

# Addressing labour exploitation of women workers through taking forward the outcomes of the Global Tribunal of Women Workers

**Part B:** Ending gender-based violence and harassment in the world of work



University of  
**Nottingham**  
Rights Lab



Celebrating  
**30**  
years of  
Global South Feminism



**GLOBAL SOUTH  
WOMEN'S FORUM**  
ON SUSTAINABLE  
DEVELOPMENT

# **Addressing labour exploitation of women workers through taking forward the outcomes of the Global Tribunal of Women Workers**

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**A toolkit for advocacy by women's human rights organisations in South and Southeast Asia advancing gender equality in the world of work**

July 2023

## Authorship and acknowledgements

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This toolkit is part of a project that the Rights Lab, University of Nottingham conducted in partnership with IRAW Asia Pacific, to understand the forms of labour exploitation in specific countries in South and Southeast Asia that create the conditions for modern slavery to thrive.

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## Table of abbreviations

<b>C190</b>	ILO Convention 190 – Convention on Violence and Harassment in the World of Work 2019
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CGFED</b>	Centre for Gender, Family and Environment in Development (Vietnam)
<b>GBV</b>	Gender-based violence
<b>ILO</b>	International Labour Organization
<b>IRAW</b>	International Women's Rights Action Watch
<b>JWG</b>	Jury Working Group
<b>LGBTIQ+</b>	Lesbian, Gay, Bisexual, Trans, Intersex, Queer. The '+' represents minority gender identities and sexualities not explicitly included in the term LGBTIQ.
<b>R206</b>	ILO Recommendation 206 – Violence and Harassment Recommendation 2019

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# 1. About the toolkit

This toolkit is a collection of materials from the Global Tribunal on Women Workers (“the Tribunal”), designed to assist advocacy organisations and interested individuals in undertaking activities to take forward the outcomes of the Tribunal. The toolkit is part of a project that the Rights Lab, University of Nottingham conducted in partnership with IWRAW Asia Pacific, to understand the forms of labour exploitation in specific countries in South and Southeast Asia that create the conditions for modern slavery to thrive.

The toolkit provides information on:

- 1) The international human rights and labour laws that protect women workers from exploitation.
- 2) The key issues that women discussed at the Tribunal.
- 3) The testimonies presented by witnesses at the Tribunal.
- 4) The findings and recommendations of Jury Working Groups presiding at the Tribunal.
- 5) The areas for law and policy advocacy identified by organisations to take forward the Tribunal outcomes.

The toolkit is constructed as follows:

- **Part A:** Introduction to the Global Tribunal of Women Workers and the international conventions applicable to the human and labour rights of women workers
- **Part B (this part):** Ending gender-based violence and harassment in the world of work
- **Part C:** Wage inequality, living wage, and equal pay for work of equal value
- **Part D:** Freedom of association, collective bargaining, and the right to unionisation
- **Part E:** Care work, social protection, decent work, and informalisation
- **Part F:** Health rights, including occupational health and safety, mental health, and sexual and reproductive health and rights

## 1.1. Who should use the toolkit?

This toolkit can be used by women’s rights organisations, trade unions, legal advocates, and activists to identify the relevant international and regional human rights and labour rights instruments relevant to ending gender-based violence and harassment in the world of work. It provides detailed guidance on the use of international norms and conventions to enforce rights of women workers to gender equality in the workplace, and creating harassment and violence free workplaces.

Table 1: Overview of content

<b>1. Relevant international and regional human rights and labour rights instruments</b>	This section provides a list of the relevant international and regional human rights and labour rights instruments relevant to ending gender-based violence and harassment in the world of work.
<b>2. Key international norms applicable to gender-based violence and harassment in the world of work</b>	This section reviews key international norms applicable to the issue of gender-based violence and harassment in the world of work.
<b>3. Rights violations identified by witnesses to the Global Tribunal of Women Workers</b>	This section outlines the rights violations identified by witnesses providing testimony at the Global Tribunal of Women Workers.
<b>4. Findings and recommendations of the Jury Working Group</b>	This section summarises key findings and recommendations of the Jury Working Group on ending gender-based violence and harassment in the world of work, with key takeaways for governments, businesses, non-governmental organisations, trade unions, and multilateral agencies.
<b>5. Areas for law and policy advocacy identified by organisations to take forward the Global Tribunal recommendations</b>	This section presents examples of good practice and advocacy by organisations that participated in the Global Tribunal, and key commitments from these organisations to take forward the recommendations of the Jury Working Group.

## 2. Relevant international and regional human rights and labour rights instruments

This section provides a list of the relevant international and regional human rights and labour rights instruments relevant to ending gender-based violence and harassment in the world of work.

This list reflects only those instruments relevant to addressing gender-based violence and harassment in the world of work. Human and labour rights conventions applicable generally to women workers can be found in Part A of this toolkit.

### UN Conventions

- › International Covenant on Economic, Social and Cultural Rights 1966
- › International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families 1990
- › Convention on the Elimination of All Forms of Discrimination Against Women 1979
- › UN Declaration on the Elimination of Violence against Women 1993
- › The UN Framework to Underpin Action to Prevent Violence against Women 2015
- › Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 (Palermo Protocol)
- › 1926 Slavery Convention
- › 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

### Regional conventions

- › The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) 2011
- › Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem Do Para) 1994
- › The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (the Maputo Protocol)

### Labour Standards

- › ILO Violence and Harassment Convention, 2019 (No.190) and Violence and Harassment Recommendation, 2019 (No.206)
- › ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111)
- › ILO HIV and AIDS Recommendation, 2010 (No.200)
- › ILO Domestic Workers Convention (2011), (No.189)
- › ILO Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the 2014 Protocol to the Forced Labour Convention, 2014 (No.29) and Forced Labour (Supplementary Provisions) Recommendation, 2014 (No 203)

## 3. Key international norms applicable to gender-based violence and harassment in the world of work

This section reviews key international norms applicable to the issue of gender-based violence and harassment in the world of work.

### 3.1. Human rights and gender equality norms

The UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly in 1993, was a first in defining violence against women as gender-based violence. It specified that this refers to ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women’ and which includes, ‘[p]hysical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work’.

