

# The ILO's Innovative Approach to Ending Gender-based Violence and Harassment: Towards a New International Framework for the World of Work

Eric Stener Carlson<sup>1</sup>

## I. Introduction: The ILO's Standard-setting Process on Violence and Harassment

Ending violence and harassment is at the top of the international agenda. Within this context, the International Labour Organization (ILO)<sup>2</sup> has launched a process which could lead to the first international treaty to end violence and harassment in the world of work. In this effort, the ILO has placed great emphasis on the gender dimensions of violence and harassment, including the negative balance of power between men and women and the harmful gender roles that underpin violence and harassment. This paper will provide an overview of the ILO's standard-setting process thus far and describe the way gender is being conceived within it. Then, it will present an emerging good practice that attempts to shift negative power relations in the garment sector as a way of ending sexual harassment.

For nearly a century, the ILO has been creating international labour standards. These standards take the form of Conventions which are binding international treaties open to ratification by member States, and Recommendations that provide guidelines which are not binding. What distinguishes the ILO's standard-setting process from the rest of the United Nations system is that these standards are not just created for the benefit of a target group, but also by them.<sup>3</sup> That is, representatives from 187 ILO member States and workers' organizations and employers' organizations - whom the ILO calls its "tripartite partners" - actively debate and draft the content of these standards, with equal standing and voice. The result of this dialogue are international labour standards grounded in the reality of work and offering solutions agreed to by those most affected.

The content and form of the potential instrument(s) on violence and harassment – whether there eventually is a Recommendation, a Convention or both - will be decided through a "double-discussion" by the tripartite partners: a first discussion will be held at the ILO's annual International Labour Conference (ILC) in June 2018, followed by a second discussion at the ILC either in 2019 or 2020. To support these discussions, the International Labour Office<sup>4</sup> has prepared technical reports that explore core concepts for debate and highlight the tripartite partners' concrete responses to violence and harassment. In addition, the ILO held a Meeting of Experts in Geneva in October 2016

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<sup>1</sup> Eric Stener Carlson is an official with the International Labour Office, coordinating the standard-setting process for the Gender, Equality and Diversity Branch, within the Conditions of Work and Equality Department. The opinions expressed in this paper are those of the author and not necessarily those of the International Labour Organization. The author would like to thank the following colleagues for having prepared materials for this paper and/or for reviewing previous drafts: Shauna Olney, Arianna Rossi and Shammin Sultana.

<sup>2</sup> Founded in 1919, the International Labour Organization is a specialized agency of the United Nations that "is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that social justice is essential to universal and lasting peace." Accessed at: <http://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang-en/index.htm> [1 October 2017].

<sup>3</sup> See ILO. 2014. *Rules of the Game: a Brief Introduction to International Labour Standards (Revised Edition 2014)* (Geneva). Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_318141.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_318141.pdf) [1 October 2017].

<sup>4</sup> The International Labour Office is the secretariat for the International Labour Organization, under the leadership of the Director General.

the conclusions of which reflect the tripartite partners' thinking on the subject. This current paper draws extensively on these reports and on the Experts' conclusions.

A number of the ILO's international labour standards refer to violence and harassment - such as the protection against sexual harassment mentioned in the Indigenous and Tribal Peoples Convention, 1989 (No. 169)<sup>5</sup> and the amendments to the Maritime Labour Convention, 2006, that include issues of bullying and harassment.<sup>6</sup> However, these existing international labour standards provide coverage only for specific groups of workers, and none defines "violence and harassment" or provides guidance on how to respond to it. While other international human rights instruments speak to issues of violence and harassment, including gender-based violence and harassment,<sup>7</sup> none offer solutions that are specifically-designed for the world of work.<sup>8</sup>

An international labour standard could change – and, indeed, revitalize – how violence and harassment at work is dealt with at the national and international levels. This has been the case with other ILO standards, for example, the Domestic Workers Convention, 2011 (No. 189), which enshrines the principle of consultation with organizations of domestic workers on matters affecting them and has made a significant impact in shaping national legislation in this area. Also, the ILO's Recommendation concerning HIV and AIDS and the world of work, 2010 (No. 200) provides guidance to the world of work on how to respond to the AIDS epidemic, and national and regional courts have referred to Recommendation 200 in their rulings on important cases of HIV-related discrimination and harassment.<sup>9</sup>

Therefore, a new international labour standard or standards on violence and harassment in the world of work could be a game-changer, filling in a normative gap and providing much-needed guidance to Governments, workers and employers on how to end gender-based violence and harassment.

