



International
Labour
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- ▶ Safe and healthy working environments **free** from violence and harassment
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► Introduction

At its 108th (Centenary) Session, the International Labour Conference adopted the Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation (No. 206). In so doing, the International Labour Organization (ILO) acknowledged that violence and harassment is a major threat to the safety and health of workers and other persons in the world of work, and may constitute a human rights violation or abuse, incompatible with safe and decent work.

Violence and harassment is a difficult and yet interconnected concept broadly described in the Convention as a range of unacceptable behaviours, practices or threats 'that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm' (Article 1.1). As early as 1981, the Occupational Safety and Health Convention (No. 155) specified that 'health' indicated not merely the absence of disease or infirmity, but also 'the physical and mental elements affecting health, which are directly related to safety and hygiene at work' (Article 3(e)).

This report specifically focuses on how violence and harassment can be managed through occupational safety and health (OSH) measures. This includes through OSH regulatory frameworks, policies, programmes and enhanced OSH management systems (OSH-MS).

Chapter 1 starts by examining the very concept of violence and harassment in the world of work, and looks into some of the key and interrelated factors that influence it. It lists the actors involved - and analyses the key and interconnected psychosocial hazards that lead to work-related stress, which can increase the risk of violence and harassment. It also takes stock of the impact it has on individuals and their families, and on organizations and society.

Chapter 2 focuses on the OSH regulatory frameworks that specifically address the problem, which include ILO and regional instruments, as well as national regulations. It examines the legal requirements for preventive measures and various complaints mechanisms to be adopted for dealing with violence and harassment at the workplace. It specifically looks at the way the labour inspection services might ensure compliance, such as workplace inspections, targeted inspection campaigns and tools for labour inspectors. It also highlights the role that social dialogue and collective agreements might play in preventing and eliminating violence and harassment at work.

Chapter 3 describes how the prevention of violence and harassment could be integrated in national OSH frameworks. This implies addressing violence and harassment concerns in national OSH policies and strategies, guidelines and codes of practice; data collection; education, training and awareness raising.

Chapter 4 looks at the steps that might be taken to address the problem at the workplace level by means of OSH-MS. It stresses the importance of designing and implementing a comprehensive workplace policy and risk management process, to help identify hazards and assess risks associated with violence and harassment and adopt measures both to prevent and respond to these situations. It concludes by emphasizing the importance of monitoring and evaluation.

Chapter 5 contains a list of conclusions gleaned from the report, and makes a number of suggestions on the way all the actors involved in violence and harassment at work – governments, labour inspectorates, employers and workers and their organizations, workers' OSH representatives, joint OSH committees and OSH practitioners – could respond to the problem.

A set of Appendices has been included to offer more detailed guidance. Appendix I provides additional information on the relevant provisions for violence and harassment included in the OSH International Labour Standards. Appendix II looks at examples of national OSH-related laws and regulations dealing with workplace violence and harassment from countries around the world. Appendix III provides examples of strategies and initiatives at different levels (international, regional, national, local and workplace). Appendix IV lists a series of ILO OSH guidance materials relevant for preventing violence and harassment at work, while Appendix V enumerates a number of non-ILO practical tools and resources for workplace action.

01

Violence and harassment in the world of work: a threat to safety and health

▶ 1.1 What is meant by violence and harassment in the world of work?

Article 1 (1)(a) of the Violence and Harassment Convention, 2019 (No. 190) broadly defines 'violence and harassment' as:

▶ **... a range of unacceptable behaviours, 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.**

This definition applies to violence and harassment 'occurring in the course of, linked with or arising out of work: (a) in the workplace,¹ 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 (...); (e), in employer-provided accommodation, and; (f) when commuting to and from work' (Article 3).

In the build-up to the adoption of Convention No. 190, existing definitions and descriptions of violence and harassment in the world of

work were explored. They vary depending on the social and cultural context, the regulatory environment (including the existence or absence of provisions regulating other forms of workplace abuse), and the particular 'discipline' or 'speciality' of legislation or law under which they fall (e.g., criminal, civil, labour, OSH, privacy, administrative, anti-discrimination, personal injury, workers' compensation, whistleblowing, corporations, and human rights law) (Azzi, 2017; Ballard and Easteal, 2014).

For example, definitions may or may not centre on the subjective perceptions of targets and victims. They may also vary according to a range of differing requirements with respect to intent or motivation, the nature of the (negative) actions/interactions/omissions, timing (for example, frequency, duration and repetition),² impact/harm, subjectivity/objectivity, context, status/power and the number of perpetrators – to highlight but a few examples (Neall and Tuckey, 2014; Omari and Paull, 2013).

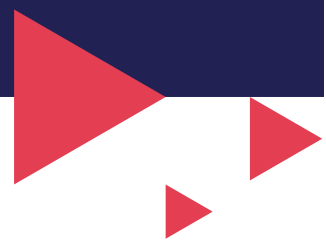
Furthermore, the range of labels and terms used to describe workplace violence and harassment varies across different jurisdictions,³ and across and within various workplaces and national cultures. This reality is exemplified by the extensive anthology of synonyms for various types of harmful work-based behaviours - which may broadly be understood as workplace violence and harassment. For example, the European Foundation for the Improvement of Living and Working Conditions (Eurofound) uses the term 'adverse social behaviours', which include 'verbal abuse, unwanted sexual attention, threats or humiliating behaviour during the last month, or during the previous 12 months' (Eurofound, 2015). Terms like 'mobbing', 'bullying' and 'harassment' may be used interchangeably in the laws of some nations and yet be distinct in others.

1 The term 'workplace' covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer (See: Occupational Safety and Health Convention, 1981 (No. 155), Article 3(c)).

2 Under some legal definitions, for example, there is a requirement for the adverse conduct to be repeated, whereas in others, a single act is sufficient (Einarsen et al., 2011). In many countries, one single act of physical or sexual violence is usually enough (Lerouge, 2017).

3 Here 'jurisdiction' refers to different regulatory regimes, for example, an occupational health and safety regime as compared to an industrial relations regime.

► Figure 1 - Violence and harassment at work: a wide range of terms



There are different types of harmful behaviours, gestures and actions - which may be understood as violence and harassment. The offending conduct may be physical, psychological and/or sexual (see Figure 2 below).

► Figure 2 - Main forms of violence and harassment in the world of work

Physical Violence

The use of physical force against another person or group that results in physical, sexual or psychological harm. It includes physical attacks, beating, kicking, slapping, stabbing, shooting, pushing, biting (ILO et al., 2002).



Psychological violence and harassment

Psychological violence and harassment includes verbal abuse, harassment, bullying and mobbing, sexual harassment and threats, all of which can cause significant emotional injury to those targeted (Chappell and Di Martino, 2006). It can include manipulating a person's reputation, isolating a person, withholding information, slandering and ridiculing, devaluing rights and opinions, giving impossible goals and deadlines, underutilization of talent, etc. (Johnson and Johnson, 1997; Leymann, 1990; Milczarek, 2010).



Bullying and mobbing

Bullying and mobbing are two forms of psychological harassment that have become widely referenced over the last decade. In the world of work, bullying/mobbing⁴ is repeated offensive behaviour through vindictive, cruel, or malicious attempts to humiliate or undermine an individual or a group of workers (Chappell and Di Martino, 2006).



Cyber-bullying

Cyberbullying in the world of work can be understood as any form of aggressive behaviour against an individual (group of) victim(s) through information and communication technologies (ICT) in the context of work.⁵

Sexual violence and harassment

Sexual violence can be defined as 'any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts (...) otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim (...)' (WHO, 2002, p. 149).

Sexual harassment is a form of sexual violence that commonly occurs in the world of work, and it is frequently categorized in two ways: *quid pro quo*⁶ or hostile working environment.⁷

- 4 While the terms 'bullying' and 'mobbing' are often used interchangeably, in the literature bullying primarily refers to individual harassment, whereas mobbing is a group of workers 'ganging-up' on an employee subjecting the employee to harassment or abuse (see, for example: Chappell and Di Martino, 2006).
- 5 ICT technologies can involve text messages, picture/video clips, phone calls, emails, chat-rooms, websites/online forums, social network sites etc. (Dredge et al., 2014). Cyberbullying is an escalating process that can affect workers, supervisors, managers, directors, clients, subcontractors, employers and other persons involved in a work context. The infliction of these acts results in foreseeable physical or psychological harm to a victim or a group of victims, thereby often degrading the working conditions of the victim(s) or the working environment at large (De Stefano et al., forthcoming).
- 6 Quid pro quo sexual harassment takes place when a job benefit — a pay rise, a promotion, or even continuing employment — is made dependent on the victim acceding to demands to engage in some form of sexual behaviour (McCann, 2005).
- 7 Hostile working environment harassment, covers conduct that creates a working environment that is unwelcome and offensive to the victim. It encompasses the range of sexually harassing behaviour that does not implicate sexual blackmail: sex-based comments, disparaging remarks about the sex of the target, innuendos, the display of sexually suggestive or explicit material, etc. (McCann, 2005).

▶ 1.2 Who can be involved?

Violence and harassment at work is a complex and multifaceted phenomenon with multiple actors.

The *primary actors* are usually perceived as being the (alleged) perpetrators (persons who engage in workplace violence and harassment), the victims (workers, employers or other persons in the world of work who are the object of workplace violence and harassment), and any bystanders/witnesses (ILO, 2004).

▶ Figure 3 - The dynamic of violence and harassment

<p>Horizontal violence</p> <p>Violence and harassment perpetrated between co-workers</p>	<p>This concept incorporates violence and harassment that is perpetrated by a person that currently or formerly, directly or indirectly, works with the victim – even if the perpetrator and victim are in different departments. This type of violence can be physical, psychological and/or sexual and includes verbal abuse, bullying or mobbing (ILO, 2013).</p>
<p>Vertical violence</p> <p>Violence and harassment perpetrated between supervisors and subordinates</p>	<p>This concept includes violence and harassment resulting out of acts that occur between individuals at different levels of the hierarchical system. The decisive factor of whether the perpetrator is considered a 'co-worker' or a 'superior' stems from the business's organizational chart. If the victim is directly 'under' the perpetrator in the organizational chart, the act is considered violence and harassment perpetrated by a supervisor (ILO, 2013). Power harassment is characterized by a power disparity between the 'harasser' and the 'harassed'. Harassers exercise their power by bullying a victim who is lower on the hierarchical scale. Power harassment can be verbal, such as intimidation or emotional attacks, or it can be physical, such as acts of violence and assault (Hsiao, 2015). Although less common, workers can also perpetrate violence and harassment against their supervisors or employers.</p>
<p>Third party violence</p> <p>Violence and harassment perpetrated by clients/customers/patients</p>	<p>This type of violence and harassment is perpetrated by those who receive a personalized service and/or are under the care of the victim, as opposed to the general public who have no legitimate relationship with the worker or workplace. Examples of clients extend to patients, students, and passengers who have an interest in the victim due to her/his work etc. This type of violence and harassment can range from applying physical force to verbal abuse, both in and outside the workplace (ILO, 2013).</p>

Stepping back from this immediate level of experience, there is potentially a 'cast of thousands' who may in some way be involved in violence and harassment at work: their roles may range from managing and investigating this phenomenon, to defending, funding, adjudicating upon and researching it.