Following the UN Declaration, another non-binding instrument, the Beijing Declaration and Platform for Action (1995) referred to sexual harassment as ‘a form of violence against women’ and called for governments, employers, trade unions, community and youth organisations and non-governmental organisations to ‘develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere.’

A similar definition of violence against women as gender-based is embraced under regional instruments: the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 2011 (known as the Istanbul Convention) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women of 1994 (known as the Belém do Pará Convention). The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 (the Maputo Protocol) is the third regional hard law instrument; it reaffirms the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union and specifically protects women against violence.

The first legally binding international obligation, the UN Convention on the Elimination of All Forms of Discrimination against Women CEDAW, makes it clear that gender-based violence constitutes discrimination based on sex and gender and is a clear human rights violation. Article 11 (a) to (f) of CEDAW therefore makes it obligatory for States to ‘take all appropriate measures to eliminate discrimination against women in the field of employment’ in order to ensure, on a basis of equality of men and women, the same rights including the right to work, employment opportunities, free choice of profession or employment, equal remuneration, social security and health and safety.

In General Recommendation No. 19<sup>1</sup> the Committee states : ‘gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention.’ These fundamental rights and freedoms include the right to just and favourable conditions of work.<sup>2</sup>

<sup>1</sup> Para 7, which elaborates the content of Article 11.

<sup>2</sup> Para 7. The other fundamental rights and freedoms are: (a) the right to life; (b) the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; (c) the right to equal protection according to humanitarian norms; (d) the right to liberty and security of person; (e) the right to equal protection under the law; (f) the right to equality in the family; (g) the right to the highest attainable standard of physical and mental health.



The Committee defines gender-based violence (GBV) as ‘violence which is directed against a woman because she is a woman or that affects women disproportionately’.

The impact on the work environment is that ‘equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace’.<sup>3</sup>

**Key highlights:**

- CEDAW makes it clear that gender-based violence constitutes discrimination based on sex and gender and is a clear human rights violation.
- Gender equality in employment is one of the fundamental principles and rights at work protected under CEDAW

CEDAW General Recommendation No.35 later updated General Recommendation No.19 to confirm that the prohibition on GBV is universally applicable. It states that ‘the *opinio juris* (legal opinions) and State practice suggest that the prohibition of gender-based violence against women has evolved into a principle of international customary law.’ This means that all States are bound by its provisions, irrespective of whether they have ratified CEDAW or not.

General Recommendation No.35 represents a key milestone not only for this recognition that the prohibition of gender-based violence has become a norm of international customary law. It also recognises that GBV occurs in all social and work-related spheres of human interaction, as well occurring online and in other digital environments. The CEDAW Committee uses of the concept ‘gender-based violence against women’ in General Recommendation 35 to highlight the gendered causes and impacts of such violence. It recognises that women face varying and intersecting forms of discrimination, which can be enhanced by other factors, such as by being transgender, identifying as non-binary or LGBTIQ+. The Committee recognises that identity as a woman is ‘inextricably linked’ to several other aspects, including ethnicity/race, religion/belief, socioeconomic status, nationality, disability, age, migrant status, among other characteristics.<sup>4</sup>

The CEDAW Committee notes that GBV can result from acts or omissions of State or non-State actors, including extraterritorial operations of private corporations. It recognises that gender-based violence remains pervasive in all countries, with high levels of impunity. Part of the reason for this is the gaps in many States in legislation addressing GBV against women, which is usually non-existent, inadequate, or poorly implemented. The General Recommendation reinforces the obligations of States parties under article 2, which provides that their overarching obligation is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. With regard to gender-based violence against women, the obligation comprises two aspects of State responsibility for such violence, that which results from the acts or omissions of both the State party or its actors, on the one hand, and non-State actors, on the other.

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<sup>3</sup> Para 17. Para 18 further explains Article 11 of CEDAW as follows: ‘Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.’  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=11)

<sup>4</sup> See CEDAW Committee General Recommendations No. 15 on women and AIDS; No. 18 on women with disabilities; No. 21 on equality in marriage and family relations; No. 24 on women and health; No. 26 on women migrant workers; No. 27 on older women and protection of their human rights; No. 30 on women in conflict prevention, conflict and post-conflict situations; No. 31 on harmful practices; No. 32 on gender-related dimension of refugee status, asylum, nationality and statelessness of women; No. 34 on the rights of rural women, which refer to the multiple forms of and intersectional discrimination women face.

## 3.2. The ILO Violence and Harassment Convention No. 190

The ILO sees violence in the world of work as being incompatible with decent work. It is a human rights issue that affects workplace relations, worker engagement, health, productivity, quality of public and private services, and enterprise reputation.

The ILO Convention on Violence and Harassment in the World of Work, 2019 (No.190) is the first international treaty to specifically prohibit violence and harassment adopted by the International Labour Organization (ILO) in 2019 (concurrently with the centenary of its mandate of protecting worker rights and ensuring social justice) together with its accompanying Recommendation No. 206. C190 and R206 for the first time provide an integrated, inclusive and gender-responsive approach to the prevention and elimination of violence and harassment in the world of work.<sup>5</sup>

C190 recognises in its preamble 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’*.

C190 recognised the need for a new standard not only to have general coverage for all people in all sectors and occupations but also to identify, and take into account, the specific risks, needs and circumstances of members of groups who may experience violence more frequently, or in unique ways. These include, but are not limited to, women, LGBTIQ+ workers, indigenous persons, persons with disabilities, persons living with HIV and persons who belong to marginalised groups, such as caste-affected communities and ethnic minorities.

C190 provides a clear roadmap for implementation of a comprehensive and practical framework that recognises the rights of all persons to work in a world free from violence and harassment. Ratifying States are now required to align their national frameworks with the substantive content of C190 and ensure the application of its rights and protections in their national laws and practices as well as monitor and report on such compliance. Non-ratifying Member States will not only have to bring C190 to the attention of tripartite constituents in their countries, but will also have to discuss steps towards ratification in terms of their obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No 144).

