to Develop a a policy brief (that advocates for Ethiopia's ratification of ILO Convention No. 190), Posted on October 17, 2025;
5. Association for Human Rights in Ethiopia, The Human Rights Conditions of Workers in Ethiopia: Focus on Industrial Parks, Private Agency Employees, Women's Participations in Trade Unions, and Gender-Based Violence (GBV) Cases in Amhara, Oromia and Addis Ababa, May 2024;
6. Beyene, A., et al, (2021), Consequences of Gender Based Violence on Female High School Students in Eastern Ethiopia, African Journal of Reproductive Health, 25 (4), P.22–33;
7. Beverley H Earle and Gerald A Madek, 'An International Perspective on Sexual Harassment Law' (1994) 12 Minnesota Journal of Law & Inequality;
8. Bikila Balis et al, Prevalence, Patterns, and Determinants of Workplace Violence among Healthcare Providers in Ethiopia: A Systematic Review and Meta-Analysis, Journal of Health Services Insights Volume 18: Feb. 2025;
9. Bloor, M. and Wood, F. (2006). *Keywords in Qualitative Methods: A Vocabulary of Research Concepts*. London, New Delhi: Sage Publications Ltd.;
10. Bridget, S. and Cathy, L. (2005). *Research Methods in the Social Sciences.* London: SAGA Publications Ltd.;
11. Bryman, A. (2001). *Social Research Methods.* Oxford: Oxford University Press;
12. Burke Johnson (2007), *Towards a Definition of Mixed Methods of Research.* London: Sage Publication;
13. Capital News, Urgent Need for Enhanced Legal Frameworks to Combat Workplace Sexual Harassment, Nov 25 2024;
14. Caroline Kende-Robb, We Need a Global Convention to End Workplace Sexual Harassment, World Econ. Forum (6 Dec. 2018);
15. Catharine A MacKinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination (Yale University Press 1979);
16. Civil Society Joint Report on Violence against Women and the Situation of Women Employees in Industrial Parks in Ethiopia CSOs Parallel Report April, 2019, Unpublished;

17. Council of Europe Convention on preventing and combatting violence against women and domestic violence 2001 [European Treaty Series 210];
18. Crang, M. and Ian, Cook (2007).*Doing Ethnographies*. London: Sage Publications Ltd.;
19. Creswell, J. (2003).*Qualitative, Quantitative and Mixed Method Approaches* (2nd Ed.). London: Sage publications;
20. Dawson, C. (2007). *A practical guide to research methods: A user friendly manual for Mastering Research Techniques and Projects* (3rd ed.). Oxford: Oxford University;
21. Doret Botha, 'Women in Mining Still Exploited and Sexually Harassed' (2016) 14(1) South African Journal of Human Resource Management' 753;
22. Einarsen, S.V., Hoel, H., Zapf, D. and Cooper, C.L. (2020) 'The Concept of Bullying and Harassment at Work: the European Tradition', in Bullying and Harassment in the Workplace, CRC Press;
23. Facts and Figures: Ending Violence Against Women, UN Women, ONU Mujeres, available at https://www.unwomen.org/
24. Gary Namie & Ruth Namie, The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity on the Job (1st ed. 2000);
25. Georgia Montague-Nelson and Dave Spooner, Train the Trainers Toolkit on the ILO Violence and Harassment Convention (No. 190) and Recommendation (No. 206), developed with the financial support of Mondiaal FNV, June 2021;
26. Heinz Leymann, The Content and Development of Mobbing at Work, 5 EUR. J. WORK & ORGANIZ. PSYCH. 165 (1996);
27. ILO Committee of Experts on the Application of Conventions and Recommendations, 'General Observation Convention No 11' (2003);
28. ILO et al, 'Workplace Violence in the Health Sector: Country Case Studies Research Instruments' (2003);
29. ILO, Giving Globalization a Human Face: General Survey on the Fundamental Conventions Concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization, 2008, Report iii (Part 1b) (2012);
30. International Labour Organization (ILO), Advancing Social Justice, and Promoting Decent Work: What is Violence and Harassment at Work (Module 2);
31. International Labour Organization (ILO) and Özyeğin University, Perceptions and Experiences of Workplace Violence and Harassment Research Report, Ankara: International Labour Organization, 2024 © ILO