These *secondary actors* consist of those with a direct involvement in violence and harassment at work, but who are not perpetrators, complainants, or bystanders. More often than not, they comprise employers and those involved in the aftermath of complaints of violence and harassment.

They may, for example, include:

- ▶ the organization itself (for example, the CEO and the leadership team, human resources/people and culture – however defined – the workplace investigators who may be in-house or 'independent' private practitioners);
- ▶ the agency receiving the 'complaint' (e.g., labour inspection bodies, potentially OSH regulators, industrial regulators, human rights commissions or ombudsmen, the courts and tribunals);
- ▶ the police (if the victim was assaulted and complained directly to the police);

- ▶ lawyers or paid agents (who may be defending the organization and/or the (alleged) perpetrator or the victim);
- ▶ the court or tribunal decision-makers (e.g., magistrates, judges or members of the executive sitting on the relevant administrative tribunals);
- ▶ dispute resolution practitioners (who mediate the dispute, and may be appointed by employers, complainants or the court/tribunal systems);
- ▶ health professionals (such as the doctors, psychologists and psychiatrists who treat the victim and often provide 'expert reports');
- ▶ rehabilitation and return-to-work practitioners;
- ▶ insurers (in respect of an employer's workers' compensation, personal injury, negligence and other legal claims, etc.); and
- ▶ trade unions or employers' associations (if the perpetrator or the victim is a member of either).

Finally, there are **other actors** involved in violence and harassment at work. These may consist of family and friends, but also policy-makers, social partners, lawyers, activists, academics, OSH practitioners, NGOs and other groups. These people, together with members of the media (and social media), are all potentially important players in the elimination of violence and harassment at the workplace.



▶ 1.3 OSH risk factors associated with violence and harassment at work

There are many factors contributing to violence and harassment at work – and these include psychosocial hazards and occupational stress.

While stress itself does not constitute a physical or psychological injury, a stress response includes the physical, mental and emotional reactions that occur when a worker perceives that the demands of work exceed their ability or resources to cope. If prolonged and/or severe, work-related stress can cause both psychological and physical injuries (SWA, 2019). While pressure is normal in many workplaces, stress may result when 'pressure becomes excessive or otherwise unmanageable' (WHO, 2010a).

Anything in the design or management of work that increases the risk of work-related stress can be understood as a psychosocial hazard. Violence and harassment may have consequences on both physical and mental well-being, and increase stress levels (for this reason it is often considered a psychosocial hazard itself). In turn, stress can lead to frustration and anger, and thus be itself an antecedent of violence and harassment at work (Chappel and Di Martino, 2006). In many cases, psychosocial risks that cause stress are also – although to varying degrees – factors that contribute to violence in the workplace. In particular, bullying is likely to prevail in stressful working environments where workers are exposed to high levels of interpersonal conflict and noxious leadership styles (Hauge et al., 2007).

Although harassment can be induced by a number of individual, social and organizational factors, many studies show a vicious circle of psychosocial risks leading to harassment then leading back to psychosocial risks (Azzi, 2017). People working in a stressful environment are highly likely to experience workplace harassment and/or individuals

who experience harassment are highly likely to report stress (Eurofound, 2015).

Some of the key and interrelated psychosocial hazards that lead to work-related stress (thus increasing the risk of violence and harassment) or that directly lead to situations of violence and harassment, or that are in and within themselves expressions of harassment include but are not limited to:

- ▶ **Job demands.** Sustained levels of either high or low physical, mental or emotional effort, such as giving assignments that are not matched to the individual's knowledge and abilities, contribute to increased stress (WHO 2010a).⁸ Workers involved in periods of vigilance watching out for infrequent events (like air traffic controllers, long-distance drivers, security monitoring officers), responding to distressing situations or distressed or aggressive clients (like police or paramedics dealing with difficult situations or patients), and/or being exposed to traumatic events or work-related violence (like emergency workers) and shift work, may all increase the risk, not only of fatigue, but also violence and harassment (SWA, 2019).
- ▶ **Job control.** Work-related stress may also occur when workers have little control over how or when their work is done – including when they have little say in how they do their work, when they can take breaks or change tasks, when they are not involved in decisions that affects them or their clients, or when they are unable to refuse dealing with aggressive clients (such as the police and other emergency services) (WHO 2020).

⁸ Both work 'overload' and 'underload' can be considered psychosocial hazards. In a case of work (or role) overload, individuals feel that there are too many responsibilities or activities expected of them in light of the time available, their abilities, and other constraints (Rizzo et al, 1970). In a case of work (or role) underload/insufficiency, individuals' abilities and training are not fully used (ILO, 2016c).

- ▶ **Task design.** Harassing or bullying behaviour may become a way of venting frustration or avoiding boredom in jobs where workers are not actively engaged or have 'time on their hands'. These jobs may include repetitive or low intensity tasks. The very nature of factory work (the pressure to keep the production line going) may, for example, give bosses power to inflict petty humiliations, such as denying bathroom breaks (EEOC, 2016).

- ▶ **Role clarity.** There are different hazardous aspects linked to the individuals' role in the organization, including role ambiguity (when individuals' work responsibilities and degree of authority are unclear), and role conflict (when individuals are confronted with incompatible role expectations; or they disagree about what the expectations are for a particular role - or simply find it hard to satisfy expectations because their duties are unclear, too difficult, or disagreeable) (Goffman, 1956; Reknes, 2013; WHO, 2010a).

- ▶ **Workplace relationships.** Undue or inappropriate criticism or exclusion at work, interpersonal conflict and other negative interactions, including lack of support from supervisors and team members and lack of regular feedback and communication, are risk factors for negative acts such as bullying, violence and sexual harassment. In turn, poor interpersonal relationships undermine job satisfaction, motivation and organizational commitment and may result in significant expenses for the organization (Baillien et al, 2008).

- ▶ **Leadership styles.** Both autocratic and laissez-faire leadership styles are risk factors for workplace violence and harassment. Autocratic leadership is characterized by a leadership approach that is strict and directive, inflexible, and dismissive of workers' involvement in decision-making. Laissez-faire leadership, on the other hand, is characterized by inadequate or absent supervision, the inappropriate and informal delegation of tasks and responsibilities to subordinates, and the provision of little or no guidance to workers. For example, a study on seafarers from Norway found that laissez-faire leadership was associated with an increased risk of bullying (Neilson, 2012). According to another study on civil servants from a local government in Japan, working under supervisors with passive laissez-faire leadership increased by 4.3 times the risk of exposure to bullying (Tsuno and Kawakami, 2015).

- ▶ **Organizational justice.** The lack or inconsistent application of workplace policies and procedures, unfairness and/or bias in decision-making and the allocation of resources and/or work, as well as the poor management of (alleged) workplace misconduct and underperformance, can all be causes and/or manifestations of workplace bullying and harassment. Other forms of misconduct directly linked with harassment are related to procedures for career advancement and recruitment. This can happen when selection and promotion criteria are not clear and properly communicated or when such criteria disproportionately exclude certain groups (EEOC, n.d.).

- ▶ **Organizational change management.** Organizational change may imply, inter alia, significant technological change, organizational restructuring/downsizing, changes in work methods, outsourcing (of work and functions) and changes in the supervisor/manager. These adjustments, added to increased work pressure, are growing psychosocial risks – and may lead to higher levels of stress and harassment at work, especially when there is little consultation about change and inadequate practical support for workers during transition periods (Pillinger, 2017). Budget cuts, financial and other organizational and political reform pressures may also intensify job and career insecurity, increasing the risk of violence and harassment as a result of 'buck-passing and a lot of blame laying' within organizations (Branch et al., 2007).

- ▶ **Physical working environment.** The design and maintenance of work equipment and facilities, as well as exposure to hazardous agents, can affect both workers' experience of stress and their psychological and physical health (WHO, 2010b). The physical working environment can also

contribute to the risk of violence and harassment in the workplace. For example, in jobs where money and valuables are often held or transferred, poor security can increase the risk of violence by third parties (OSHA, 2016). Factors including 'poor lighting, poor ventilation, [and] noise' may also contribute to the risk of violence (OSHA 2010). For occupations that interact frequently with third parties, the physical work environment must be designed to protect workers from potentially aggressive clients, customers, colleagues, patients or intruders.

Furthermore, **discrimination** interacts and intersects with psychosocial risks, thus having an impact on violence and harassment in the world of work. Discrimination can be based on a number of real or perceived differences, such as – but not limited to – race, colour, sex and gender, religion, political opinion, national extraction or social origin, pregnancy or family responsibilities, age, disability, real or perceived HIV status, migration and indigenous or tribal peoples' status. For example, a study in Rwanda on health care workers found a relationship between discrimination against women in the workplace and workplace violence (IntraHealth, 2008).

In addition, a study in the United States revealed that people who experienced racial discrimination in the workplace were more likely to also experience occupational 'illness, injury or assault' (Shannon et al, 2014).

Workers in vulnerable situations may include those **who do not conform to workplace norms or societal stereotypes**,⁹ or those who may be in a **minority** on account of ethnicity, religion, disability, age, political views, sex, gender or sexual preference, HIV status, national or social origin, or association – or lack of it (for example, union and non-union members). **Young workers**, for example, may

not understand the scope of their rights at work, and the culture of the workplace may make them hesitant to speak up on account of their lack work experience or the precarious nature of their employment (ILO, 2018a).

Compared to men, **women** may face an increased risk of work-related violence and harassment, due to the unequal gender relations prevalent in many societies. In particular, certain groups of women tend to be more vulnerable to sexual violence and harassment, notably girls and young women, domestic workers, women with little job security, migrant women and women in male-dominated occupations, and, more generally, in situations where large numbers of women are supervised by a small number of men (Haspels et al. 2001). For example, violence and harassment is highly present in labor-intensive manufacturing industries (garments, textiles, electronics, etc.) with a large number of young, inexperienced, female migrant workers from rural areas under the supervision of a small number of men, with high levels of production pressure and abusive workplace practices (Pillinger, 2016).

Cultural and language differences may be especially difficult 'when there has been a recent influx of individuals from different cultures or nationalities into a workplace, or where a workplace contains significant blocs of workers from different cultures' (Meares et al., 2004). Cultural misunderstandings may escalate into bullying and abuse.¹⁰

Some workers (including apprentices, interns, new workers, casual and 'piece' workers, injured workers and workers on return-to-work plans) particularly find themselves in vulnerable situations to violence and harassment. These workers in **diverse forms of work arrangements**¹¹ tend to receive less training and have low promotion prospects and high levels of job insecurity (in particular in relation

9 For example, a 'feminine acting' man working in a predominantly male work environment that includes crude language and sexual banter, or a woman who challenges gender norms by being 'tough enough' to do a job in a traditionally male-dominated environment (Cortina and Berdahl, 2008).

10 Different cultural backgrounds 'may cause employees to be less aware of laws and workplace norms, which can affect both their behaviour and their ability to recognize prohibited conduct. Workers who do not speak [the dominant workplace language] may not know their rights, and may be more subject to exploitation... language and linguistic characteristics can play a role in cases of harassment or discrimination' (EEOC, 2016).