### Definitions of ‘violence’ and ‘harassment’

Much of the significance of Convention 190 lies in the fact that it provides, for the first time, a universal and common definition for ‘violence and harassment’, including gender-based violence and sexual harassment (Article 1). Article 1(2) allows a measure of flexibility, as States can define violence and harassment as a single concept or separately in national laws and regulations, and could also set out the specific behaviours and practices that constitute violence and harassment.<sup>6</sup>

A key feature of C190 is that ‘violence and harassment’ is defined broadly to cover all forms of harm. Article 1 states:

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

‘the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.’

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<sup>5</sup> Convention No.190 came into force on 25 June 2021. As at 24 March 2023, C190 has been ratified and has come into effect in the following countries– Argentina, Ecuador, Fiji, Greece, Italy, Mauritius, Namibia, Somalia, South Africa, United Kingdom, Uruguay. It has been ratified but has not yet come into effect in Albania, Antigua and Barbuda, Bahamas, Barbados, Canada, Central African Republic, El Salvador, Ireland, Mexico, Nigeria, Panama, Peru, San Marino and Spain.

<sup>6</sup> ILO, Convention No. 190 and Recommendation No.206 at a glance (ILO Geneva, n.d.) [www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms\\_738114.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738114.pdf)

The test is objective and hence the effect of the conduct on the victim, not the intention of the perpetrator, is the legal standard. This should make it easier for women who are victims to access justice for their rights violations.

## Who is covered by C190?

The scope of C 190 is broad and all-encompassing. It ensures that protection and rights are available to a wide range of persons in both the private and public sector, in formal and informal work environments and in the urban and rural economy (article 2(2)). This includes:

- Employees under contract
- Any other workers irrespective of their contractual status
- Those in training (including interns and apprentices)
- Workers whose employment has been terminated
- Volunteers
- Jobseekers and job applicants
- Management

The definition of the ‘world of work’ is broad and provides rights and protections to as many people in this context as possible. Protection extends to violence and harassment occurring ‘in the course of, linked with or arising out of work’ in various places, which include:

- 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.

## Duties and obligations of States

C190 (article 5) places initiatives to end violence and harassment in the world of work firmly in the context of respect, promotion, and realisation of the ILO Declaration on Fundamental Principles and Rights at Work by all ILO Member States. This includes the principles and rights deemed fundamental to the world of work by the ILO, namely 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, as well as ensuring occupational health and safety at work.

It requires ratifying States to adopt an ‘inclusive, integrated and gender-responsive’ approach for the prevention and elimination of violence and harassment in the world of work (Article 4(1) and (2)).

This approach requires ratifying States, in consultation with representative employers' and workers' organisations, to ensure that the following measures, including toward third parties, are taken:

- Defining and prohibiting violence and harassment in laws, regulations and policies;
- Adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;
- Establishing or strengthening enforcement and monitoring mechanisms;
- Ensuring access to remedies and support for victims;
- Providing for sanctions;
- Developing tools, guidance, education and training, and raising awareness, in accessible formats as appropriate; and
- Ensuring effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates or other competent bodies.

Article 6 requires States 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 and who are disproportionately affected by violence and harassment in the world of work. This is a significant provision as it reinforces the principle that discrimination against women, as defined in Article 1 of CEDAW, includes gender-based violence, that is, 'violence which is directed against a woman because she is a woman or that affects women disproportionately', and, as such, is a violation of her fundamental human rights.

States also have to take appropriate 'preventative measures' such as: (a) recognising the important role of public authorities in the case of informal economy workers; (b) identifying, in consultation with the employers' and workers' organisations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and (c) taking measures to effectively protect such persons (Articles 7 and 8).

## Employer obligations

Article 9 requires States to enact laws that require employers to take appropriate steps 'commensurate with their degree of control' to prevent violence and harassment in the world of work, including gender-based violence and harassment. At the very least, such national laws and regulations should require employers, as far as is reasonably practicable to:

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

The duties placed on employers in national law to take 'appropriate steps' and 'as far as is reasonably practicable' are not defined in C190. This is left open for ratifying States, in consultation with representative workers' and employers' organisations, to forge the path most suited to that country's needs. The involvement of workers' and employers' organisations in developing workplace policy is also important to promote a culture in the workplace that does not condone any forms of violence and harassment. In this regard, R206 (paragraph 7) sets out more detail on the content of workplace policies, who should take responsibility for developing them, and how the policy could contribute to changing workplace culture.

## Enforcement and remedies

Part V of C190 contains specific measures for enforcement and remedies to be implemented in national legislation. This ensures that the rights guaranteed in C190 are able to be realised in practice and that redress mechanisms will be effective. Article 10 requires measures taken by ratifying States to include effective monitoring and enforcement measures (Article 10(a)). These measures should ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as complaint and investigation procedures and dispute resolution mechanisms (internal and external to the workplace), courts or tribunals, protection of complainants victims, witnesses and whistle-blowers against retaliation and legal, social, medical and administrative support measures for complainants and survivors (Article 10(b)). Measures should also protect the privacy and confidentiality of individuals involved (Article 10(c)), they should impose sanctions, where appropriate, when violence and harassment in the world of work is proven (Article 10(d)); and ensure that remedies are gender-responsive (Article 10(e)). Workers should also be able to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management (Article 10(g)).

Protecting the privacy and confidentiality of individuals involved in an enforcement procedure (Article 10(c)) is a controversial issue as it may protect the perpetrators of such violence and harassment, particularly in legislative contexts where women workers, being particularly vulnerable to sexual harassment, are obliged to sign non-disclosure agreements or consent to private arbitration in violence or harassment suits as terms in their employment contracts.

In addition, it is important to note that Article 10(e) promotes 'gender-responsive' as well as safe and effective complaints and dispute resolution measures. This is an innovative approach, and its success will depend on the extent to which adjudicators determining disputes and grievances are provided with the necessary training to deal with issues and who consider the respect and dignity of workers to be integral to the process.

Article 10(h) requires that national laws to ensure that labour inspectorates and other relevant authorities are empowered to deal with violence and harassment in the world of work, including by issuing orders with immediate executory force. Such enhanced powers of administrative authorities are critical to ensuring that C190 has a meaningful impact in changing the culture of violence and harassment that exists in some industries, particularly those where women workers are disproportionately represented.