## II. The Continuum of "Violence and Harassment"

The ILO's Governing Body<sup>10</sup> placed a standard-setting item on the ILC's 2018 agenda entitled "Violence against women and men in the world of work" and convened a tripartite Meeting of Experts to provide guidance on the subject.<sup>11</sup> The word "harassment" was not referred to in either

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<sup>5</sup> See Article 20(3)d of the Convention.

<sup>6</sup> See Guideline B4.3.1 and Guideline B4.3.6 in the Amendments of 2016.

<sup>7</sup> See (Article 27(1)(b)) of the United Nations Convention on the Rights of Persons with Disabilities, under which States parties are required to provide persons with disabilities protection from harassment; and Article 16(2) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families that requires States to provide protection against violence.

<sup>8</sup> The ILO's Meeting of Experts from October 2016 concluded: "The world of work is considered to cover not only the traditional physical workplace, but also commuting to and from work, work-related social events, public spaces including for informal workers such as street vendors, and the home, in particular for homeworkers, domestic workers and teleworkers." ILO. 2017. *Report of the Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva). GB.329/INS/INF/3, Appendix I, para. 5. Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_546088.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_546088.pdf) [1 October 2017].

<sup>9</sup> See, for example, the case from the South African Labour Court, Gary Shane Allpass v. Mooikloof Estates (Pty) Ltd, Case No. JS178/09, Judgement of 16 February 2011; and the European Court of Human Rights, Kiyutin v. Russia, Application No. 2700/10, Judgement of 10 March 2011, paragraph 67, as cited in ILO. 2015. *HIV and AIDS and Labour Rights: A Handbook for Judges and Legal Professional, Second Edition* (Geneva), pages 15-16.

<sup>10</sup> The Governing Body is the executive body of the ILO, and it decides the items placed on the agenda of the International Labour Conference.

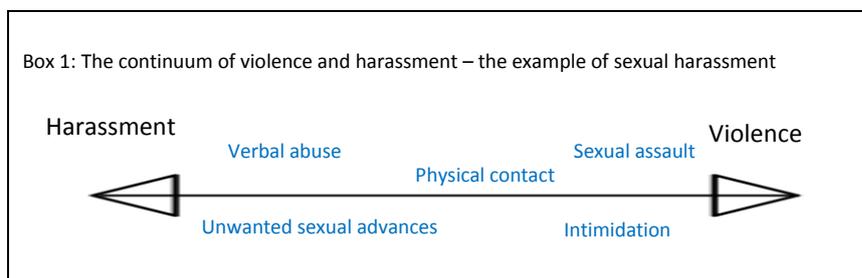
<sup>11</sup> See ILO. 2015. *Decision on the second item of the agenda: Agenda of the International Labour Conference*. Accessed at: [http://www.ilo.org/gb/decisions/GB325-decision/WCMS\\_425655/lang--en/index.htm](http://www.ilo.org/gb/decisions/GB325-decision/WCMS_425655/lang--en/index.htm) [16 September 2017].

the title of the item or of the meeting but was, rather, folded into the overall discussion on violence. For example, the background paper prepared for the Meeting of Experts considered sexual harassment under the concept of gender-based violence.<sup>12</sup>

However, when the tripartite meeting took place in Geneva during 3-6 October 2016, the experts who had gathered from all regions of the world, proposed that the word “violence” be replaced by “violence and harassment”. This proposal was approved by the Governing Body, resulting in the standard-setting item to be renamed, “Violence and harassment against women and men in the world of work”.<sup>13</sup> Moreover, the Meeting of Experts proposed an innovative, conceptual framework to demonstrate this inclusiveness, which they called the “continuum of violence and harassment”.