11 Workers in diverse forms of work arrangements include those in temporary labour or dependent self-employment, and workers in new forms of work associated with digital transformation, as well as informal workers (ILO, 2019). It is worth noting that, in February 2015, the Governing Body Meeting of Experts on Non-Standard Forms of Employment defined these forms of employment as being, among others, fixed-term contracts and other forms of temporary work, temporary agency work and other contractual arrangements involving multiple parties, disguised employment relationships, dependent self-employment and part-time work (ILO, 2015).

to continuation of employment and career development); they also have less autonomy and control over their work (including in relation to working hours, income and working conditions), increased job demands and a lower level of protection (e.g., social protection, protection against unemployment, protection against discrimination) than those working on standard, permanent employment contracts. These issues have been linked with increased negative OSH outcomes and psychosocial health-related problems, including anxiety, stress, fatigue and depression (Berlin et al, 2011; EU-OSHA, 2007; Leka and Jain, 2010). **Informal workers**, in particular, have been found to be vulnerable to harassment and workplace abuse (Figueiredo et al., 2018). In Australia, it was reported that workers with precarious employment positions were more likely to experience 'unwanted sexual advances' in the workplace (LaMontagne et al., 2009).

For example, a tipped worker may feel compelled to tolerate inappropriate and harassing behaviour rather than suffer the financial loss of a good tip. Similarly, a commissioned salesperson may stay silent in the face of harassment so as to ensure that he or she makes the sale. Finally, in order to ensure customer happiness, management may, consciously or subconsciously, tolerate harassing behaviour rather than intervene on the workers' behalf' (EEOC, 2016). Casual workers may also be more vulnerable to violence and harassment due to their lack of employment security (Human Rights Watch, 2018).

There are generally, overarching factors that can help create a working environment that tolerates violence and harassment. For instance, the **'normalization' of violence and harassment** refers to situations in which violence and harassment occurs so frequently that it comes to be seen as a normal, or unquestioned, part of daily work, such as passengers verbally abusing bus drivers or customers sexually harassing waitresses. This has been observed in various sectors including health care, education, protective services and hospitality (Baby et al, 2014; Hillis, 2013; Matulewicz, 2015; Rasmussen et al., 2013). Major events and/or 'coarse social

discourses'¹² occurring outside the workplace may make workplace violence more likely and/or perceived as more acceptable.¹³

Cultures in which bullying behaviours are not challenged can send a powerful message to staff that such behaviours are acceptable or even condoned. A culture that tolerates violence or even justifies it, accepting, for example, very authoritarian forms of management, will favour also other forms of violence (Ansoleaga et al., 2019). Leaders and managers are 'strongly implicated in shaping the work environment as they define acceptable behaviours, often implicitly, by role-modelling, rewarding, ignoring and punishing certain behaviours' (Carter et al, 2013).

Where organizations have certain **recognized 'high value' workers** (or 'rainmakers'), they may allow them to have different (and less respectful) standards of conduct than other workers. For example, if an organization is at pains to keep an award-winning executive, a high-fee generating lawyer, a high-performing salesperson or a brilliant chef or app developer, it may allow these workers more leeway in respect of bad behaviour, including workplace violence and harassment. Such workers may believe that the general rules of the workplace do not apply to them - or that there will no consequence if they do not abide by them (EEOC, 2016).

Rainmakers typically enjoy greater power in an organization than less high-profile and valued workers. In the context of violence and harassment, the **power dynamic** is a crucial element. Harassment can occur wherever there is an obvious boundary or tier differentiating workers' responsibilities - e.g., the difference between a military commander and a private, or between a supervisor and line worker; but power disparities are frequently unwritten, assumed, and informal. The key lies in perception - a high-ranking worker's perception of what she or he is 'allowed' to do, and a low-ranking worker's perception of what might happen if she or he reports harassment (EEOC, 2016).

¹² Events outside the workplace seep into workplace conversations and thus influence workplace behaviour. Social standards at work may change in response to news-making incendiary language or incidents of violence, especially if those words or events have been connected to a nation, culture, or religion (EEOC, 2016).

¹³ After 11 September 2001 for example, there was a marked increase in workplace harassment based on religion and national origin (EEOC, 2016).



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► Box 1 - The organization as a 'perpetrator' of violence and harassment: the case of France Telecom

Violence does not reside only in individuals' intentional acts' (Menjívar, 2011), but also in certain organizational practices and characteristics, which can act as 'depersonalized' or 'institutionalized' violence (Berlingieri, 2015).

Viewing the organization as a key actor - rather than simply focusing on individual actors (such as perpetrators, victims and bystanders) can help to comprehend the possible role that organizations (and the powerful agents and institutional practices within them) play in workplace violence.

This was recognized for the first time in the recent case of France Telecom, with an exemplary judgment by the Paris Criminal Court that created a historic precedent: the verdict considered France Telecom and its main executives guilty of 'moral harassment institutionalized in a business strategy' (Chrisafis, 8 July 2019).

Workplace cultures that tolerate alcohol or drug abuse also heighten the risk of workplace violence and harassment. Alcohol increases impulsivity and clouds judgment. Cultures that tolerate alcohol consumption during and around work hours provide a greater opportunity for workplace violence and harassment; situations where alcohol is consumed by clients or customers create a higher risk of harassment towards workers (EEOC, 2016).

Finally, there are **working situations** common to a number of occupations that tend to increase the risk of violence and harassment at work, especially in relation to third parties. These include:

▶ **Working alone.** The fact that there are no witnesses in these types of jobs increases the risk of violence and harassment. More and more people are now working alone in a variety of sectors, as a result of new types of work arrangements such as subcontracting, outsourcing, teleworking, networking and self-employment (Chappel and Di Martino, 2006). However, solitary work does not automatically imply a higher risk of violence and harassment; its level will depend on the type of situation in which this work is being carried out. High risk solitary work situations include work in small shops, petrol stations and kiosks; cleaners, maintenance and repairers working alone after 'normal' hours; taxi drivers (particularly at night); housekeepers working in individual hotel rooms; domestic workers; and agricultural workers working in the fields. In particular, domestic workers often enter the country of destination through sponsorship programmes, where they are fully dependent on their employer, to whom their visas are tied, deepening the power imbalance and making it less likely that they report violence (ILO, 2016a). Domestic workers experience both *quid pro quo* and 'hostile working environments' including being forced to have sex with employers in return for food, or having male employers or their relatives grope them, expose themselves, chase them around the house, attempt to rape or rape them. If these workers complain about the abuse, they are often

blamed or fired (Human Rights Watch, 2018).

-
- ▶ **Working in contact with the public.** While in most circumstances this type of work can be generally agreeable, there are cases where exposure to the public can create a higher risk of violence and harassment. Workers may be exposed to individuals with a history of violence, mental illness, or those who are intoxicated. In other cases, aggressive behaviour may be provoked by or result from a perceived or actual poor quality of service (Chappel and Di Martino, 2006).
-
- ▶ **Working with people in distress.** Frustration and anger arising out of illness and pain, problems related to advancing age, psychiatric disorders, as well as alcohol and substance abuse, can affect behaviour and make people verbally or physically violent (Forastieri, 2012).
-
- ▶ **Working with valuables and cash handling.** Whenever valuables are, or seem to be, within 'easy reach', there is a risk that crime, particularly violent crime, may be committed. While workers in many sectors face this problem, workers in shops, post offices and financial institutions, especially those who handle cash, are at higher risk (Forastieri, 2012).
-
- ▶ **Work in isolated or remote locations, at evening and/or night.** The risk of violence and harassment may be compounded for night workers and those who perform work in isolated situations. In particular, they may face an increased risk of sexual violence and harassment in commuting to and from work or when they reside on the worksite premises. In Asia, garment workers, who either walk or catch public transportation, are exposed to a high level of harassment on the way to and from work (Haspels et al, 2001). Contract women workers in India face a daily risk of rape and violence while hitch-hiking to remote plantations (Pillinger, 2016). In Canada, Inuit women working in mines in remote and isolated locations experience high levels of sexist and racist violence in the workplace and poor access to support services (Pauktuutit, 2014).
-

► Box 2 - The increase of work-related violence and harassment during the Covid-19 pandemic

During an outbreak such as COVID-19, the entire population is subjected to increased stress levels that can have serious effects on mental health.

Violence and harassment (both physical and psychological) can increase, in addition to an increase in social stigma and discrimination.

For instance, social stigma and discriminatory behaviours were found against people of certain ethnic backgrounds and nationalities and anyone perceived to have been infected with the novel coronavirus. (WHO, UNICEF & IFRC, 2020).

The higher mortality rate associated with epidemics, the distress coupled with uncertainty about symptoms, the unavailability of test kits and the absence of vaccines and treatments, can lead to acts of violence against healthcare professionals and others who directly care for patients and their families (WHO and ILO, 2018). For example, in April 2019, health care workers and scientists working amidst the Ebola outbreak in the Democratic Republic of the Congo (DRC) were injured during an attack on Butembo University Hospital. One of the workers, an epidemiologist deployed by WHO, was killed in the attack (Jasarevic, 2019). This attack was one of many repeated attacks on health facilities and responders during the outbreak (Newey, 2019).

Restrictive measures against citizens' mobility, together with the shortage of necessary items, can result in backlash against staff assigned to enforce these measures (i.e., police officers) or staff involved in the sale and transport of essential goods. Enforcement of safety and health legislation, namely work stoppages in case of serious and imminent danger to the health of workers determined by labour inspectors, can also expose them to violence.

As distancing and confinement measures are put in place and people are encouraged to stay at home and, when possible, work from home, the risk of domestic violence, particularly against women and children, is likely to increase. Evidence from epidemics (e.g., Ebola and Zika) shows that violence against women tends to rise in situations where movement has been restricted. As women in abusive relationships spend more time in close contact with violent family members and families cope with additional stress and potential economic or job losses, the likelihood that they are exposed to domestic violence increases.



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▶ 1.4 Prevalence of violence and harassment in the world of work: how big is the problem?