The explicit right to remedies in Article 10 (clarified by Paragraph 14 of Recommendation 206) responds to the gaps in remedies in national laws. For example, only a small number of countries consider the health consequences of work-related violence and harassment as compensable occupational illnesses under workers' compensation insurance. This often leaves workers with incapacitating physical and/or mental health conditions to pay substantial expenses out of pocket. This is especially the case for workers in contracts that limit access to social security benefits.

## Mainstreaming and awareness raising

Part VI of C190 deals with guidance, training, and awareness and provides detailed information on steps to ensure mainstreaming and awareness of violence and harassment in the workplace. This addresses gaps identified in national legislation during the research prior to the negotiations for the new standard. Article 11 requires ratifying States, in consultation with representative employers' and workers' organisations, to mainstream prevention of violence and harassment in the world of work throughout relevant national policies, such as those on occupational safety and health, on labour migration, and on non-discrimination and equality at work. It also requires the provision of guidance, training, and awareness-raising through tools (in formats accessible to persons with disabilities) and campaigns with special emphasis on gender-based violence and harassment.

### 3.3. Domestic violence and gender-based violence in the world of work

Domestic violence can represent a particular risk that impairs the health and productivity of all workers and other persons concerned, including individuals in management who are essentially exercising the authority, duties, or responsibilities of an employer. Some work-related places, situations, or instances—particularly those which are easily accessible by the public, such as schools, hospitals, public services, or street markets, among others—can be places where domestic violence is unleashed. Likewise, domestic violence represents an even more relevant risk for particular work arrangements, such as working from home, as well as for some categories of workers, such as domestic, home-based, or contributing family workers, many of whom are women working informally.

Domestic violence has often been relegated to being a “private” issue, with no relevance to the public sphere or to the world of work. However, C190 and R206 recognize the negative spillover effects that domestic violence can have in general on the world of work, including in relation to employment, productivity, and safety and health. They also recognize the positive contribution that governments, employers’ and workers’ organizations, and labour market institutions can play in mitigating the impact of domestic violence on the world of work.<sup>7</sup>

Article 10(f) of C190 requires that the effects of domestic violence should be recognised and as far as is reasonably practicable, States should take steps to mitigate its impact in the world of work. This highlights the need to ensure that domestic violence that impacts on employment is addressed. The impact of domestic violence has been documented<sup>8</sup> to include economic violence preventing women from having sufficient resources to travel to work, women leaving their jobs, and perpetrators of the violence disrupting the survivor’s workplace. In 20 of the 80 countries (25 per cent) surveyed by the ILO,<sup>9</sup> economic violence is defined to include preventing a person from entering into or remaining in employment. In Nepal for example, the definition of domestic violence includes ‘economic abuse’, defined as depriving a partner from accessing employment opportunities and economic resources. In Brazil, the Law on Domestic and Family Violence, known as the Maria da Penha Law, establishes that ‘patrimonial violence’, such as the retention and partial or complete destruction of the victim’s working tools, is a form of domestic violence. In the Dominican Republic and France, economic violence takes the form of acts that result in an impossibility or inability to work for a period of time. It is also significant that this provision is included since initiatives taken to address violence and harassment in the workplace can create increased awareness, which can contribute to prevention of domestic violence, among others, through identification of and support to victims.

Recommendation No. 206 provides guidance to States on appropriate measures to mitigate the impacts of domestic violence in the world of work, including:

- a) Leave for victims of domestic violence;
- b) Flexible work arrangements and protection for victims of domestic violence;
- c) Temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;
- d) The inclusion of domestic violence in workplace risk assessments;
- e) A referral system to public mitigation measures for domestic violence, where they exist; and
- f) Awareness-raising about the effects of domestic violence.

<sup>7</sup> See Preamble to C190 and article 10(f).

<sup>8</sup> For instance, see ILO, ‘Domestic violence and its impact on the world of work’, at [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms\\_738117.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/briefingnote/wcms_738117.pdf)

<sup>9</sup> ILO ‘Ending violence and harassment against men and women in the world of work’, Report V(I) (2018), para 49 [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_553577.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf)

### 3.4. Online violence and harassment

The Special Rapporteur on Violence against Women, its causes and consequences, has expressed concern about digitalization and new information and communications technology to generate online violence against women. In her 2018 thematic report on online violence against women, the Special Rapporteur<sup>10</sup> warned that the use of information and communications technology without adopting a proper human rights-based approach could contribute to an increase in gender-based discrimination and violence against women and girls. She recommended that States, in accordance with the principle of due diligence, address new forms of online violence against women and girls as human rights violations that are interrelated with the broader framework of discrimination against women and girls, and that internet intermediaries should also be held responsible for upholding women's human rights and protection from online and digital violence.

For organisations conducting advocacy in countries that have not yet ratified C190, a number of ILO instruments relate to **occupational safety and health (OSH)**<sup>11</sup> and set out protection of workers' safety and health, including protection from the risk of violence and harassment. 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. 12

In addition, workers engaging in advocacy to encourage ratification of C190 in their countries can also, whilst ratification is pending, rely on the following ILO standards providing for protection from workplace violence and harassment:

**Indigenous and Tribal Peoples' Convention, 1989 (No 169)** - Article 20(3)(d) requires ratifying States to take measures to ensure that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

**Maritime Labour Convention (MLC), 2006** - Article VI(1) guarantees the right to a safe and secure workplace to every seafarer and Guideline B4.3.1 requires the competent authority to ensure that the implications of harassment and bullying are addressed in safety and health measures.

**Domestic Workers Convention, 2011 (No 189)** - Article 5 requires ratifying States to ensure effective protection against violence, abuse and harassment of domestic workers. Mechanisms to protect domestic workers include establishing accessible complaint mechanisms, ensuring that all complaints are investigated and establishing programmes for relocation from the household and rehabilitation of domestic workers.

**The Worst Forms of Child Labour Convention, 1999 (No 182)** - Article 3(a), (c) and (d) defines the worst forms of work for persons under 18 years of age, including all forms of slavery, trafficking and forced or compulsory labour of children; compulsory recruitment of children for use in armed conflict; engaging a child for illicit activities; and work which, by its nature or the way it is carried out, is likely to harm the health, safety or morals of children. Such worst forms of work inherently include physical and psychological violence and harassment against the child.