The background paper prepared for the Meeting of Experts details the challenges in defining one, universally-accepted definition of violence in the world of work, because of legal, cultural and linguistic differences around the world.<sup>14</sup> During their meeting, the Experts reflected on this fact and concluded, moreover, that it was not their role to define violence and harassment. However, they noted that, “for the purposes of the standard-setting discussion, violence and harassment should be treated as a continuum of unacceptable behaviours and practices.”<sup>15</sup>

Because “an unacceptable behaviour or practice could contain elements of both harassment and violence,” the Experts suggested the usefulness of thinking of them as points along a continuum, where elements could overlap.<sup>16</sup> This approach is, for example, reflected in the European framework agreement on harassment and violence at work, and in examples from national legislation around the world. In their discussions, the Experts specifically mentioned the example of sexual harassment which could contain elements of physical, sexual and psychological violence, as illustrated below in Box 1.



From the Experts’ conclusions, it is clear they considered gender-based violence and harassment as an integral part of this continuum, and, therefore, an integral part of a future ILO instrument(s) on the subject. However, it is important to note that gender-based violence and harassment is only one manifestation of many behaviours and practices included in the continuum. Among others, the Experts discussed, “physical abuse, including assault, battery, attempted murder

<sup>12</sup> ILO. 2016. *Background paper for discussion at the Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva). MEVWM/2016, para. 16. Accessed at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms\\_522932.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_522932.pdf) [16 September 2017].

<sup>13</sup> ILO. 2016. *Minutes of the 328th Session of the Governing Body of the International Labour Office* (Geneva). GB.328/PV, para. 357(b). Accessed at [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@relconf/documents/meetingdocument/wcms\\_543114.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_543114.pdf) [16 September 2017].

<sup>14</sup> ILO. MEVWM/2016, para. 5.

<sup>15</sup> ILO. GB.329/INS/INF/3, para. 205.

<sup>16</sup> ILO. GB.329/INS/INF/3, para. 206.

and murder; sexual violence, including rape and sexual assault; verbal abuse; bullying; psychological abuse and intimidation; sexual harassment; threats of violence and stalking.”<sup>17</sup>

Moreover, not all forms of violence were discussed at the Meeting of Experts. The background paper prepared for the Meeting of Experts clarified that its discussion was “focus[ed] on the types of violence in the world of work where international standards are absent or limited,”<sup>18</sup> and there was a particular emphasis on psychological and sexual violence. Therefore, the background paper, and the subsequent meeting, did not discuss areas such as forced labour, child labour or trafficking,<sup>19</sup> as these topics are covered in existing international labour standards.<sup>20</sup>

### III. Understanding “Gender” within Gender-based Violence and Harassment

In discussing the continuum of violence and harassment, the Meeting of Experts concluded that “[a] particular focus needs to be placed on gender-based violence.”<sup>21</sup> To understand the Experts’ position, and to properly situate gender-based violence and harassment within this continuum, it is essential to understand the ILO’s vision of gender equality.

The Meeting of Experts’ agenda included “examin[ing] the gender dimensions of violence in the world of work.”<sup>22</sup> This reflects the importance gender equality has within the ILO’s guiding concept of decent work.<sup>23</sup> In fact, the standard-setting item on violence and harassment was originally proposed to give effect to the ILO’s Resolution concerning gender equality at the heart of decent work, which states that “Sexual harassment and other forms of harassment are serious forms of discrimination across the world that undermine the dignity of women and men, negate gender equality and can have significant implications. Gender-based violence in the workplace should be prohibited.”<sup>24</sup> Indeed, earlier proposals were to have an international labour standard specifically focused on gender-based violence.

Gender “refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations

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<sup>17</sup> These were some of the forms of violence and harassment mentioned by the Worker Vice-Chairperson at the Meeting of Experts. ILO. GB.329/INS/INF/3, para. 30.

<sup>18</sup> ILO. MEVWM/2016, para. 4.

<sup>19</sup> There was one mention in the final report of the Meeting of Experts of trafficking by the Worker Vice-Chairperson, when she remarked that “economic vulnerability and poverty can lock women into dependence on exploitative employers, unethical recruitment agents and traffickers.” ILO. GB.329/INS/INF/3, para. 153.

<sup>20</sup> These include: the Forced Labour Convention, 1930 (No. 29); Protocol of 2014 to the Forced Labour Convention, 1930; the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); and the Worst Forms of Child Labour Recommendation, 1999 (No. 190).

<sup>21</sup> ILO. GB.329/INS/INF/3, Appendix I, Para 3.