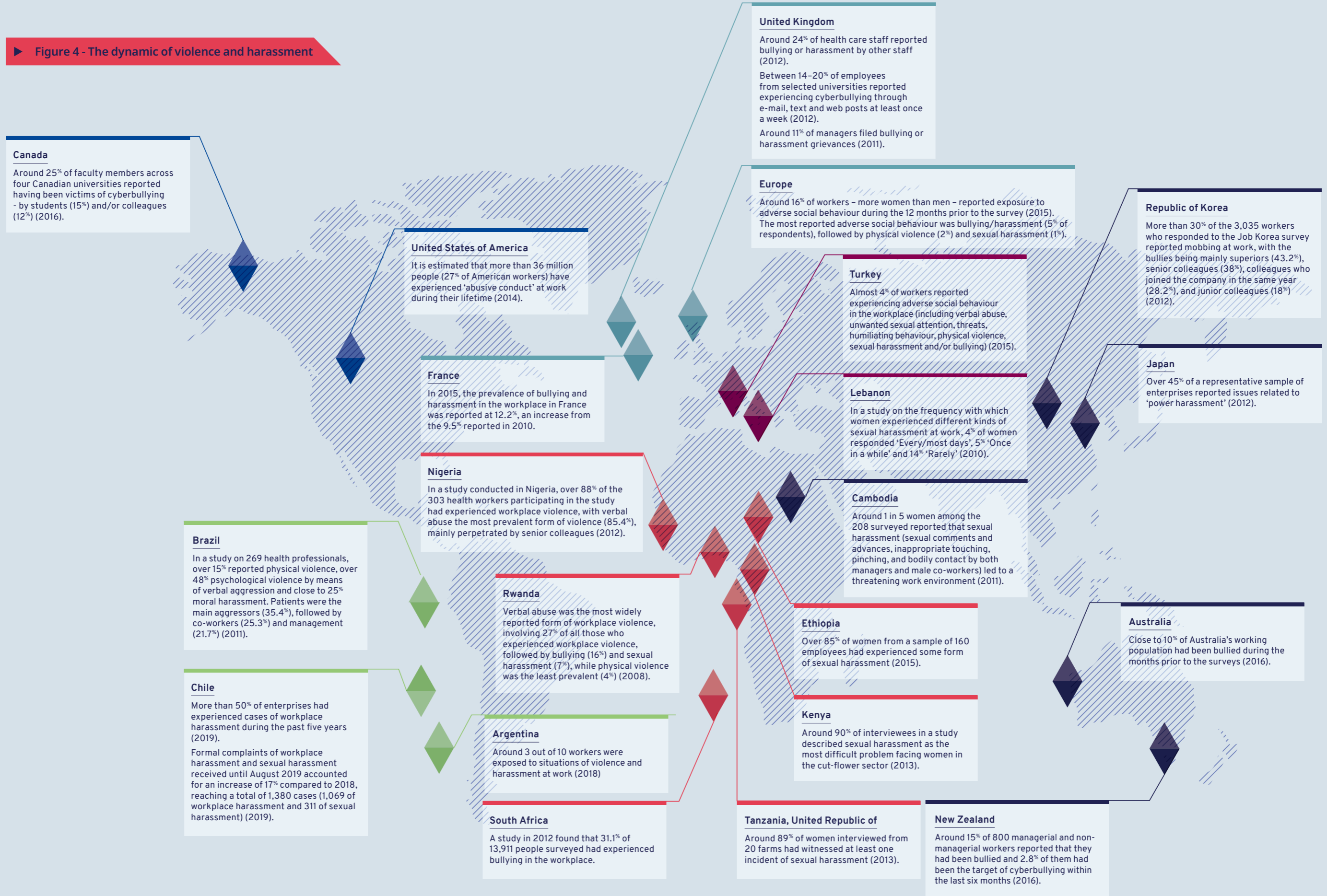
Violence and harassment in the world of work is a global phenomenon, transcending the boundaries of individual countries, industry sectors and occupational groups. No country, work setting or occupation can claim realistically to be entirely free of any form of workplace violence and harassment (Chappell and Di Martino, 2006).

It is challenging to determine with certainty the trends regarding violence and harassment in the world of work. Statistics are scarce

and often conducted on an ad hoc basis, under-reporting is elevated, and the comparability of data is problematic due to the different definitions used. However, a number of studies and surveys have been conducted in various countries over the years. A snapshot of research into prevalence and incidence rates in different regions and countries is provided in Figure 4.¹⁴

¹⁴ In the study bullying was defined as 'repeated mistreatment; abusive conduct that is: threatening, humiliating, or intimidating, work sabotage, or verbal abuse. Bullying is 'abusive conduct', referring to its most serious forms only.' (Workplace Bullying Institute, 2014)

► Figure 4 - The dynamic of violence and harassment



▶ 1.5 What is the impact of violence and harassment on the world of work?

Violence and harassment at work hurts everyone, not just its immediate targets. Other potential 'victims' include work colleagues, family members, friends, patients and clients.

Organizations, trades and professions, as well as national and global economies, are all harmed as a result of damage to their status and reputation, reduced productivity and increased costs.

The impact on the health and well-being of individuals and their families

While violence and harassment at the workplace may ultimately affect a person's health, well-being and dignity, it may also in the interim have an adverse effect on an individual's work situation. This may take the form of manipulating a person's reputation, isolating the person in question, withholding information that workers need to do their work, assigning them tasks that do not match their capabilities or giving impossible goals and deadlines - or denying them training opportunities, professional exposure, professional promotion, transfer, contract renewal, dismissal, recruitment, remuneration, qualification, reclassification, etc.

As a result of violence and harassment, individuals may suffer from a range of serious mental and physical health injuries and problems and may experience employment disruption and other social consequences (Keashly, 2001; Einarsen and Mikkelsen, 2010). Although isolated acts of workplace violence and harassment may only be perceived as offensive, accumulated patterns of conduct may constitute a higher risk to targets (Nielsen & Einarsen, 2012).

From a *psychological perspective*, those who experience violence and harassment at work may suffer such severe trauma to their mental health, well-being and self-esteem that they may never recover. Targets may also feel sadness, shame, guilt, anxiety,

depression, distrust, disgust, disbelief, and powerlessness (Carter et al, 2013; Einarsen et al, 2015). They may suffer post-traumatic stress syndrome (PTSD) and various nervous symptoms (Einarsen, 1999). Other responses include reactions such as shock, despair, anger, helplessness, sleep problems, chronic fatigue, and increased suicide risk (Parker, 2014). In 2017, the findings of a systematic review of the literature suggested that there might be a clear association between 'workplace bullying and suicidal ideation' (Leach et al, 2017).



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► **Box 3 - Workplace harassment leading to suicide: a case from Chile**

On 4 August 2017, Ernesto Segovia Figueroa, a worker employed in the call center Táctica S.A., ended his life by taking medication.

In December 2018, the First Labour Court of Santiago decided that the company would have to compensate Ernesto's partner, recognizing that he had been the victim of harassment and work-related stress – which led him to commit suicide. The Court also stated that the company had not taken the necessary measures to effectively protect the worker's physical and psychological integrity, as established by law.

Ernesto had witnessed illegal practices and abuses against foreign workers by his supervisor. From the moment he denounced him, he started living 'a real hell'. Along with discriminatory behaviour (Ernesto was homosexual), verbal aggressions, threats and acts of violence, he was also overloaded with work.

The worker faced his supervisor and filed a complaint for 'occupational disease' with the Chilean Safety Association (ACHS), but they established that his situation was due to common health problems. Subsequently, the Superintendence of Health and Social Security concluded that the condition suffered by the worker was work-related, therefore covered under Act No. 16,744 on occupational accidents and diseases.

But it was too late. By that date, Ernesto had already taken his life.

(Source: Empresa deberá indemnizar a pareja de trabajador que se suicidó tras sufrir acoso laboral, in Redaccion POLITIKA, 6 December 2018, available at: <http://www.politika.cl/2018/12/06/empresa-debera-indemnizar-a-pareja-de-trabajador-que-se-suicido-tras-sufrir-acoso-laboral/>)

In addition, victims may 'self-medicate' with drugs and alcohol (Einarsen et al, 2015), and become socially isolated when their relationships with work colleagues, friends and families deteriorate as a consequence of violence and harassment (Lutgen-Sandvik et al. 2007).

From a physical perspective, targets commonly suffer from decreased physical strength and musculoskeletal complaints (Parker, 2014), heightened risk of cardiovascular disease (Carter et al, 2013), such as increased cortisol levels and an elevated heart rate (Nielsen and Einarsen, 2012). Furthermore, the most severe forms of sexual violence – namely, forced sexual intercourse or rape – can result in serious physical injuries, unwanted pregnancies and the transmission of sexually-transmitted diseases, including the HIV virus (Haspels et al, 2001).

In addition, if a worker complains about violence and harassment, the complaint may trigger retaliation and reduce professional, psychological, and physical well-being; however, failing to complain and enduring the violence without resisting also takes its toll in terms of health (Cortina and Magley, 2003).

The presence of violence and harassment in the workplace can have a detrimental effect on individuals' mental health even if they are not personally victimized, including witnesses and other co-workers (Tsuno et al., 2018). Other secondary victims include family and friends, who may be harmed vicariously through losing partners, parents and other family members.

The associated burden on organizations and society

The psychosocial risks associated with violence and harassment at work 'have become an increasing concern across Europe, with their impact on workers' well-being increasingly contributing to absences from work [and associated with] significant costs for enterprises' (EC, 2015).

Workplace violence and harassment brings a range of potential adverse impacts in its wake. These include increased worker absenteeism (on account, inter alia, of fear, illness and injury) and higher staff turnover. All these factors are linked to consequent increases in

recruitment, onboarding and training costs - as well as reduced morale, performance and productivity (Nielsen and Einarsen, 2012). Recent studies have recognized that exposure to bullying increases the risk of sick leave by more than 60 per cent (Nielsen et al., 2016).

Other repercussions include damaged reputations, ongoing legal issues, the creation of an unpleasant work environment, and damage to organizational cultures. Furthermore, an organization's damaged reputation may make it difficult to attract good workers, impact on product and service delivery costs, and lead to legal fees associated with prosecutions, common law and other legal claims (Mayhew et al, 2004).

The costs associated with staff turnover can be extensive as both targets and bystanders may be adversely impacted by the violence and harassment and so motivated to resign (Rayner and Keashly, 2005).

The organizational fallout caused by workplace violence and harassment may lead to reduced business profitability, increased insurance premiums (including in relation to workers' compensation), an increased use of and cost to the health system, and a range of other adverse impacts on the economy (Hoel et al., 2011).

Furthermore, workplace violence and harassment may have indirect adverse impacts on organizations through customer and client behaviour and poor outcomes. For example, clients may express dissatisfaction to external bodies, change their purchasing

behaviours, lodge complaints and/or or become litigious. Economic consequences associated with change in client/customer behaviours will grow over time if the incidence and severity of occupational violence and harassment goes unchecked or multiplies (Mayhew et al, 2004).

Workers who are exposed to violence and harassment are also more likely to make errors at work and provide compromised levels of services. In the health care sector in particular, this may have potentially catastrophic consequences (Mayhew et al., 2004), and result in litigation for professional negligence.

In the United States, 'abusive supervision' (one of the many terms used to describe workplace violence) is said to be a prevalent 'organizational menace' that annually costs organizations in the order of US\$ 23.8 billion in 'health-care costs, lost productivity, lower morale, increased absenteeism and workplace withdrawal' (Pradhan and Jena, 2018).

Violence and harassment at the workplace may also have consequences for society as a whole, in terms of costs related to social and health services and welfare. These costs include those related to medical consultations, treatment and/or rehabilitation, as well as expenditure for social welfare/benefits due to premature retirement - and the more intangible costs related to loss of productive workers at a premature stage (Hoel et al, 2001).





▶ 02

OSH regulatory
frameworks
addressing violence
and harassment in
the world of work



2.1 International Labour Standards

In June 2019, the Centenary Conference of the ILO adopted the Violence and Harassment Convention, 2019 (No. 190), and its accompanying Recommendation (No. 206). The new standards recognize the right of everyone to a world of work free from violence and harassment – and call for it to be prohibited, prevented and addressed in relevant laws and policies, as well as through collective bargaining. By adopting these instruments, the global community has made it clear that violence and harassment in the world of work will not be tolerated and must end.

Prior to the adoption of these instruments, the ILO had adopted a number of standards¹⁵ aimed at protecting workers in general, or certain categories of workers, against a number of situations in which violence and harassment exist.

Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation (No. 206)

Convention No. 190 recognizes that violence and harassment is unacceptable, and that everyone has the right to a world of work free from violence and harassment.

As mentioned, the Convention defines ‘violence and harassment’ ‘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’.¹⁶

Aiming to protect all workers and people in the world of work, the Convention covers a variety of individuals¹⁷ and applies to the public and private sectors, to the formal and informal economy, and to urban and rural areas. Importantly, it recognizes that ‘individuals exercising the authority, duties or responsibilities of an employer’ also experience violence and harassment at work (Article 2).

