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Federación Internacional de los Trabajadores del Transporte
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Internationale Transportarbeiter-Föderation
Международная федерация транспортников
الاتحاد الدولي لعمال النقل

To all ITF Affiliates

ITF E-Circular No. 198/A/2018

Our ref: OGS/JE/apr/jm

01 October 2018

Dear colleagues,

Proposed ILO Convention on violence and harassment at work

Outcomes from the International Labour Conference (ILC) June 2018

The first round of the double discussion on this critical proposed international standard took place in May/June 2018. The proposed conclusions address many key concerns for transport workers, in particular women, through a broad definition and scope of the 'world of work'; including commuting and inclusion of public and private spaces where they are a place of work, recognition of the disproportionate effect of gender-based violence and harassment on women, the impact of domestic violence on the world of work, and the importance to address sanitation facilities.

The ITF and affiliates have worked together to make this possible, and ensure that workers stories, ([see attached ITF briefing paper](#)) and case studies have been central to the discussions and preparatory documentation. This has been impactful and is reflected in the language we have achieved so far.

What happens next?

The 'Brown' [report V\(1\) "Ending violence and harassment in the world of work"](#), has been prepared by the ILO following the first of the double discussion, in preparation for the second and final round of discussion, to be held at the ILC in June 2019.

It is important to note that all the language agreed to date will be discussed, open to proposed amendment, and negotiated in the second part of the discussion. **A very significant deadline requiring union action is 08 November 2018, so please read on for further details.**

Why is further action by ITF affiliates crucial?

We are progressing toward the strongest form of global instrument; a convention supported by a recommendation, with clear support from governments. However, the employer group are actively lobbying governments to weaken the text. In particular, by raising their concerns that the conclusions are overly prescriptive, the scope of instrument and definitions are too broad and the instrument would therefore be difficult to ratify. A weak convention with very limited scope and employer accountability is as problematic as having no convention at all.

To counter this pressure, all unions have a critical role to play in the inter ILC period. To achieve the language that will have the necessary impact for transport workers, please engage with your national trade union centre, to ensure they submit a response that clearly states the non-negotiable positions for workers, in respect to the questions posed by the ILO office through the brown report. (Please see ITUC Lobbying kit for important lobbying points [here](#))

Points that need continued focus and strong defence

I encourage all affiliates to engage on the following key points for transport workers, in addition to the general ITUC points. To read the ITUC detailed response click [here](#).

Article 2 - Point 4 (c) of the conclusions

Violence and harassment in the world of work should cover situations occurring in the course of, linked with or arising out of work: (c) When commuting to and from work;

This provision tailors the scope of the instrument to the “world of work”, including situations listed in subparagraph 4 (a) to (f) which go beyond the physical workplace. The employers group is attempting to influence government positions, arguing point 4 (c) include situations over which employers might have little or no control.

Inclusion of commuting to and from work in the definition of the “world of work” is vital, as a large number of transport workers work shifts that start and finish at times of the day and night when public transport is limited or not operating. This makes women in particular vulnerable to violence, and excludes them from the sector.

Article 3 - Point 5 of the Conclusions

Victims and perpetrators of violence and harassment in the world of work can be employers and workers, and their respective representatives, and third parties, including clients, customers, service providers, users, patients and the public.

It is crucial to recognise third parties as representatives of employers, and to include measures to prevent and address violence from third parties such as clients and members of the public.

This is significant for transport workers, as working with the public, working with people in distress, working in remote locations (such as ships and aircraft), working alone (such as bus, train, truck and taxis), increases the risk of violence.

The employer groups have raised concerns that the definition of perpetrator is too broad and violence by a third party is beyond the control of the employer.

C. PROPOSED CONCLUSIONS WITH A VIEW TO A CONVENTION

6 (k) It is recognised in the proposed conclusions that domestic violence can affect employment, productivity and health and safety, and that the world of work, its institutions and governments can help as part of other national measures, to recognise, respond to and address domestic violence. However, the language will need strong defence from the workers group, as the employer group does not agree that domestic violence is a workplace issue and does not want language that prescribes any employer responsibility.

D. PROPOSED CONCLUSIONS WITH A VIEW TO A RECOMMENDATION

The ITF has proposed an amendment to include toilets as an essential workplace facility for achieving gender equality and reducing vulnerability to violence. Lack of safe access to clean toilets affects workers health and dignity, but also exposes women workers to perpetrators of sexual violence.

The deadline for trade union national centre responses is 08 November 2018. Governments, which have ratified Convention 144, are required to consult “the most representative organisations of employers and workers” before sending their comments back to the ILO. However, please note that such consultations may not always take place. Please urge your national centre to submit their comments by the deadline, directly by email, to VIOLENCEHARASSMENT@ilo.org. Sending a copy to women@itf.org.uk would greatly assist the ITF strategy development for the 2019 discussions.

Every response submitted is vital, because we know that the employer group is actively encouraging responses; their membership submitted low levels of responses prior to the first discussion. The comments received will be reflected in the fourth and final report, which will be prepared by the office for the consideration of the Conference at its 108th session (June 2019).

In solidarity,

A handwritten signature in black ink, appearing to read 'Stephen Cotton', with a stylized flourish at the end.

Stephen Cotton