<sup>22</sup> ILO. 2016. *Decision on the 17th item on the agenda: Composition and agenda of standing bodies and meetings*. Accessed at: [http://www.ilo.org/gb/decisions/GB326-decision/WCMS\\_463474/lang--en/index.htm](http://www.ilo.org/gb/decisions/GB326-decision/WCMS_463474/lang--en/index.htm) [16 September 2017].

<sup>23</sup> “The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.” International Labour Office. 1999, last updated 2015. *Report of the Director-General: Decent Work*. Accessed at: <http://www.ilo.ch/public/english/standards/relm/ilc/ilc87/rep-i.htm> [17 September 2017].

<sup>24</sup> The resolution was adopted by the International Labour Conference (ILC) at its 98<sup>th</sup> session in 2009. See ILC. 2009. Report on the Committee on Gender Equality, Provisional Record, para 5. Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms\\_123989.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/meetingdocument/wcms_123989.pdf) [17 September 2017].

between women and those between men.”<sup>25</sup> Gender is expressed through socially-assigned roles of how men and women are expected to behave, and these roles carry over to the world of work. For example, while these roles are changing, society has traditionally viewed women as playing a support role to men at work, and, while men have been expected to play active roles as leaders, women have been expected to passively follow. Also, women have, traditionally, been cast in the role of unpaid care providers, while men have been expected to be remunerated workers. These restrictive roles are the result of complex power relations between – and amongst – men and women, and they are arranged, predominantly, to perpetuate male domination (also referred to as the patriarchy).

The ILO’s Meeting of Experts made a link between these power relations (based on gender and other factors) and mistreatment in the world of work. “Imbalanced power relationships,” they wrote, “including due to gender, race and ethnicity, social origin, education and poverty could lead to violence and harassment.”<sup>26</sup> This imbalance in power is used by perpetrators to enforce negative gender roles and to police men and women to maintain these roles. This can happen, for example, when a woman worker enters a predominantly male workplace, and her colleagues use sexual harassment as a way to reassert their power. As the Experts noted, “Workplaces where the workforce is dominated by one gender or ethnicity might be more hostile to people not conforming to established gender norms or individuals coming from under-represented groups.”<sup>27</sup>

While most reported cases of gender-based violence are perpetrated by men against women, the lynchpin of this violence are these socially-constructed power imbalances, and not the sex of the victim or the perpetrator. Indeed, as the background paper to the Meeting of Experts notes, “gender-based violence can be committed by or against both women and men, such as violence against non-gender conforming men, including men who are or who are perceived to be gay, bisexual or trans.”<sup>28</sup> According to this view, a homophobic attack against a gay man and the harassment of a heterosexual man who is perceived as being “too effeminate” are forms of gender-based violence and harassment.<sup>29</sup>

As such, from this perspective, “violence and harassment against women” and “gender-based violence and harassment” are not synonymous. Rather, violence and harassment against women is a specific form of gender-based violence and harassment. And, as mentioned above, violence and harassment against men because they are men or because of their gender roles is considered gender-based. Along these lines, it is useful to note that, during a discussion at the 98<sup>th</sup> session of the International Labour Conference in 2009, ILO delegates considered the phrase

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<sup>25</sup> Office of the Special Advisor to the Secretary-General on Gender Issues and Advancement of Women. 2001. *Gender Mainstreaming: Strategy for Promoting Gender Equality* (New York), page 1. Accessed at: <http://www.un.org/womenwatch/osagi/pdf/factsheet1.pdf> [17 September 2017].

<sup>26</sup> ILO. GB.329/INS/INF/3, Appendix I, para. 12.

<sup>27</sup> ILO. GB.329/INS/INF/3, Appendix I, para. 12.

<sup>28</sup> ILO. MEVWM/2016, para. 16. Note: “Trans” is an umbrella term that refers to a variety of expressions of gender identity, including “transgender”, “transsexual” and “transvestite”.

<sup>29</sup> The United Nations programme on sexual orientation and gender identity, “Free & Equal”, notes, “Attacks on people because of their sexual orientation or gender identity are often driven by a desire to punish those seen as defying gender norms and are considered a form of gender-based violence. You do not need to be lesbian, gay, bisexual, transgender or intersex to be attacked: the mere perception of homosexuality or of transgender identity is enough to put people at risk.” Free & Equal. n.d. *Fact Sheet: Homophobic and transphobic violence*. Accessed at: [https://www.unfe.org/system/unfe-5-UN\\_Fact\\_Sheets\\_v6\\_-\\_Homophobic\\_and\\_transphobic\\_violence.pdf](https://www.unfe.org/system/unfe-5-UN_Fact_Sheets_v6_-_Homophobic_and_transphobic_violence.pdf) [1 October 2017].