Both Convention No. 190 and Recommendation No. 206 are grounded in the adoption of an inclusive, integrated and gender-responsive approach to prevent and eliminate violence and harassment in the world of work. This envisages action on protection and prevention, enforcement and remedies, guidance and training. In adopting such an approach, the Convention requires Members to recognize the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.

¹⁵ A number of the ILO’s fundamental Conventions – the Abolition of Forced Labour Convention, 1957 (No. 105), the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - deal with illegal forms of work that inherently relate to violence. Convention No. 111 calls for the implementation of a national equality policy with a view toward eliminating any discrimination in employment and occupation based on race, colour, sex, religion, political opinion, national extraction or social origin. Several ILO Conventions and Recommendations contain direct references to violence and harassment, including the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation (No. 201); the Maritime Labour Convention, 2006 (MLC, 2006) as amended in 2016; the HIV and AIDS Recommendation, 2010 (No. 200); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). Although not specifically referring to violence or harassment, there are a number of other ILO standards that can indirectly address violence and harassment, including standards related to migrant workers, employment, working conditions and OSH.

¹⁶ 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 includes sexual harassment. While gender-based violence and harassment can be directed at men or women, women and, in particular, young women, are disproportionately affected because violence and harassment often stems from unequal power relations, and women and girls generally have a lower status in society.

¹⁷ According to Article 2, the Convention covers: employees as defined by national law and practice, as well as 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.

There are provisions that specifically focus on prevention through occupational safety and health approaches. Article 9, for instance, calls for the adoption of laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work. It suggests that the management of OSH at the workplace takes into account violence and harassment. It further advocates the adoption and implementation of a policy on this issue; hazard identification; risk assessment; the adoption of preventative and control measures; and the provision of information and training. Recommendation No. 206 provides additional guidance, for example, on the elements that should be included in the policy, and on special aspects to be considered in the risk assessment.¹⁸

Article 10 focuses on enforcement and remedies, including measures related to the monitoring and enforcement of national laws and regulations; reporting and dispute resolution mechanisms and procedures; sanctions; remedies and support services; and the protection of privacy and confidentiality. In particular, it states the right of workers 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)).¹⁹ It also recognizes that labour inspectors should be 'empowered to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law' (Article 10 (h)).

Article 11 requires Members to address violence and harassment in relevant national policies, such as those concerning OSH, equality and non-discrimination, and migration.

Recommendation No. 206 also states that OSH provisions on violence and harassment in national laws, regulations and policies should take into account relevant ILO standards on OSH, such as the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), which are discussed later in the text and in Appendix I.

OSH International Labour Standards

A number of OSH instruments set out to protect workers' safety and health. Even if these instruments do not specifically address violence and harassment, it goes without saying that such conduct constitutes an obvious health risk. These standards include:

- ▶ The Occupational Safety and Health Convention, 1981 (No. 155), its accompanying Recommendation (No. 164) and Protocol of 2002 (No. 155);
- ▶ The Occupational Health Services Convention, 1985 (No. 161) and its accompanying Recommendation (No. 171);
- ▶ The List of Occupational Diseases Recommendation, 2002 (No. 194); and
- ▶ The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and its accompanying Recommendation (No. 197).



Note

A further description of the relevant provisions for violence and harassment included in these OSH standards is found in Appendix I.

In addition, Appendix VI provides a list of selected ILO OSH tools and resources for the prevention of violence and harassment in the world of work.

¹⁸ Please note that all these issues are further explored in Chapter 4: Action at the workplace level: Enhanced OSH management systems for the prevention of violence and harassment.

¹⁹ This provision is in line with Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), which calls for the protection from undue consequences for workers who remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

Convention No. 155 defines the term ‘health’ in relation to work; it ‘indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work’ (Article 3(e)). It also sets out the basic principles for a national and enterprise level policy and strategy for the implementation of OSH preventive and protective measures.

Recommendation No. 164 provides that measures should be taken in pursuance of the national OSH policy to prevent harmful ‘physical or mental stress due to conditions of work’ (Paragraph 3(e)). It also outlines the obligations of employers to ensure that work organization, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health. It obliges employers to take all reasonably practicable measures with a view to eliminating ‘excessive physical and mental fatigue’ (Paragraph 10(g)).

Convention No. 161 describes the functions and purposes of the occupational health services, which must advise the employer, the workers and their representatives on the requirements for establishing and maintaining a safe and healthy working environment – so as to ‘facilitate optimal physical and mental health in relation to work’ and also to adapt work ‘to the capabilities of workers in light of their state of physical and mental health’ (Article 1 (a)).

Recommendation No. 194 provides for the regular review and updating of the ILO list of occupational diseases. The ILO list, updated in 2010, now covers mental and behavioural disorders, including post-traumatic stress disorder (PTSD) and ‘other mental or behavioural disorders not mentioned in the preceding item where a direct link is

established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker.’²⁰

It is interesting to note that the concept of the world of work, adopted in Convention No. 190, is in line with OSH standards. In particular, according to Convention No. 155, the term ‘workplace’ covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer (Article 3(c)). Furthermore, the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 clearly opens up the scope of the meaning of work when it calls for information on measures taken regarding occupational accidents, diseases and other injuries to health, which arise ‘in the course of or in connection with work’ (Preamble (e)). In its definition section, the term ‘dangerous occurrence’ covers a readily identifiable event as defined under national laws and regulations with the potential to cause an injury or diseases to persons at work or to the public (Article 1(c)). The term ‘commuting accident’ covers an accident resulting in death or personal injury occurring on the direct way between the place of work and (i) the worker’s principal or secondary residence; (ii) the place where the worker usually takes a meal; or (iii) the place where the worker usually receives his or her remuneration (Article 1(d)). Recommendation No. 164 also provides that employers should be required to keep such records relevant to occupational safety and health and the working environment...these include records of all notifiable occupational accidents and injuries to health which arise ‘in the course of or in connection with work’ (Paragraph 15 (2))

²⁰ ILO List of Occupational Diseases (revised 2010), Paragraph 2.4.2, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_125137.pdf

▶ 2.2 Regional OSH instruments

Some regional instruments – despite the fact they do not directly mention violence and harassment – cover it as part of OSH requirements.

For example, the Andean Occupational and Safety Instrument, adopted by the Andean Community in 2004, states that enterprises should develop a comprehensive risk prevention plan. This plan should include actions of ‘adaptation of work and jobs to the capacities of workers, given their physical and mental health status, taking into account ergonomics and other disciplines related to the different types of psychosocial risks at work’ (Article 11k).

The Social and Labour Declaration adopted by the Southern Common Market (MERCOSUR) in 1998, recognizes that ‘all workers have the right to carry out their activities in a healthy and safe working environment which protects their physical and mental health and promotes their career development and work performance’ (Article 17).

Some of the most comprehensive and enforceable regional regulations on workplace violence and harassment exist within the European Union. The Charter of Fundamental Rights of the European Union of 2000 establishes political, social and economic rights for EU citizens, including ‘the

right to respect for his or her physical and mental integrity’ (Article 3(1)).

OSH Directive 89/391/EEC²¹ contains the basic provisions for health and safety at work. This Directive defines employers’ duties to ‘ensure the health and safety of workers in every aspect related to the work’ (Article 5.1),²² as well as workers’ rights and responsibilities, such as taking care as far as possible ‘of his own safety and health and that of other persons affected by their acts or omissions at work in accordance with his training and the instructions given by his employer’.²³

In Article 6.2, the Directive sets out general principles of prevention to be applied by employers in the area of OSH.²⁴ These principles are mandatory and generic and, as such, they have to be applied to prevent any kind of occupational risks including psychosocial risks (Lerouge, 2017). Member States have implemented this Directive through legislation, with some States also developing guidance on ways to prevent bullying.

There are also other regional instruments covering some aspects of violence and harassment in the world of work - for example to protect women from sexual harassment or gender-based violence.²⁵

21 Council Directive 89/391/EEC on the introduction of measures to encourage improvements on the safety and health of workers at work.

22 In its Section II the directive lists the employers’ obligations related to OSH. According to Article 6.1, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organization and means.

23 Article 13 further specifies that workers must in particular, in accordance with their training and the instructions given by their employer (...) (d) immediately inform the employer and/ or the workers with specific responsibility for the safety and health of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements; (e) cooperate, in accordance with national practice, with the employer and/ or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable any tasks or requirements imposed by the competent authority to protect the safety and health of workers at work to be carried out; (f) cooperate, in accordance with national practice, with the employer and/ or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity. According to Article 5(3) the workers’ obligations in the field of safety and health at work shall not affect the principle of the responsibility of the employer.

24 According to Article 6.2, the general principles of prevention to be applied by employers in the area of OSH are: a) avoiding risks; b) evaluating the risks which cannot be avoided; c) combating the risks at source; d) adapting the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health; e) adapting to technical progress; f) replacing the dangerous by the non-dangerous or the less dangerous; g) developing a coherent overall prevention policy which covers technology, organization of work, working conditions, social relationships and the influence of factors related to the working environment; h) giving collective protective measures priority over individual protective measures; and i) giving appropriate instructions to the workers.

25 See, for example, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (‘Maputo Protocol’), adopted by the African Union in 2003; the Protocol on Gender and Development, adopted in 2008 by the Southern African Development Community (SADC); the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, adopted in 1994 by the Organization of American States; the Revised European Social Charter of 1996, ratified by 34 out of 47 member States of the Council of Europe.

▶ 2.3 National OSH laws and regulations

Developing an effective legislative framework to prevent, address and remedy violence and harassment at work is critical.

It is worth noting that not all the legal obligations (and corresponding rights) that have been adopted to tackle this situation refer specifically to 'violence and harassment' from the standpoint of occupational safety and health.

However, many countries have national regulatory approaches that are generally directed towards promoting safety and health at work – but which also include workplace violence and harassment within their purview. This section will focus on attempts to provide protection from violence and harassment through the OSH regulatory framework.

Employers' general duty to protect the physical and mental health of workers

Most countries have some form of legislation stipulating that employers have an obligation to ensure and protect the health and safety of their workers at the workplace. In a number of countries this obligation implicitly includes both physical and psychological health – indeed, the OSH laws of at least 55 countries cover both physical and mental health.²⁶ For example, in Burkina Faso, the employer has the duty to take all necessary measures to protect the physical and mental health of the workers in the undertaking, including temporary workers, apprentices and interns.²⁷

The legislation does not always explicitly mention violence and harassment as posing a risk to workers' health and safety. However, the employer's duty of care may be interpreted as implicitly covering also the threats to workers' health and safety deriving from the occurrence of violence and harassment at the workplace. Certain agencies responsible for OSH and workers' compensation have issued non-binding guidelines stating that their duty should in fact be interpreted in this way (SWA, 2013). In Argentina, labour courts have found in harassment cases that in the event of breaches of the obligation to ensure dignified working conditions or safety and hygiene at the workplace, employers may be held responsible for their own acts and/or for the acts of others and have as such the duty to repair the harm.²⁸



Note

Examples of provisions on violence and harassment from national OSH-related laws and regulations are provided in Appendix II.

²⁶ ILO Global Database on Occupational Safety and Health Legislation (LEGOSH), available at: <http://www.ilo.org/dyn/legosh/en/?p=14100:1000:0::NO::>

²⁷ Section 236 of the Labour Code of Burkina Faso (Act No. 028-2008-AN of 13 May 2008).