**HIV Recommendation, 2010 (No 200)** - Paragraph 14(c) requires the adoption of measures to prevent and prohibit violence and harassment in the workplace.

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<sup>10</sup> Dubravka Simonovic, Special Rapporteur on VAW, its causes and consequences A/HRC/38/47 at para 23 at <https://www.ohchr.org/en/documents/thematic-reports/ahrc3847-report-special-rapporteur-violence-against-women-its-causes-and>

<sup>11</sup> See Part F of this toolkit for occupational safety and health issues.

<sup>12</sup> 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).

**Transition from the Informal to the Formal Economy Recommendation, 2015 (No 204)** - Paragraph 11(f) provides that States should ensure that a comprehensive policy framework to facilitate the transition to the formal economy addresses the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace.

**Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No 205)** - Paragraph 15(e) provides that, in responding to discrimination arising from or exacerbated by conflicts or disasters, States should prevent and punish all forms of gender-based violence, including rape, sexual exploitation and harassment, and protect and support victims.

**Forced Labour (Supplementary Provisions) Recommendation, 2014 (No 203)** - Protects victims of forced and compulsory labour and such situations often involve physical violence and psychological coercion. Paragraph 9(c) states that, based on their national circumstances, States should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as health care and, special rehabilitative measures, including for those survivors who have been subjected to sexual violence.

The human rights and labour law instruments referred to above represent important steps towards the achievement of the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goals 5 (gender equality) and 8 (decent work and economic growth). The 2030 Agenda for Sustainable Development comprises 17 transformative Sustainable Development Goals, including the achievement of gender equality and the empowerment of all women and girls and, for the first time, in its targets 5.1 and 5.2, focus is placed on the elimination of all forms of discrimination and violence against women and girls in the public and private spheres.





## 4. Rights violations identified by witnesses to the Global Tribunal of Women Workers

This section outlines the rights violations identified by witnesses providing testimony at the Global Tribunal of Women Workers.

### 4.1. Summary of evidence

The Jury Working Group heard testimony from 21 workers on the thematic area of ending gender-based violence and harassment in the world of work. They were migrant domestic workers, garment workers, agricultural workers, cleaning workers, health workers, sex workers and entertainment sector workers, who all testified about the multiple forms of abuse, exploitation, and violence they were subjected to by various perpetrators from management and colleagues at the workplace. Agricultural workers testified about the lack of protection from sexual violence while at work, with the informality of the industry and power of managers rendering complaints and any attempt to seek redress impossible. Migrant domestic workers from Kenya, the Philippines, Brazil, Cameroon, and other countries in the Global South testified about violence they experienced from employers in private homes where they worked, and for which there are limited or no forms of redress. Many of them relied on their embassies for support as local legislation did not provide them with remedies to access justice.

The evidence showed how the type of work and work in the informal sector is often directly related to the risk of violence or harassment. This increases with the risk of work that is criminalised (such as sex work in Thailand) and work to which social stigma is attached (such as women working in dance bars as dancers or massage therapists in Nepal). In these contexts, violence and sexual harassment is perpetrated by police and other government officials, compounding the violence and harassment workers experience in the workplace.

The testimonies reported gender-based violence and harassment in a context of occupational segregation, such as in garment manufacturing, domestic work, care work, sex work, and entertainment, where managers are generally men, while women constitute the majority of workers. In such sectors women consistently report being unable to access justice within their workplace for gender-based violence and harassment by men connected to their workplaces. Yet, these very sectors where occupational segregation occurs are often the only ones available to women workers.

The testimonies highlighted how employers abuse the precarious situation of workers and use physical, sexual, and psychological violence to punish and control women. This results in many instances in workers being subjected to forced labour, because they are coerced or forced to do certain types of work, work long hours without pay, and are subjected to threats or the menace of penalties. This constitutes a form of modern slavery.

Although all the worker testimonies presented to the Tribunal are equally important, we reproduce below only some of the voices heard.

## 4.2. Selected worker voices

### Mosa Afroza (not her real name)

“I am from Bangladesh.

I was dismissed from Kaizer Knitwears Ltd. in Jarun, Bangladesh, in May 2022 after refusing to sleep with my factory supervisor. This is my story.

I urge the Global Tribunal with the following requests from myself and my union:

Because of my supervisor and the admin officer of the factory [names deleted to protect the witness] who refused to act against him, I was punished for denying sexual favours. I lost my only source of income and my husband left me. Action must be taken against them.

My factory has no mechanism to report sexual harassment - not even a participatory committee or an anti-harassment committee of any kind. Factories should be held accountable for the crimes against women that happen on their premises. There should be proper initiatives to end gender-based violence in the workplace.

I loaned up to 20,191 takas to my supervisor under pressure, even when I was in a dire financial state. I demand compensation for what he owes me. Those are my life savings he took.

Even though the labour union helped me by placing a complaint with the Directorate of Inspection of Factories and Establishments, nothing has been done yet. I have been wronged and I seek justice. Without a strong union presence to keep it in check, gender-based violence and harassment runs rampant. The need for a union in a factory cannot be ignored.

I have nothing left. No job, no husband, barely enough money for my next meal. I don't mind if you publish my photo in the paper -- I want justice. I was wronged for no fault of my own. I refused a sexual favour to my supervisor and my whole life was turned upside down. I seek justice and support from the Global Tribunal.”



Illustration by: Appolonia Tesera

## Anonymous

“I am a migrant domestic worker.

I started working at my sponsor's house in Qatar. The first day I entered the house they took everything I had, which were my bags and my mobile phone. I started serving the first day I entered the house, the family had eight members where I was the only worker in the house and the house was very big for me alone. My sponsor was a police officer; he used to beat me daily. Every time he came home, he came to beat me. Whenever their children messed up with anything in the house, they would beat me without even giving me time to explain what happened.

He used to punish me by locking me inside a room that had no AC whenever they went out. It reached a time where I wasn't able to walk by myself due to the injuries to my leg and my back from him beating me and stepping on my back. He used a firelighter to burn me on my hands, chest and my neck, and the broom they used it on beating me mostly on my head and other parts of my body until it broke. And his wife's high-heel shoes were used to beat me on my fingers and toes until he hit my ankle where it reached a point that I couldn't walk or stand.