“violence against women”, preferring to replace it with “gender-based violence”, “in order to avoid being gender-biased.”<sup>30</sup>

The following section will explore a specific form of gender-based harassment within the continuum: sexual harassment.

#### **IV. Sexual Harassment as a Specific Form of Gender-Based Violence and Harassment**

While the Meeting of Experts discussed many manifestations of violence and harassment, the only forms they referred to directly in their final conclusions were gender-based violence, generally, and domestic violence and sexual harassment specifically.<sup>31</sup> This section will provide a brief description of the ILO’s understanding of sexual harassment, as a form of gender-based violence and harassment, to provide a context for an emerging good practice in the following section.

Although sexual harassment in the world of work has been documented at least since the 1800s, and probably occurred for centuries before that, there was no vocabulary to describe it until the 1970s.<sup>32</sup> With the modern women’s rights movement, came an understanding of sexual harassment against women workers, which has been defined, generally, as “the unwanted imposition of sexual requirements in the context of a relationship of unequal power”.<sup>33</sup> As with gender-based harassment and violence in general, it is important to recognize that sexual harassment can be committed against men and women, regardless of their sexual orientation or gender identity. The UN Declaration on the Elimination of Violence against Women adopted by the UN General Assembly in 1993 includes sexual harassment at work within its understanding of violence against women,<sup>34</sup> and, in its General Recommendation 19 in 1992, the Committee on the Elimination of Discrimination against Women (CEDAW) refers to “sexual harassment in the workplace” as an example of “gender-specific violence”.<sup>35</sup>

The ILO’s framework for understanding sexual harassment comes from its Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which considers it a form of sex-based discrimination. Furthermore, the ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR)<sup>36</sup> has identified two key elements of definitions of sexual harassment in the world of work: “quid pro quo” and “hostile working environment” sexual harassment, as presented in Box 2 below.

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<sup>30</sup> ILC. 2009. Report on the Committee on Gender Equality, Provisional Record, para 275. Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_108259.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_108259.pdf) [1 October 2017].

<sup>31</sup> GB.329/INS/INF/3, Appendix I, paras. 3, 6, 14, 19, 27, 33. Note: In addition, the Experts noted their concern for “[i]nappropriate use of technology” (para. 3), although they did not mention it as a separate form of violence. In terms of domestic violence, the Experts concluded that it is “relevant to the world of work when [it] impact[s] the workplace”, and they also described how the workplace “provides an entry point to mitigate the effects”. The current author suggests that the topic of domestic violence within the ILO’s standard-setting process merits its own treatment in a future academic paper. GB.329/INS/INF/3, Appendix I, paras. 6 and 27.

<sup>32</sup> Siegel, R. 2003. “A Short History of Sexual Harassment”, in MacKinnon, C. and Siegel, R. (Eds). *Directions in Sexual Harassment Law* (New Haven, Yale). Accessed at: [https://law.yale.edu/system/files/documents/pdf/Faculty/Siegel\\_IntroductionAShortHistoryOfSexualHarassmentLaw.pdf](https://law.yale.edu/system/files/documents/pdf/Faculty/Siegel_IntroductionAShortHistoryOfSexualHarassmentLaw.pdf) [23 September 2017].

<sup>33</sup> MacKinnon, K. 1979. *Sexual Harassment of Working Women* (New Haven, Yale), page 1.

<sup>34</sup> See Article 2(b). Accessed at: <http://www.un.org/documents/ga/res/48/a48r104.htm> [1 October 2017].

<sup>35</sup> See CEDAW’s comments on Article 11, para. 17. Accessed at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> [1 October 2017].

<sup>36</sup> The CEACR is a body of jurists appointed by the ILO’s Governing Body, whose job is to evaluate the application of international labour standards.

**Box 2: How the ILO understands sexual harassment<sup>37</sup>**

“Quid pro quo”: Sexual harassment that is “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.”

