



## ADDRESS

delivered by

Her Honour Mrs. Deborah Thomas-Felix  
President of the Industrial Court of Trinidad and Tobago

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at the

Sub-regional Trade Union Conference on the Future of Work  
*WORK FOR A BRIGHTER FUTURE: Workers' Perspective from the Caribbean*  
hosted by the Caribbean Congress of Labour in cooperation with the International Labour  
Organisation Office for the Caribbean and Bureau for Workers' Activities

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KAPOK HOTEL, 16-18 COTTON HILL RD, PORT-OF-SPAIN, TRINIDAD AND TOBAGO

The adoption of Convention 190 together with its Recommendations and ILO's Centenary Declaration for the Future of Work are two very important developments in the world of work and the hope is that they will assist to guide the transformational changes that are occurring globally in the workplace.

Convention 190 potentially will change some of the dynamics in the workplace globally in that it can shape a future of work based on dignity, respect and free from violence and harassment.

Convention 190 titled Violence and Harassment Convention 2019 along with the Violence and Harassment Recommendation No. 206 speak to the elimination of violence and harassment in the world of work.

For the first time, violence and harassment in the world of work are covered together in international labour standards.

As you know, there is no universal definition of sexual harassment. However, Convention 190 defines "violence and harassment" in the world of work as "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" is defined as "violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and include sexual harassment".

These definitions potentially cover physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

The Convention and Recommendations also take into account the fast changing nature of the world of work, the erosion of the traditional employment contract and the fact that nowadays work does not always take place at a physical workplace; so, for example, they cover work-related communications, including those enabled by Information and Communications Technology.

This Convention aims to protect persons in the world of work, including employees as defined by national law and practice, persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer. The Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas. Everyone who works or is working a job is protected, irrespective of contractual status, and includes persons exercising the authority of an employer.

Interestingly, Convention 190 applies to violence and harassment in the world of work occurring, in the course of, linked with or arising out of work namely: (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.

We know that some groups, and workers in certain sectors, occupations and work arrangements are acknowledged to be especially vulnerable to violence and harassment; for example, persons working in education, domestic workers, those working at night for example workers in casinos and fast food outlets, in the health sector or those who work in isolated areas. It is recommended that states adopt appropriate measures for those who work in these sectors or occupations.

Gender-based violence and harassment is specifically highlighted in the Convention, and the approach also takes into account third parties (e.g. clients, customers, service providers and patients) because they can be victims as well as perpetrators.

A very interesting and important feature of this Convention and the Recommendations is the impact of domestic violence on the world of work. The Convention has taken a significant step to treat with the issue of domestic violence. The Recommendations call for Member states to take appropriate measures to recognise domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work. To this end, the Recommendations set out practical measures to protect the victim; which include arrangements for leave, flexible work and violence awareness raising although the violence may not have occurred in the workplace.

This is a significant step in bringing domestic violence out of the shadows, and encouraging a change of attitude towards this problem. I think when a country ratifies this instrument, it is stating very loudly and boldly that violence and harassment will not be tolerated, this a very powerful message.

We must always consider the debilitating effect of violence and harassment in the workplace and how violence can affect productivity and lead to economic stagnation and social discord.

I note with interest Article 5 of the Convention which states that, “with a view to preventing and eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, 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 promote decent work.”

These provisions support the need for comprehensive legal frameworks and policies in the workplace which promote effective social dialogue, freedom of association and collective bargaining, in order to tackle the problem of violence and harassment in the workplace. It is my belief, that only with the implementation and practice of comprehensive policies which treat with the fundamental principles and rights at work for **all**, that the provisions of Convention 190 can flourish and become a beacon for the future of work and for the practice of good industrial relations globally.