I continued suffering until one night when they told me that their Philippine domestic who was there before me was coming. The mother of the house wanted the two of us to work for them, but the father refused and decided to transfer me to a female friend. That day at around nine at night he took out anything I had and threatened me that I should not speak about anything that I had been going through, including not having been given my three months' salary. When we met this madam who was his friend, she asked him some questions about me. He lied to her about the injuries I had. He said that I fell on the floor when mopping. Before we reached this madam, he threatened me that if I was to say anything that I had been going through, he would come for me and kill me since he had my documents.

In that madam's house I stayed for only one day and then she told me that since her house was small, she'd take me to her friend's house and then when she shifted to a bigger house, she'd come for me. I accepted and I was taken to the friend, where I stayed for some days, but while at her house I reached a point that I couldn't walk nor stand up straight by myself. This madam was very nice in the way she treated me, that's when I saw that she could help me and decided to tell her everything that I had been through. She sympathised with me and gave me her phone to make calls to my people. The following morning, I couldn't wake up, so she asked me if I had any number for my agent and I told her. She called my agent and told her my situation and she requested pictures of my documents. The agent sent a photo of my passport which she used to take me to the general hospital. Afterwards she took me to my embassy and to the office of public prosecution. There I was even requested to say the approximate amount I would like to be given as compensation, and I said an amount. They told me that amount was too small according to the injuries I had, and I could claim a bigger amount. From there I was taken to the forensic hospital where every injury was measured, and they confirmed every injury I had. On 20 May 2022 I spoke to my lawyer. He told me that he wanted to come here and see the documents I have. When he came, he told me that my case has no witnesses and also it has no evidence. I told him that I myself am evidence according to the injuries and scars I have. I am trying to continue with my case.”



*Illustration by: Appolonia Tesera (2022)*

# 5. Findings and recommendations of the Jury Working Group

This section summarises key findings and recommendations of the Jury Working Group on ending gender-based violence and harassment in the world of work, with key takeaways for governments, businesses, non-governmental organisations, trade unions, and multilateral agencies.

## 5.1. Findings

The Jury Working Group (JWG) found that there are many common issues faced by women workers involving gender-based violence and harassment at their workplaces.

They noted that there are gaps in national legislation to give effect to the rights that women workers are entitled to under international law. Even where good laws exist, a lack of trust in public authorities deterred many of the witnesses from seeking protection from public authorities such as the police.

They identified common threads of a lack of accountability of businesses and individual perpetrators of violence within workplaces as well as a lack of workplace complaints mechanisms. They noted the lack of accountability of brands, buyers, and factories in the private sector for addressing gender-based violence at work, and the failure by governments to hold the private sector to account for compliance with national laws. This lack of accountability on the part of the private sector—including the lack of systems to effectively monitor and remedy human rights violations perpetrated or exacerbated by the private sector—is one of the root causes of gender-based violence in the world of work. The JWG found that voluntary principles are not sufficient to address violence that is entrenched in global supply chains, and perpetuated by global brands and retailers which ignore the rights of women workers, for instance in the garment and textiles industry. It reinforced the need to increase accountability of brands and buyers through adoption of a binding Treaty on Business and Human Rights by the United Nations.

The JWG found that the following rights guaranteed under international law have been violated:

The ILO Violence and Harassment Convention, 2019 (No.190) - this Convention is especially relevant for gender-based violence and harassment of migrant women workers and for all women workers in the world of work. Gender-based violence and harassment against women workers in the world of work is prohibited under the Convention, and this has a very broad definition (Article 3). Article 3 (f), which relates to violence and harassment occurring when commuting to and from work, is particularly important as several testimonies of workers referred to abuse by taxi drivers and during transport home late at night after night shifts.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 - these are applicable to very few women workers, given the low number of ratifications from countries in the Global South (in Southeast Asia and South Asia only Bangladesh has ratified it and Cambodia has signed). Organisations in the Global South advocating for the rights of migrant women workers would need to rely in their advocacy on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965 (ICERD) and ICESCR, which prohibit discrimination against women migrant workers on the basis of gender, race or ethnic or national origin as intersecting forms of discrimination.

Rights guaranteed to women workers under CEDAW - this includes Article 1 (prohibition of discrimination against women), Article 2 (State party obligations to abolish discrimination in laws and policy frameworks), Article 3 (State party to take 'all appropriate measures' including legislation, to secure the development and advancement of women) and Article 11 (State party to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights).

Rights guaranteed to women workers under the International Covenant on Economic Social and Cultural Rights (ICESCR) - in particular under Articles 2(2) and Article 7. ILO standards on the rights of migrant workers (such as the Migration for Employment Convention (Revised), 1949 (No.97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Migrant Workers Recommendation, 1975 (No.151) and Migration for Employment Recommendation (Revised), 1949 (No. 86)) and domestic workers (such as the ILO Convention No.189 on Domestic Workers (2011)) were violated. They noted that the specific vulnerabilities of migrant domestic workers, who are overwhelmingly women, are not strongly reflected in international norms and standards. Language barriers, lack of access to information and safety networks, and the secluded nature of the work at domestic residences require more specialised measures and monitoring mechanisms to protect women migrant domestic workers from gender-based violence. In addition, workers in the informal economy have no labour or social protection, and this particularly places women in danger of sexual and gender-based violence. Also, the lack of recognition of certain types of work, such as sex work, combined with the risks and vulnerabilities attached to the work, exacerbates the impact of rights violations on women workers.

## 5.2. Recommendations

### Law and policy changes to be addressed by States

States that have not ratified the ILO Convention on Ending Violence and Harassment in the World of Work, 2019 (No.190) should take measures to begin the process of doing so, and engage in the tripartite consultation processes with worker and employer organisations required as a pre-requisite.

States should review and amend laws and policies to prohibit sexual and gender-based violence in the world of work, which should grievance and monitoring mechanisms, codes of conduct prohibiting gender-based violence and harassment, remedies for rights violations and obligations to take preventative measures such as gender equality training. States should also ensure sufficient resources and capacity exist for institutional efforts to address gender-based violence. National laws should also ensure that women can remove themselves from work situations which are a danger to their well-being without suffering retaliation, and with access to necessary support services.