32. Jemila Hussen Mohammed, Exploring the Prevalence of Gender Based Violence in Ethiopia's Special Economic Zones: Lessons from Hawassa Industrial Park, African Journal of Leadership and Development, 2024, Vol. 9 No. 1;
33. Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova (eds), International Law and Violence Against Women: Europe and the Istanbul Convention (Routledge 2020);
34. Katherine Lippel, 'The Law of Workplace Bullying: An International Overview' (2010) 32 Comparative Labor Law & Policy Journal;
35. Kathleen, M. (2007). Mixed Methods: Investigation of Mixed Methods Sampling Designs Social and Health Science Research; *Journal of Mixed Methods Research, Vol. 1, No. 3;*
36. Kimberly T. Schneider et al 'Sexual Harassment Research in the United States' in Ståle Einarsen et al (eds) Bullying and Harassment in the Workplace: Development in Theory, Research and Practice (2nd ed, CRC Press, 2011);
37. Kitchin, R. and Tate, N. (2000).*Conducting Research in Human Geography: Theory, Methodology and Practice*. Michigan: Prentice Hall;
38. Lindiwe Zungu, 'Workplace Violence and Sexual Harassment Against Women Workers in the South African Mining Industry' (19-22 April 2016) Proceedings of the 10th International Conference on Workplace Bullying and Harassment, Auckland, New Zealand;
39. Mehari Redae, Notes & Materials on Employment and Labour Law, Sponsored by the Justice and Legal System Research Institute, 2009;
40. Meinck, F. et al, (2015), Risk and Protective Factors for Physical and Sexual Abuse of Children and Adolescents in Africa: A Review and Implications for Practice. Trauma, Violence, & Abuse, 16(1), 81–107. Available at https://doi.org/10.1177/1524838014557271 ;
41. Misra, R.K. and Sharma, D. (2022) 'Understanding Workplace Bullying: A Conceptual Review', Int. J. Management Practice, Vol. 15, No. 3;
42. Mohammode Doude et al, "*Human Security, Vulnerability and Human Protection: The Practice of Labor Rights and Social Protection of Workers in the Privatized Investments in Amhara Regional States."* sponsored by the Research and Community Service Vice President Office of Bahir Dar University (2021);
43. Mohammode Doude et al, *"Collective Labor Rights in Ethiopia: A Case Study of Birrsheleko and Ayehu Agricultural Investments, Amhara National Regional State"* unpublished (2022);

44. Mowlid Abdi Ali et al, Workplace Gender-Based Violence among Female Staff in Public Higher Education Institutions in Eastern Ethiopia: Institution Based Cross-Sectional Study, PLOS Global Public Health, July 26, 2024;
45. Mulugeta Dile et al, Prevalence of sexual violence in Ethiopian workplaces: systematic review and meta-analysis, 2020;
46. Namie, G. and Namie, R. (2011) The Bully-free Workplace – Stop Jerks Weasels and Snakes from Killing Your Organization, John Wiley & Sons, Hoboken;
47. Nega Ewunetie Mekonnen, "*Human Rights & Humanitarian Law*", Bahir Dar University, 2007;
48. Nega Ewunetie & Admasu Alemayehu, African Human Rights Law: Teaching Material, Sponsored by the Justice and Legal System Research Institute, 2009;
49. Ratifications of ILO conventions: Ratifications for Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:102950;
50. Ratifications of ILO conventions: Up-to-date Conventions and Protocols not ratified by Ethiopia, available at https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102950;
51. Ridenour, S. and Newman, I. (2008). *Mixed Methods Research.* Southern Illinois University Press;
52. Saldaña, J. (2011). *Fundamentals of qualitative research: Understanding qualitative research*, Oxford: Oxford University Press;
53. Schneebaum, Gail (2021) "Conceptualizing Workplace Bullying as Abuse of Office," South Carolina Law Review: Vol. 73: Iss. 1, Article 6
54. Spradley, J.P. (1980). *Participant Observation*. New York: Holt, Rinehart and Winston, Inc.;
55. Tanya Khokhar (2021), Ending Gender-Based Violence and Harassment in the World of Work: The Critical Importance of Implementing ILO Convention 190. Washington, DC: International Center for Research on Women;
56. UNI Global Union's Training Guide for Trade Unions on ILO Convention 190, Violence and Harassment in the World of Work;

57. Vance Center, AESHI & PALU Launch New Report on Sexual Harassment Laws in Africa, November 2024;
58. Vance Center, AESHI & PALU Launch New Report on "Mapping Legal Protections against Workplace Sexual harassment in Africa" November 2024;
59. Women's Legal and Human Rights Bureau, 'From Impunity to Justice: Domestic Legal Remedies for Cases of Technology-Related Violence Against Women' (2015);
60. Yulia Dergacheva (2024), A Critical Engagement with the Conceptualization of Sexual Harassment in International Human Rights Law, Nordic Journal of Human Rights, 42:3, P.261, Available at https://doi.org/10.1080/18918131.2024.2378646 ; and
61. □□□ □□□□□□ □□□□□ □□□□□ □□□□□□ □□□□□□□ 3□ □□□□ 2017□□

C. Miscellaneous Sources

1. Asfaw Kaba,Sinqqe Womens Development Association, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
2. Etalemahu Kefyalew, CETU- Gender Expert, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
3. Frehiwot Wendoosen, Ethiopian Women Lawyers Association, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
4. Habl Kindu, Ethiopian Law Schools Association Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
5. Lemlem W/Gebriel (Sr.), CETU-Women and Youth Affairs Department Head, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
6. Key Informant Interview with Lemlem W/Gebriel (Sr.); CETU Women and Youth Affairs Department Head, on "The Need to Ratify the ILO Convention No 190 in Ethiopia";
7. Mesfin Legesse, Ethiopian Employer's Confederation-Board Member, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia";and
8. Tarikawit Fikadu, Ethiopian Human Rights Defenders-Acting ED & Program Director, Consultation Workshop on "The Need to Ratify the ILO Convention No 190 in Ethiopia".