²⁸ National Employment Appeals Chamber, Sala II Expte N° 31.939/09 Sent. Def. N° 100.146 del 16/2/ 2012, R. F., P c/ Citytech S.A. s/mobbing (González – Maza).



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► Box 4 - Employer's duty of care: the case of Canada

In a number of countries employers may be found liable for breaching their duty of care to a worker if a co-worker or other person at the workplace engages in violence and harassment towards another worker.

The common law in Canada requires that employers take all reasonable precautions to safeguard their employees from any dangers in the workplace, including from the work environment. In certain cases, the court has found that it was the employer's responsibility to protect workers from psychological harassment and abuse. Even when workplace harassment policies had been put in place, the mere existence of the policy was insufficient because it had not been followed in a fair and even-handed way, and complaint investigations were not undertaken impartially. In these sorts of cases, financial or other sanctions may be applied to the employer and/or the harasser co-worker dismissed.²⁹

Similar principles are also applied in civil law countries. For instance, in France, an employer is liable for the actions committed by subordinates even if the employer is not directly responsible for their occurrence.³⁰

In Italy, employers may be found liable under tort law for breach of their general contractual responsibilities of caring for the employee.³¹

²⁹ See for example: Canadian Northern Railway Co. v. Anderson, (1911), 45 S.C.R. 355 and Boucher v. Wal-Mart Canada Corp., 2014 ONCA 419 (Ontario).

³⁰ French Court of Cassation's Social Chamber, Pourvoi no. 09-69616, 6 March 2011.

³¹ Article 2087 of the Italian Civil Code.

Prohibition of violence and harassment at work

Where violence and harassment is regulated, it is rare that all of the various forms of harassment are defined and prohibited.³² However, in a number of jurisdictions, specific prohibitions have been enacted regarding harassment,³³ mobbing³⁴ and bullying.³⁵

The responsibility for prohibiting and preventing violence and harassment at work generally lies with the employer. But in some cases, workers are also required to abstain from committing acts amounting to harassment against their co-workers – for instance certain provisions in the Finnish Occupational Safety and Health Act and the Ontario Occupational Health and Safety Act prohibit workers from engaging in pranks.³⁶ In a few cases, third parties that are in contact with workers are covered under the prohibition, such as in Belgium.³⁷

In common law countries, violence and harassment may be addressed through criminal, tort, contract and other laws (such as the US tort of intentional infliction of emotional distress, or the UK tort of harassment). Depending on the jurisdiction, the tort of negligence and breach of the statutory duty of care may also constitute a valid basis for claims in common law courts (Squelch and Guthrie, 2010).

In Japan, the courts have recognized the existence of the tort of power harassment. This is meant to protect workers from those who have a greater organizational power, and is based on the obligation to compensate harm caused to others (Hsiao, 2015). Victims may also bring a claim under contract law (such as for a breach of contractual obligations in Canada).³⁸

Requirements for the adoption of OSH preventive measures

Many countries also require employers to undertake preventive measures in relation to psychosocial risks that lead to work-related stress. These risks sometimes include commonly recognized forms of violence, such as psychological, physical and sexual violence and harassment.³⁹

Depending on the jurisdiction, employers are required to take steps to prevent the occurrence of psychological abuse,⁴⁰ threats of violence,⁴¹ 'moral' (psychological) harassment,⁴² and victimization,⁴³ or several of the above. The Colombian Act on Harassment in the Workplace considers labour maltreatment, persecution, discrimination, bullying, inequality and failure to protect as forms of harassment.⁴⁴

The law sometimes takes this into account and requires the adoption of specific measures to protect the workers' well-being when they come into contact with third parties.⁴⁵

32 An example is The Mauritius Labour Act 50 of 1975, section 55(A), which defines workplace violence as including assaults, verbal abuse, threats, bullying (meant as encompassing any form of physical or psychological harassment).

33 For example in the UK (Protection from Harassment Act of 1997); Singapore (Protection from Harassment Act of 2014); New Zealand (Harassment Act of 1997); Spain (section 173 of the Spanish Criminal Code).

34 For example in Poland (section 94.3 of the Labour Code); Slovenia (section 6(a) of the Employment Relationship Act); France (section L. 1152-1 of the Labour Code); and Paraguay (Resolution MTESS No 388 /2019).

35 For example in Chile (section 2 of the Labour Code); Poland (section 94.3 of the Labour Code); Slovenia (section 6(a) of the Slovenian Employment Relationship Act).

36 Section 18(3) of the Finnish OSH Act No. 738/2002; section 28 of the Ontario OSH Act; section 28 of the Australian Work Health and Safety Act (Cth) 2011.

37 Section 32quater of the Belgian Act of 4 August 1996 on the well-being of workers in the performance of their work.

38 Ahmad v. Ontario Hydro 1997 899 (ON CA).

39 For example, the Netherlands Working Conditions Act of 1999 specifies that the notion of employment-related psychosocial pressure includes sexual intimidation, aggression and violence, as well as aggravation and pressure of work in an employment situation that cause stress (section 1(3)(e)).

40 Section 417 of the Turkish Debts Law (2011).

41 Section 27 of the Finnish OSH Act No. 738/2002.

42 Section. L4121-2 of the French Labour Code.

43 Section 1 of the Swedish National Board of Occupational Safety and Health Ordinance on Victimization at Work of 21 September 1993.

44 Sections 2 and 9 of the Colombian Act 1010/2006 on Harassment in the Workplace.

45 For instance in Belgium (section 32quater of the Belgian Act of 4 August 1996 on the well-being of workers in the performance of their work); and in Norway (Section 4-3 (4) of the Norwegian Working Environment Act).

Furthermore, the common law duty of care, although originally developed with respect to the employer's duty to prevent the occurrence of physical injuries and diseases, can also be used with respect to violence and harassment and psychological injuries.

While many countries establish only a general duty to take preventive measures, countries often indicate precisely which measures employers must adopt to ensure the health and safety of their workers.

In a number of countries, there is a duty to create workplace policies, rules or guidelines on violence and harassment. For example, in Kenya, employers with twenty or more employees must, after consulting with the workers or their representatives, if any, issue a policy statement on sexual harassment; establish mechanisms for its implementation; and train managers and workers on the policy.⁴⁶ Similarly, in Uganda, employers with more than 25 employees are obliged to adopt a written policy designed to combat sexual harassment.⁴⁷

The 'duty' incumbent upon the employers often requires them to undertake a risk assessment procedure to identify specific risks to their workers' health and safety. For example, risks to physical and mental health linked to psychological harassment have to be assessed in France,⁴⁸ where psychological harassment is considered a risk inherent in the working environment.

In some countries there is a legal requirement to implement protocols at the level of the undertaking to deal with violence and harassment. These protocols are designed to prevent this type of conduct from occurring and to settle the dispute before it escalates and is brought before a court. For example, in Belgium, employers are bound to implement procedures that are directly accessible to the worker who considers s/he has suffered a psychosocial damage allowing him/her to ask

for: a) an informal psychosocial intervention to a confidential counsellor or the prevention advisor consisting of informally looking for a solution through interviews or an intervention with a third party or conciliation; b) a formal psychosocial intervention consisting of asking the employer to take the appropriate collective and individual measures, following the analysis of the applicant's specific work situation and the measures suggested by this prevention advisor.⁴⁹ In Spain, enterprises are called upon to 'promote working conditions that prevent sexual harassment and harassment on the basis of sex and arbitrate specific procedures for their prevention and to channel complaints or claims that may have been formulated by those who have been the object of the same. To this end, measures may be established with a view to negotiating with workers' representatives, matters such as the development and dissemination of codes of good practice, information campaigns or training actions.'⁵⁰

Training on workplace violence and harassment is sometimes an added requirement. For example, in El Salvador, the General Regulations on the Prevention of Workplace Risks and Workplace Management makes it incumbent upon employers to organize psychological risk prevention programmes that promote a healthy workplace, with training and the participation of an expert in the field. These programmes must include measures to create awareness of the causes and effects of violence against women and sexual harassment at the workplace.⁵¹ In Canada, employers are mandated to provide workers with education and training if they are exposed to workplace violence or risks thereof.⁵² Moreover, specific forms of violence may be taken into account for training or risk assessment purposes, such as in the Republic of Korea, where workers' education to prevent sexual harassment in the workplace is mandatory.⁵³

46 Section 6(2)-(4) of the Employment Act (2007) (Kenya)

47 Section 3 of the Employment (Sexual Harassment) Regulations of 2012 (Uganda)

48 Art. L4121-2 of the French Labour Code.

49 Section 32(2) of the Belgian Act of 4 August 1996 on the well-being of workers in the performance of their work

50 Section 48 1 (1) of the Organic Law 3/2007 of 22 March on the effective equality of women and men (Spain)

51 Decree No. 86/2012 that approves the Regulation on Management of the Prevention of Risks in the Workplace (El Salvador)

52 Part XX, Section 20.10(1) of the Canadian Federal OSH Regulations.

53 Art. 3-2 of the Republic of Korea's Act on Equal Employment and Support for Work-Family Reconciliation, No. 3989 of 1987.

Complaint mechanisms

Internal complaint mechanisms are often required by OSH or labour legislation. For example, in Paraguay, the Office for the Prevention and Care of Occupational Violence was created in 2019, under the Ministry of Labour, Employment and Social Security. Before reporting to the Office, the complainant must first file a complaint within the enterprise,⁵⁴ which is then bound to initiate an investigation and submit its conclusions to the Office. The complainant can only report directly to the Office in cases of violence/harassment exercised by the highest authority within the enterprise.

The confidentiality of complaints is essential to protect the privacy of both the complainant and the accused. The laws of some countries, such as Paraguay, do not expressly rule on the anonymity of complaints. However, given that anonymity can encourage unsubstantiated complaints and / or affect the honour of those involved, other countries require the complainant's identity – without prejudice to the duty of confidentiality. This is the case of some labour inspections, such as Chile, Uruguay or Spain, in which complainants must identify themselves.

In countries where violence and harassment is classified as a criminal offense, it is also possible to file a criminal complaint that can conclude with a trial and a sentence of deprivation of liberty. These processes can be in parallel with an administrative action of the labour inspection services.

Protection from retaliation and reprisals

Convention No. 190 (Article 10(g)) stipulates that workers have the right 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. This protection is found in many OSH regulations. For example, in Germany, workers have the right to refuse to work if the employer does not take suitable measures to stop the harassment or sexual harassment in the workplace.⁵⁵

Protecting complainants from retaliation/ reprisals from employers and/or co-workers for making a workplace violence and harassment complaint needs to be a fundamental part of a comprehensive protection regime (ILO, 2018b). Protection from reprisals usually includes protection from dismissal for both complainants and bystanders/witnesses.

For example, in Japan, the new Anti-Power Harassment law includes a provision that prohibits employers from dismissing employees who report cases of harassment, or treating such workers unfavourably in any other way for reporting such cases (Herbert Smith Freehills LLP, 2019a). In the Republic of Korea, a new law on workplace bullying similarly includes employer penalties on retaliation. Retaliation against any workers for reporting workplace bullying and harassment can attract a fine of up to KRW 30 million (approximately USD 28,500), or imprisonment for up to three years (Herbert Smith Freehills LLP, 2019b). In Australia, when a worker makes a complaint in relation to an occupational safety and health issue, he or she is protected from discriminatory conduct.⁵⁶

⁵⁴ Resolution MTESS N° 388/2019 (Paraguay)

⁵⁵ Section 14 of the German General Act on Equal Treatment of 14th August 2006

⁵⁶ Section 105 of the Australian Work Health and Safety Act, No.137, 2011 (Commonwealth)

Sanctions and remedies

According to Recommendation No. 206 (Paragraph 15), victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work.