States should place duties and responsibilities on all private and public sector employers to ensure compliance with laws and policies to address gender-based violence in the world of work.

States should amend laws which exclude some sectors of women's work from labour laws; especially domestic workers and sex workers. Criminalisation of sex work should be repealed. In relation to domestic work, States need to review and amend national laws in line with the ILO Domestic Workers Convention, 2011 (No.189), and to ratify this Convention if they have not done so. (Note: the Philippines is the only country in South and Southeast Asia to have ratified Convention No.189).

States should legislate to ensure the full development and advancement of women, and to address discrimination against women in education, employment and economic and social activities, as outlined in CEDAW, including in General Recommendation No.19 and General Recommendation No.35 on violence against women, and General Recommendation No.33 on women's access to justice;

States should extend social security or social protection to workers in the informal economy, and develop policies to transition the informal economy into the formal economy in compliance with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No 204) and to address high levels of gender-based violence that exist;

States should ensure that labour laws make provision for full compensation for women workers who are required to take time off from work to seek healthcare to address the long- term impact of sexual and gender-based violence. Laws should ensure that women are fully compensated for these periods, whether through reparations awarded through court procedures, or through accessing unemployment or disability benefit

States should take immediate steps to remove any barriers in national laws and policies that prevent access to justice for women workers who are subjected to gender-based violence in the workplace, through:

- Providing for accessible judicial complaints and grievance mechanisms, with interpreters available where needed and legal aid for victims;
- Legislative protection from reprisals, including witness protection and whistleblowers' protection; and
- Effective law enforcement, including urgently addressing corruption and abuse by law enforcers;

## **Responsibilities of private sector businesses**

Ensure that the responsibilities to respect human rights as set out in Pillar Two of United Nations Guiding Principles on Business and Human Rights are complied with.

Adopt and implement a zero-tolerance policy on sexual and gender-based violence in the world of work.

This should ensure that every workplace has gender focal points who will educate and raise awareness, and complaints committees to hear grievances and complaints on sexual and gender-based violence. They should also conduct regular monitoring of the workplace; ensure protection from dismissal or retaliation for reporting cases; implement effective sanctions for perpetrators; ensure remediation for rights violations and coordinate with independent bodies to provide non-work-based access to justice mechanisms;

Implement policies to mitigate the impact of domestic violence, including leave and protection from dismissal for victims of domestic violence, flexible work arrangements, and protection for victims in terms of the Violence and Harassment Recommendation, 2019 (No. 206), article 17;

Implement policies which include safe transportation and flexible working hours to diminish the risks of gender-based violence and sexual harassment of women workers during travel to and from work, especially at night.

## **What should non-governmental organisations and trade unions do?**

Urge governments to ratify Convention No.190 and implement it as well as Recommendation No.206.

Raise awareness of sexual and gender-based violence among members and support the development of skills, especially among women workers, to negotiate workplace policies and carry out gender-responsive risk assessments.

Review trade unions' constitutions and all collectively bargained agreements to ensure they contain clear language and guarantees against sexual and gender-based violence in the world of work, including safety planning, paid leave for survivors, protection from retaliation, and access to adequate support systems, such as legal representation.

Form alliances beyond unions with women workers' groups, including domestic workers' and sex workers' groups, human rights groups and other key stakeholders to increase the impact of collective advocacy and action.

Ensure swift and effective investigation of member-on-member harassment in trade unions where patriarchy continues to exist.

## United Nations and other multilateral agencies

The Jury Working Group recommended that the UN and other multilateral agencies should support civil society efforts by doing the following:

Take a coordinated and consistent approach in terms of standards and policies on the rights of women workers, particularly women workers in the informal economy, sex workers, domestic workers and migrant workers.

Include global representation of women workers in the informal sector, particularly sex workers, who have only recently been included as workers under the mandate of UN Women. These and other under-represented sectors, as well as women migrants, should be included in all discussions at the annual International Labour Conferences of the ILO and high – level events organised by UN Women.

Continue to provide training, technical support and financial assistance to the NGOs which provide frontline services to women who have been victims of sexual and gender-based violence, ensuring that this support is long-term and adaptive to the conditions in each country; does not discriminate by excluding unregistered but verifiable organisations; and does not discriminate by excluding undocumented migrant women and sex workers.

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### Final words from the JWG:

“We must work together towards a world of work free from violence and harassment where no woman will ever have to say again, as one of our witnesses had to say to her lawyer:

‘You want evidence? See my body – the scars and the injuries are my evidence.’”

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## 6. Areas for law and policy advocacy identified by organisations to take forward the Global Tribunal recommendations

This section presents some examples of good practice advocacy initiatives undertaken by organisations that participated in the Global Tribunal. It also presents some of the commitments from these organisations to take forward the recommendations of the Jury Working Group.

Violence and harassment in the world of work is a universal and entrenched problem, and eliminating it requires determination, perseverance, and cooperation among the actors of the world of work. Governments, workers, employers, and their representative organizations each have distinct responsibilities and complementary roles to play. Many organisations have already conducted strategic campaigns and advocacy initiatives to address this issue, and some of these are set out below.

### 6.1. AWAJ Foundation

AWAJ Foundation works in Bangladesh to reduce prevalence of gender-based violence in the Ready-Made Garments (RMG) sector. It will continue to work to make the Bangladeshi government and brands more accountable and responsive towards addressing gender-based violence in the world of work and improve access of workers to accountability mechanisms inside and outside the workplace. It will continue discussions with the government to promote ratification of the ILO Violence and Harassment Convention 2019 (No.190), and to address other legislation that does not comply with promoting gender equality.

AWAJ accomplishes its goal of advocacy to address GBV and support workers by raising awareness of it among women and men workers: how they can combat it, and how victims can seek help and demand accountability. It helps to establish institutional mechanisms at factories, such as anti-harassment committees and policies on sexual harassment. It also provides training to factory management on GBV and anti-harassment procedures.