“Hostile working environment”: Sexual harassment that is “conduct that creates an intimidating, hostile or humiliating working environment for the recipient.”

As the ILO notes, “The most commonly addressed form of work-related violence and harassment in legislation is sexual harassment,” and in its review of legislation from 80 countries, it found that 65 countries regulated sexual harassment in the world of work.<sup>38</sup> Of those 65 countries, the most common approach (48 per cent) to sexual harassment was to include both quid pro quo and hostile working environment sexual harassment.<sup>39</sup> As with other forms of gender-based violence and harassment, negative power relations and negative gender roles are at the root of sexual harassment; therefore, it stands to reason that a good practice will shift these negative power relations and transform these negative roles. This is precisely what the emerging good practice described in the following section aims to do.

**V. An Emerging Good Practice: Ending Sexual Harassment in the Garment Sector by Recalibrating the Balance of Power**

The Meeting of Experts noted that “Women are disproportionately represented in low-wage jobs, especially in the lower tiers of the supply chains, and are too often subject to discrimination, sexual harassment and other forms of workplace violence and harassment.”<sup>40</sup> It is in these types of supply chains, specifically in the export-oriented garment industry, that the ILO is developing an innovative response to sexual harassment against women.

Sexual harassment has been characterized as “[o]ne prevalent form of violence at work in the export-oriented garment industry.”<sup>41</sup> The prevalence of sexual harassment is not the result of something intrinsic to the work itself, but, rather, comes from a complex convergence of risk factors and psychosocial hazards.<sup>42</sup> For example, most garment factory workers are young women, and often migrants, who have moved far from their families and may not even speak the local language. Without their normal support networks and unfamiliar about their rights, they are in a decidedly-negative power relation with their (usually male) supervisors, who monitor their productivity and have the power to determine bonuses. As such, “Supervisors can use their position to sexually

<sup>37</sup> ILO. 2003. *Report of the Committee of Experts on the Application of Conventions and Recommendations*. General observation on Convention No. 111, page 463. Accessed at: <http://www.ilo.org/public/english/standards/relm/ilc/ilc91/pdf/rep-iii-1a.pdf> [1 October 2017].

<sup>38</sup> ILO. 2017. *Ending Violence and Harassment against Women and Men in the World of Work*. ILC.107/V/1, paras. 193-194. Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_553577.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf) [1 October 2017].

<sup>39</sup> ILO. ILC.107/V/1, para. 40.

<sup>40</sup> GB.329/INS/INF/3, Appendix I, para 14.

<sup>41</sup> Rossi, A. 2017. “Ending Violence at the Workplace”, *World of Work* (Geneva, ILO), page 37. Throughout this section, the author draws from Rossi, pages 37-40. Accessed at: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_554910.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_554910.pdf) [1 October 2017]. For further information on sexual harassment, see Human Development Research Centre. 2011. *Baseline Survey to Know the Extent and Severity of Violence Against Women in Selected Sectors*. Accessed at: [http://www.hdrc-bd.com/admin\\_panel/images/notice/1386586595.11.%20ilo%20vaw%20at%20workplace%20in%20selected%20sectors.pdf](http://www.hdrc-bd.com/admin_panel/images/notice/1386586595.11.%20ilo%20vaw%20at%20workplace%20in%20selected%20sectors.pdf) [1 October 2017].

<sup>42</sup> ILO. MEVWM/2016, paras. 25 and 44.

harass them, and disempowered workers may interpret such conduct as a condition to their employment or promotion.”<sup>43</sup>

The ILO, in partnership with the International Finance Corporation, has a programme called “Better Work” that helps improve the application of labour standards and competitiveness in the global garment supply chain. The programme is present in seven countries around the world (Bangladesh, Cambodia, Haiti, Indonesia, Jordan, Nicaragua and Vietnam) and covers almost 1,500 factories.<sup>44</sup> Working at the factory level, the programme provides services, such as assessing the application of national and international labour standards, facilitating dialogue between workers and employers, and providing training to managers, supervisors and workers.