Where allegations of violence and harassment have been investigated and proven, the sanction and/or remedy for the offending conduct will depend upon a range of factors including:

- ▶ the jurisdiction (country, state/territory/province) in which the complaint or claim was lodged;
- ▶ the law applying in that jurisdiction;
- ▶ the legal pathway/s chosen by the complainant and/or the regulator (e.g. under occupational health and safety law, labour law, tort, criminal law, etc.);
- ▶ the seriousness of the offending conduct (including whether it can be prosecuted under criminal law or is restricted to breaches or contraventions of civil or other law); and
- ▶ the remedies provided under criminal or civil statutory or common law) in relation to the offending conduct.

Where a complaint remains internal or in-house (that is, where the complaint stays within the organization), employers may remedy cases of violence or harassment by transferring or terminating the employment contract of the perpetrator,⁵⁷ offering mediation and/or conciliation (or some other form of alternative dispute resolution) to the

parties, providing training and/or education, or taking other measures to resolve the issue. Where the complaint is to an external body, judicial, administrative or quasi-judicial bodies may award damages to victims and oblige the perpetrator or employer to make up for the harm caused to the victim. (ILO, 2018b).

Some civil courts have awarded damages as compensation for psychological harassment as an occupational illness.⁵⁸ In Japan, for instance, courts allow for compensation to be paid to the families of workers who committed suicide for having been the victims of 'power harassment' (Hsiao, 2015). In Finland, compensation is extended to aggressions committed by third parties (Eurofound, 2015).

In a number of countries, including Spain and Canada, workers' compensation legislation has been interpreted as allowing workers to receive compensation from occupational illnesses caused by employment, including those caused by violence and harassment (Velázquez, 2010; Lippel & Sikka, 2010).

Importantly, a remedy for constructive dismissal may apply in cases where workers resign due to violence and harassment at work (because they formed a view that it was unsafe to remain in the employment). In such cases the worker may retrospectively be deemed to have been dismissed and compensated including by way of reinstatement. Leaving a job in the face of unrelenting violence and harassment and failing to make claim in respect of termination of employment is not uncommon, as many victims would rather walk away than face the further trauma of litigation and its uncertain outcomes (Stewart et al., 2016).

⁵⁷ For example, section 36(b) of the Labour Code of Swaziland.

⁵⁸ French Court of Cassation's Social Chamber, Pourvoi No. 05-41489, 15 November 2006; and High Court of Justice of Navarre (Spain), April 2001.

► Box 5 - The culture of silence around violence and harassment

In some countries,⁵⁹ it is common practice to settle disputes - including disputes relating to violence and harassment at work - by following a standard formula that avoids going to court. This formula is essentially one in which the parties negotiate terms of settlement that are acceptable to the parties; the terms of settlement are incorporated into a confidential written agreement. This agreement (also known as a non-disclosure agreement or NDA) typically includes, among other things, confidentiality and mutual non-disparagement provisions, which prevent the parties from discussing the terms of the settlement as well as the circumstances surrounding the settlement (Lander and Rogers, 2019).

NDAs are routinely used to resolve claims of sexual harassment. They are perceived to be advantageous because the employer avoids litigation and protects her or his reputation, while the victim avoids having to take often protracted legal action - which often means reliving a traumatic experience as well as incurring expensive and often uncapped legal fees. In the wake of the #MeToo movement, however, revelations about the way in which the notorious alleged serial-harasser Harvey Weinstein repeatedly entered into NDAs to resolve claims of sexual harassment - and included secrecy clauses in these agreements - has come under scrutiny around the world (Lander and Rogers, 2019).

► Box 6 - Restorative justice

Broadly speaking, addressing workplace violence and harassment may have an individual focus (for example, remedial or corrective strategies), an organizational focus (regulatory or restorative approaches), or both (ILO, 2004, 2009). While regulatory approaches focus on legislation and policy, restorative justice approaches offer no-blame, non-punitive, shared responsibility responses aimed at rebuilding pro-social work relationships, including by allowing wrongdoers to make amends for their behaviour. Restorative justice approaches are considered particularly effective with respect to workplace violence and have been adopted in a number of countries (Hutchinson, 2009).

Sweden has been a forerunner in adopting a restorative non-punitive approach to workplace violence, including by inviting employers to find solutions to victimization. The process starts with a confidential talk with the target seeking the assistance of external consultants (such as occupational health services) if necessary, inviting the target to consult a psychologist, and/or taking corrective measures such as education, training and/or transfer to other duties.⁶⁰

Interestingly, in Colombia, employers have a duty to establish an internal, confidential, conciliatory and effective procedure to overcome cases of harassment in the workplace. In addition, corrective educational activities and group therapy may be used to improve working relationships (ILO, 2018b).

⁵⁹ For example, Australia, Canada, United States.

⁶⁰ Guidance on sections 5 and 6 of the Ordinance of the Swedish National Board of Occupational Safety and Health containing provisions on measures against victimization at work of 1993.



CHONDE RER
OROKHA NDI
PIFE KO KUSU
KURU



USAPITE
KUSU KURU
UKAPITA
UKAFUNE
KOGONA

BILANA
USALIPILA
SANA KOLOPE





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▶ 2.4 Ensuring compliance through labour inspection

The Labour Inspection Convention, 1947 (No. 81) and the 1995 Protocol define the powers of labour inspectors, including supervision and injunction. Enforcement and sanctions should be combined with the provision of information and technical advice, to support the employers in the prevention of occupational accidents and diseases.

In Canada, the results from the 'health and safety inspection enforcement blitzes' conducted in 2014 showed that the most common infractions concerned the failure to assess risks of workplace violence, and the failure to implement a violence and harassment policy and to take precautions to protect the OSH of young workers (ILO, 2018a).

Workplace inspections

Labour inspectors undertake workplace inspections to assess compliance with legal obligations. According to Recommendation No. 206, labour inspections should cover violence and harassment in the world of work as part of their mandate (Paragraph 21).

In El Salvador, labour inspectors conduct preventive inspection visits aimed at identifying

all types of violence against women, including harassment, sexual harassment, violence and ill-treatment (ILO, 2018b).

In Finland, labour inspectors submit a questionnaire to workers before they make an inspection visit to a specific workplace, asking them if their health and safety is endangered by violence or the threat of violence at work. The answers to this questionnaire enable the inspectors to focus their visit – and they can give the employer instructions on ways to correct abuses in the workplace (ILO, 2018b).

In Norway, inspectors can issue orders to prevent both internal and third-party violence and harassment. They can also require the enterprises to prepare a plan for preventing and dealing with workplace violence, which has to include complaint procedures (Carta et al., 2015).

Occasionally, the law will impose a duty on the employer, workers' representative or manager to involve the labour inspectorate. In Belgium, for example, the Welfare Control Directorate has to be alerted by the prevention adviser if he/she believes that a grave and immediate danger for the workers exists (ILO, 2018b).

► Box 7 - Protecting labour inspectors from third party violence and harassment

Labour inspectors may be victims of violence and harassment during or following inspection visits.

In 2004, three labour inspectors and a driver from the Brazilian Labour Inspectorate were murdered during an inspection visit to the Chacina de Unaf, in Mina Gerais. Fifteen years later, the defendants in the case of Brazil have not yet been tried (Olivieto, 2018).

Various labour inspection institutions are taking a firmer position to tackle aggression, threats or the intimidation of third parties (employers subject to inspection, workers, advisors or other persons) against their staff.

For example, in Spain, the Labour and Social Security Inspectorate issued Instruction No. 8/2010 approving the Occupational Risk Prevention Policy, which is designed to protect inspection personnel in the course of their duty. It also established an Incident Registry nationwide. In 2017 a total of 26 cases of violence and harassment were reported (MTMSS, 2018).

Targeted inspection campaigns

In some jurisdictions, labour inspectorates undertake targeted inspections regarding certain forms of workplace violence. In Spain, for example, labour inspectors can carry out campaigns in the sectors most vulnerable to violence and harassment – such as schools, hospitals and in retail stores (Velázquez, 2010). And in Germany, a project was launched to provide labour inspectors with training about psychological stress and strain at work (ILO, 2018b).

In Chile, in 2019, the Labour Directorate carried out inspections of more than 200 enterprises within the context of a specific inspection programme in the area of psychosocial risks. These organizations were selected on the basis of complaints received for sexual and workplace harassment.

Guides and tools for labour inspectors

According to Recommendation No. 206, labour inspectors should receive gender-responsive training with a view to identifying and addressing violence and harassment in the world of work, including psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers (Paragraph 20).

Member States should also fund, develop, implement and disseminate, gender-responsive guidelines and training programmes to assist judges, labour inspectors, police officers, prosecutors and other public officials in fulfilling their mandate regarding violence and harassment in the world of work, as well as to assist public and private employers and workers and their organizations in preventing and addressing violence and harassment in the world of work (Paragraph 23 (b)).

In countries that have laws addressing workplace violence, inspectors are often trained on that issue or provided with specific guidelines.⁶¹

⁶¹ In the EU, the Committee of Senior Labour Inspectors (SLIC) developed an inspection toolkit for psychosocial risks at work in 2011. In 2007, The Danish Work Environment Authority developed 24 sector-specific guidance tools for labour inspectors to help them assess, in each sector, the most important risk factors for work-related violence, traumatic experiences, night and shift work, bullying and sexual harassment (Rasmussen et al., 2011). In Spain, the Code of Practice for Labour Inspectors on Harassment and Violence at Work, published in 2009, considers the occurrence of violence and harassment in the workplace as a violation of OSH regulations – and, as such, of interest for the labour inspectors. The Code covers both internal and third-party violence, of both a physical and psychological nature (Velázquez, 2010). Furthermore, the General Inspectorate for Labour and Social Security issued specific technical regulations related to inspection actions regarding violence and harassment at work. (See: Technical Regulation 69/2009 at: http://www.mitramiss.gob.es/itss/ITSS/ITSS_Descargas/Atencion_ciudadano/Criterios_tecnicos/CT_69_2009.pdf); and Technical Regulation 87/2011 at: http://www.mitramiss.gob.es/itss/ITSS/ITSS_Descargas/Atencion_ciudadano/Criterios_tecnicos/CT_87_2011.pdf). In Colombia, the Manual of the Labour and Social Security Inspectorate (issued under the Ministry of Labour), includes a specific section on complaints filed by victims of workplace harassment, which also advises employers to apply preventive mechanisms.



2.5 Social dialogue and collective agreements

Social dialogue between employers and workers, including through collective bargaining agreements (also known as enterprise agreements, collective labour agreements, or workplace agreements) can be an effective tool for strengthening the protection of workers' physical and mental health and well-being and preventing and eliminating violence and harassment at work.

Trade unions and employers around the world use collective bargaining processes to address violence and harassment at work – and they often consider the psychosocial aspects of violence. A range of different approaches may be reflected in such agreements. One approach might merely to include statements of principle and requirements in workplace – or sectoral – policies and agreements. But agreements might also include detailed provisions defining different elements of violence and harassment, and specifying prevention programmes, awareness raising and training activities, workplace procedures, reporting and data collection mechanisms, and psychological and other types of support for victims.

