

The Hon. Christian Porter, MP
Attorney-General
Email: attorney@ag.gov.au

Senator the Hon. Marise Payne
Minister for Women
Email: ministerforwomen@pmc.gov.au

21 June 2020

Dear Ministers

ILO Convention on Violence and Harassment (C190)

Today marks one year since the adoption of the new International Labour Organisation (ILO) Convention on Violence and Harassment (C190). On behalf of working people, we urge the Australian government to ratify and implement C190 as a matter of priority.

The COVID-19 pandemic has shown that ratification of C190 is more important than ever. COVID-19 has had a disproportionate impact on women and has increased the risk of gendered violence, both at work and home. Frontline workers in care and service industries are facing increased risks of violence and harassment from anxious and stressed customers, patients and clients. For people experiencing domestic or family violence, attending work provides a safe-haven and a means of accessing vital support. Rates of domestic and family violence have spiked around the world during the pandemic¹, and large numbers of workers are being required to work from home, regardless of whether it's a safe work environment for them.

The ILO has called for governments to ensure efforts to ratify and implement C190 and its accompanying Recommendation 206 (R206) form a key element of COVID-19 response and recovery measures.² C190, together with R206, provides a clear framework for employers and governments to reduce the risks of violence and harassment in the world of work, and is well-suited to guiding governments and employers on how to protect workers in a world of work that has changed rapidly as a result of the pandemic. For example, C190:

- Protects against all forms of violence and harassment in the world of work, which is particularly important as COVID-19 has reshaped the way we work. For example, it covers violence and harassment occurring during commuting to and from work, and violence and harassment enabled through information and communications technologies;
- Protects all individuals in the world of work, irrespective of their contract status, workers whose employment has been terminated, volunteers, trainees and apprentices, etc.;
- Recognises the link between domestic violence and the world of work and sets out specific measures that can be taken to protect workers;

¹ <https://news.un.org/en/story/2020/04/1061052>

² https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_744676.pdf

- Recognises that some sectors, occupations and work arrangements, such as health, transport, education, or working at night or in isolated areas, may be more exposed to violence and harassment;
- Calls for the adoption of workplace policies on violence and harassment, offers clear guidance to help employers and workers identify hazards and assess the risks of violence and harassment, and take effective measures to assess their safety, health and well-being, including in the COVID-19 context.

There are some improvements to Australian law that would need to occur to ensure full compliance with the new standard. The Sex Discrimination Commissioner's new report 'Respect@Work', finds that our laws are failing to keep workers safe. Women are more likely to suffer violence and harassment in the workplace, with 39% of women and 26% of men having experienced sexual harassment in the workplace in the past five years.³ The report makes 55 recommendations for reform, including stronger work health and safety laws to make sure that employers proactively tackle the underlying causes of sexual harassment at work; better access to justice for workers through a new complaint process in our workplaces laws; and stronger powers for the Sex Discrimination Commissioner to investigate industries such as retail and hospitality, which are rife with sexual harassment, without the need for individuals to make complaints. C190 provides a comprehensive framework within which to undertake these important reforms.

The COVID-19 pandemic has made the ratification and implementation of this Convention even more urgent. We urge your government to use the first anniversary of the adoption of this new instrument to make a public commitment to ratify Convention 190 and expedite the ratification process to ensure Australia is among the first to commit to the prevention of violence and harassment at work.

Yours sincerely



Michele O'Neil
President

³ https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020?mc_cid=1065707e3c&mc_eid=%5bUNIQID%5d&_ga=2.221328286.725086544.1592521572-1518546054.1589245679