Beyond the factory, AWAJ Foundation engages with communities and public institutions to increase awareness on GBV and strengthen means to combat it. Social accountability tools such as social audits and community scorecards are used to make public institutions more responsive to complaints of GBV. It aims to set up at least 10 helplines at 10 factories so that women workers can easily report harassment and get help. It also conducts policy advocacy with lawmakers and local government officials to ensure better implementation of the labour law and other relevant policies relevant to GBV. It is implementing a specific project in the industrial zones of Chittagong to implement its objectives to eliminate GBV from the world of work. The direct beneficiaries are 600 women working in the RMG sector, and the indirect beneficiaries are about 1800 workers and community members.

AWAJ will continue in its efforts to challenge employers, brands and factories on issues of gender-based violence in the workplace and accelerate its efforts to promote a culture of respect, equal dignity and equality in the RMG sector.



## 6.2. Women's Centre Sri Lanka (WCSL)

WCSL is a grassroots organisation that works to empower female garment workers in Sri Lanka, to amplify their voices and end violence against them. It will continue advocacy with the government sector, trade unions and other civil society organisations to urge factory-level management to create a violence-free environment for women workers. WCSL has identified the need to empower workers and make them aware of the violence experienced by garment workers, hence they supported witnesses who gave evidence before the Global Tribunal. They have trained 40 garment workers from four districts in Sri Lanka to under training on sexual and gender-based violence, and to understand and use international and national mechanisms to address this, especially in the garments industry where 85% of workers are young women who migrate from rural areas and economically disadvantaged communities. They are particularly vulnerable to GBV and harassment by their supervisors and male employees, and fear victimisation if they complain.

WCSL also conducts monitoring to ensure that garment factories and brands implement zero-tolerance policies to prevent abuse of power and authority by factory managers who threaten, abuse, assault and harass women workers. WCSL notes that many workplaces in Sri Lanka have a culture of tolerating 'sexual harassment' and it will continue to advocate and campaign to prevent this, including creating awareness among employers and workers that such practices are discriminatory and violate international and national laws.

WCSL plans to continue awareness raising amongst workers to make them aware of the crucial roles played by trade unions in securing their rights, and of the rights that they are entitled to in the workplace. One of the issues it will address, through increased workplace advocacy, is the impunity of middle-level managers, who prohibit lunch and toilet breaks for the sake of increasing productivity and achieving targets, affecting workers' health tremendously, and which they utilise as a form of GBV and harassment in the workplace.

Union leaders are primarily men and do not understand that gender equality cannot exist if there is violence and harassment of women workers. Patriarchal culture prevents women from participating equally in trade union activities and means that union leaders are not aware of issues relating to sexual and gender-based violence and harassment at work. WCSL has provided training for 25 union leaders on GBV and harassment and will continue to raise awareness among union members.

WCSL will also continue to engage with different government departments and national institutions in order to hold the Sri Lankan government accountable for compliance with its duties and obligations under CEDAW.

WCSL also plans advocacy on the rights of LGBTIQ+ communities, persons with disabilities, and ethnic and religious minorities, who are particularly affected by labour and human rights violations in the workplace, and who are often victims of GBV and harassment.

WCSL plans to campaign for the Sri Lankan government to ratify ILO Violence and Harassment Convention, 2019 (No.190). It views this Convention as being of critical importance due to the economic impact of the pandemic and political crisis in exacerbating poverty and inequality, and hence contributing to greater insecurity which has led to an increase in domestic violence.

In general, WCSL will continue stakeholder dialogues, as well as campaigning and mobilisation to hold global brands accountable for their violations of the rights of women workers. This includes targeting embassies to put pressure on international brands operating in Sri Lanka to respect workers' rights and remedy violations.

### 6.3. WOFOWON (Women Forum for Women in Nepal)

WOFOWON works with women in the entertainment sector in Nepal. It is committed to continuing to seek decent work and formalisation of the sector, and to seek protection for women workers under Nepal's labour legislation. Workers in the sector are covered as general workers under Nepal's labour legislation, but since most of the dance bars where they work do not comply with the provisions of labour legislation such as formal employment contracts, workers are excluded from accessing their rights under the legislation. As a result of the informality of the sector, workers are subjected to various forms of GBV and harassment, including sexual harassment, in the world of work.

WOFOWON will continue to conduct advocacy on, and create awareness of, the rights of workers in the sector. The recommendations of the Jury Working Group on gender-based violence and harassment in the workplace were considered very useful for the organisation, and it plans to implement the recommendations by coordinating with other organisations and trade unions to address the particular risks of workers in the sector. It also plans to lobby the Nepali government, in coordination with IWRAW Asia Pacific and its network of collaborating organisations, to ratify ILO core conventions, including Convention No. 190 on violence and harassment in the workplace.

### 6.4. CGFED (Centre for Gender, Family and Environment in Development) Vietnam

CGFED works to empower women and address their labour and human rights violations in the workplace and ensure development of the community and children's rights in the context of environment protection in Vietnam.

In advocacy to ensure accountability of government and business as duty bearers under international human rights and environment law, CGFED has undertaken a number of campaigns to increase community awareness and engage the private sector. In order to take forward the recommendations issued by the Jury Working Group in addressing gender-based violence and harassment, CGFED has identified the following actions it will undertake:

1. CGFED will address comments to the government on the Mining Law and Gender Equality Law, which are being amended to ensure that they address gender-based violence and decriminalisation of sex work.
2. CGFED will engage with the private sector to ensure that business enterprises, especially those linked to global brands and buyers, are held accountable for providing a safe environment for women workers without sexual harassment. CGFED is engaging with human resources departments of companies to arrange training for staff, and to review and revise their internal policies in order to ensure that workplace policies on the issue are made clear, and that they provide for disciplinary sanctions and measures for workers and managers who violate the rules related to ending sexual harassment in the workplace.
3. CGFED will continue to conduct public campaigns to raise awareness amongst communities on gender-based violence and sexual harassment.
4. CGFED will provide training and capacity building for workers in the informal sector on the issues of sexual harassment and gender-based violence.
5. CGFED will continue to report to government and businesses on cases of gender-based violence and sexual harassment at work and seek to obtain fair and adequate remedies for rights violations of women workers.

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