In recent years, Better Work has placed a particular emphasis on preventing and addressing sexual harassment. Through targeted training to managers, line supervisors and workers, Better Work has raised awareness about sexual harassment and has established policies and procedures to address the issue. This has led to a significant reduction in workers’ concerns about sexual harassment.<sup>45</sup> In Bangladesh, prevention of sexual harassment has been embedded into Better Work’s Supervisory Skills Training.<sup>46</sup>

One study of 24 garment factories in Bangladesh estimates that women make up only 4 per cent of line chiefs and 4 per cent of line supervisors, while they make up 78 per cent of the line operators. Supervisors and managers are overwhelmingly men. Within the factories surveyed, 93 per cent of the supervisors hired in 2013 were men. Moreover, data indicate that most supervisors are hired from outside the factories, and this means that women currently working in the factories have less of a chance to grow into managerial positions.<sup>47</sup> To address the power imbalance between supervisors and workers that often underpins sexual harassment, the ILO, within its broader framework programme “Improving Working Conditions in the Ready-Made Garment Sector in Bangladesh”, is:

- Training mid-level management on how to select, promote and retain women workers;
- Building the capacity of women machine operators to have more confidence in their abilities; and
- Encouraging workers to learn how to skill-up other colleagues, to balance production lines and calculate worker efficiency.

The training and capacity building is currently being rolled out as a pilot project at 28 factories. As of the presentation of this paper, 170 women sewing operators from these factories have taken part in skills training, to prepare them as supervisors. Nine women workers who participated in this pilot have been promoted to supervisors, and a number of others are in the pipeline. Certainly, the promotion of women will have to be accompanied by deep-seated, cultural

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<sup>43</sup> Rossi, page 37.

<sup>44</sup> “Better Work” website. Accessed at: <https://betterwork.org/> [1 October 2017].

<sup>45</sup> Brown, D., et al. 2016. *The Impact of Better Work - A Joint Program of the International Labour Organization and the International Finance Corporation*. Accessed at: <https://sites.tufts.edu/laborlab/files/2016/06/Better-Work-Report-Final-Version-26-R-September-2016.docx> [1 October 2017].

<sup>46</sup> Better Work’s Supervisory Skills Training has been shown to improve workplace relations and supervisor confidence in factories world-wide. See Babbitt, L. 2016. “Supervisory Skills Training - Impact Evaluation”, *Better Work Discussion Paper, No. 22*.

<sup>47</sup> The data in this section are drawn from the following study: Ready Made Garment Productivity Project. 2015. “Training for the Future: Female Supervisors in the Bangladeshi Garment Industry”, pages 8-9.

change, but anecdotal evidence so far suggests that the women who have moved to supervisory positions feel more empowered.<sup>48</sup>

The hope is that, as a critical mass of women builds at the supervisory level – and also at the managerial level, which is essential - there will be a positive shift in power relations and a consequent reduction in sexual harassment. At the very least, what this emerging good practice indicates is that it is possible, as the Meeting of Experts suggested, to address the “negative societal and workplace culture, and psychosocial risks, as well as the design of the workplace,”<sup>49</sup> as a way to prevent violence and harassment. As with any action to correct gender inequalities, policy and legislative changes are needed to end sexual harassment.<sup>50</sup> This ties back to the ILO’s standard-setting process and the framework that an international labour standard or standards could provide on how to respond to violence and harassment in the world of work, including those forms that are gender-based.

## **VI. Conclusion**

In June 2018, the International Labour Conference (ILC) will hold its first discussion on the ILO’s standard-setting process on violence and harassment. The ILO representatives from Governments and workers’ and employers’ organizations from all over the world will build upon the conclusions made by the ILO’s Meeting of Experts in 2016. This historic discussion will also take into account the responses to a questionnaire recently sent out to all ILO member States “on the scope and content of the proposed instrument or instruments.”<sup>51</sup>

This is a crucial step in going towards a possible international labour standard or standards that would provide a much-needed framework for the topic. Gender-based violence and harassment has been integral to the discussion thus far, and it has been placed within the overall continuum of violence and harassment. How the ILO’s tripartite partners continue to envision the issue of gender, and, with it, power relations and gender roles, will be of great importance going forward.

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<sup>48</sup> Data provided by the Better Work programme.

<sup>49</sup> GB.329/INS/INF/3, Appendix I, para 21.

<sup>50</sup> ILO. 2015. *The future of work depends on the future of women at work*. Accessed at: [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_417388/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_417388/lang--en/index.htm) [27 September 2017].

<sup>51</sup> From the notice on the front cover of ILC.107/V/1.