Global unions have adopted framework agreements to address workplace violence and harassment with various multinational enterprises. In 2014, IndustriALL Global Union and Inditex, the world's largest fashion retailer, renewed their global framework agreement (GFA), which prohibits physical punishment, sexual and racial harassment, verbal and power abuse and any other form of harassment or intimidation.⁶² IndustriALL concluded a similar global framework agreement with the garment retailer H&M and the Swedish trade union IF Metall in 2015.⁶³

In East Africa, the ITUC carried out advocacy and capacity-building programmes for national unions to support them in negotiating collective agreement clauses to establish sexual harassment and OHS committees (e.g., in the United Republic of Tanzania, in Uganda, South Africa) (ITUC, 2016).

At a regional level, the European social partners adopted the framework agreement on work-related stress in 2004; and, in 2007, they signed the European framework agreement on harassment and violence at work, which was aimed at increasing the awareness of employers, workers and their representatives in relation to identify, prevent and manage violence and harassment at work.⁶⁴ In 2010, the European social partners from various sectors (including health care and education) adopted the Guidelines for prevention of third-party violence and harassment at work aimed at supporting employers, workers and their representatives in preventing, reducing and mitigating third-party violence in the workplace. Other sectoral agreements signed at the European level include an agreement between the European social partners in the maritime sector which in 2013 launched a project aimed at eradicating harassment and bullying in the maritime industry (Eurofound, 2015).

In Argentina, a new collective agreement to address violence and harassment in the workplace was signed by over 70 unions and the Ministry of Labour in May 2012 (Pillinger, 2017). The agreement condemned all forms of violence and harassment at work and promoted collective bargaining as a means of establishing policies and measures to end such behaviour.⁶⁵

62 See: <http://www.industriall-union.org/inditex>.

63 See: <http://www.industriall-union.org/industriall-global-union-and-hm-sign-globalframework-agreement>.

64 As a result, national social partners have either reached new agreements or inserted new elements into existing collective agreements at the sectoral or company level; they have also drawn up jointly agreed guidance, declarations or statements. Examples of agreements include: Luxembourg's bank sector agreement (2009), which sets out rules for prevention, counselling services and resolution for 'moral' harassment; France's national collective agreement on harassment and violence at the workplace (2010), which requires employers to establish measures - in consultation with workers and their representatives - to prevent and address harassment at work; Italy's national framework agreement (2015), which has fully transposed the 2007 European framework agreement.

65 As of 2014, 115 unions in Argentina were establishing offices to deal with violence and harassment at the workplace (OAVL and MTEySS, 2014).

In Myanmar, the Mine Workers' Federation (MWFM) initiated a social dialogue with employers and recommended the addition of a clause in the collective bargaining agreement to prevent violence and harassment at work (Pillinger, 2017).⁶⁶

In Australia, many employers have recognized – in enterprise agreements – that workers sometime face situations of family violence or abuse in their personal life that may affect their attendance or performance at work.⁶⁷ Consequently, provision is often

made for paid family violence leave, allowing workers to ask to work part-time, to vary their working patterns, to temporarily change their work location, to change their work contact details, such as phone and email address, and to temporarily work from home or another location so as to address family violence.⁶⁸ In addition, on 1 August 2018, family and domestic violence leave provisions were inserted in all 122 of Australia's modern awards - with a model clause developed for inclusion.⁶⁹

66 As of 2017, fourteen workplace agreements addressing work-related violence and harassment had been signed (Pillinger, 2017).

67 Convention No. 190 calls upon Members to take appropriate measures to recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work (Article 10(f)). Recommendation No. 206 provide examples of measures that could be adopted to mitigate the impact of domestic violence in the world of work, e.g.: leave for victims of domestic violence; flexible work arrangements and protection for victims of domestic violence; temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences; the inclusion of domestic violence in workplace risk assessments; a referral system to public mitigation measures for domestic violence, where they exist; and awareness-raising about the effects of domestic violence (Paragraph 18 (a)-(f)).

68 See for example, clause 15 of the Australian Jewish News Journalists Enterprise Agreement 2019, available at: <https://www.fwc.gov.au/documents/documents/agreements/fwa/ae506096.pdf>.

69 See: https://www.fwc.gov.au/documents/decisionsigned/html/2018fwcfb3936.htm#P61_3183.



03

National OSH initiatives and practices

As mentioned, Convention No. 190 calls for the adoption of an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work (Article 4(2)). In particular, Article 11 specifies that member States, in consultation with representative employers' and workers' organizations, shall seek to ensure that

- a. violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
- b. employers and workers and their organizations, and relevant authorities, are provided with guidance, resources, training or other tools, in accessible formats as appropriate, on violence and harassment in the world of work, including on gender-based violence and harassment; and
- c. initiatives, including awareness-raising campaigns, are undertaken.

This chapter describes some examples of actions that can be adopted within the national OSH framework to better address violence and harassment.

3.1. Designing and implementing comprehensive OSH policies and guidelines for the management of violence and harassment

OSH policies and strategies

A number of countries have national general OSH policies that nevertheless include the issue of workplace violence and harassment. Both Brazil⁷⁰ and Guyana⁷¹, for example, specifically refer to health issues caused by aggression and violence at the workplace in their legislation and call upon employers to ensure that it is, as far as is reasonably practical, eliminated.

In Lebanon, in line with its national Mental health strategy for Lebanon 2015-2020, the National Mental Health Programme (NMHP) of the Ministry of Public Health launched an initiative in September 2019 to sensitize employers and engage them to commit to improve and promote mental health in their workplace. As part of the initiative, a National Charter for Mental Health in the Workplace⁷² has been developed in collaboration with the WHO Lebanon. The Charter fosters an integrated approach towards the prevention of work-related risks, as well as the promotion of protective factors and the management of mental disorders. It also addresses harassment and bullying, as they are commonly reported to be the cause of work-related stress and physical and mental health hazards.

OSH guidelines, codes of practice and standards

Recommendation No. 206 calls upon member States to fund, develop, implement and disseminate, 'model codes of practice and risk assessment tools on violence and harassment in the world of work, either general or sector-specific' (Paragraph 23(c)).

In many countries, guidance on preventing and combating violence and harassment in the workplace is provided by a range of actors, including the Ministry of Labour, the labour inspectorate, national OSH authorities, agencies or institutes, and the social partners. These 'official' guidance materials can take several forms such as standards, codes of practice, guidelines or handbooks, as well as online tools helping to assess psychosocial risks, including violence and harassment.

In Canada, the Bureau de Normalisation du Quebec (BNQ) and the Canadian Standards Association (CSA Group) have jointly developed a national standard designed to help organizations and their employers improve workplace psychological health and safety. (BNQ-CSA Group, 2013). Furthermore, Ontario's Ministry of Labour introduced the Code of Practice to Address Workplace Harassment in 2016 to help employers comply with new legal requirements to address harassment in the workplace (Ontario, 2018).



Note

Appendix V presents a list of tools and resources relevant for violence and harassment in the world of work, including on-line resources; standards, guidelines and agreements; training courses; practical guides; and other informative materials.

70 Ministry of Labour and Ministry of Social Security and Health, National Policy on Workers' Health and Safety, established by the Portaria Interministerial No. 153/2004, paragraph 27 (November 2004).

71 The National Advisory Council on Occupational Safety and Health (NACOSH), in collaboration with the ILO; National Policy on Occupational Safety and Health 2018, available at: https://www.ilo.org/wcmsp5/groups/public/---americas/--ro-lima/--sro-port_of_spain/documents/publication/wcms_694979.pdf.

72 See: <http://mhworkplace.moph.gov.lb/en/home>.

In Chile, the Protocol for the Monitoring of Psychosocial Risk Factors at Work was published in 2013 and initially implemented in a few sectors. From September 2015, however, it has been mandatory for all enterprises in the country to implement the Protocol, together with the SUSESO/ISTAS-21 questionnaire, a standardized measuring instrument to assess psychosocial risk factors.⁷³

In Singapore, the Ministry of Manpower (MOM), together with National Trades Union Congress (NTUC) and the Singapore National Employers Federation (SNEF), issued the Tripartite Advisory on Managing Workplace Harassment, which serves as a practical guide for employers and workers to better prevent and manage harassment at the workplace (Ministry of Manpower, Singapore, 2015). The guide emphasizes the importance of proactive management, and focuses on preventive measures to ensure a safe workplace. It also suggests key steps and remedial actions that employers and affected persons might take to respond to harassment when it occurs.

In the Australian Capital Territory, a code of practice made under that Territory's Work Health and Safety Act (2011), the Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012 (No 1), provides general information about complying with the WHS law with respect to safety and health risks associated with bullying (Australian Capital Territory, 2012). The code was developed in consultation with government, trade union and employers' organizations. Codes of practice such as this have a special status in law, as they are automatically admissible as evidence in court proceedings under the WHS Act

and Regulations. The courts may consider a code as evidence of what is known about a hazard, risk or control and may rely on it in determining what was 'reasonably practicable in the circumstances'. Similar examples are the codes of practice issued by the Health and Safety Authority (e.g., the code of practice on sexual harassment and harassment at work and the code of practice for employers and workers on the prevention and resolution of bullying at work), which can be admitted as evidence in criminal proceedings brought under the Safety, Health and Welfare at Work Act, 2005.

Website and e-tools have also been developed to inform and support employers and workers in managing psychosocial risks in the workplace, including addressing violence and harassment. For example, at the EU level, EU-OSHA has developed an e-guide to managing stress and psychosocial risks designed for employers and employees working in small enterprises.⁷⁴ In the United Kingdom, the Health and Safety Executive (HSE) website has a section on work-related violence,⁷⁵ which provides guidance on different issues, such as legal requirements, policies and procedures, and the prevention of violence at work. It also includes several resources, such as case studies, statistics, guides and booklets. For instance, the booklet: Violence at work. A guide for employers gives practical advice for the effective management of violence, based on the HSE management system.

Many countries have issued codes of practice or guidelines addressing sexual harassment in the workplace. Two examples are Botswana (Code of Good Practice: Sexual Harassment in the Workplace, 2002)⁷⁶ and Malaysia (Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace, 1999).⁷⁷

73 The SUSESO/ISTAS 21 questionnaire was adopted and validated between 2008 and 2012, to respond to the significant increase of occupational diseases associated with mental health in the country. The questionnaire is designed to assess psychosocial risk factors and to promote interventions to control and prevent them, through a participatory methodology that encourages bipartite social dialogue within enterprises. The approach addresses a number of dimensions - including psychological demands at work, active work and skills development, social support, esteem, leadership quality, and compensation. Work is currently underway to validate a new version of the questionnaire that will include a dimension on workplace violence and harassment. See: <https://www.suseso.cl/606/w3-article-19640.html>.

74 The e-tool is available at: <https://osha.europa.eu/en/tools-and-publications/e-guide-managing-stress-and-psychosocial-risks>.

75 The HSE website on Work-related violence is available at: <http://www.hse.gov.uk/violence/index.htm>

76 See: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83375

77 See: <https://www.ilo.org/dyn/travail/docs/1627/CODE%20OF%20PRACTICE%20ON%20THE%20PREVENTION%20AND%20ERADICATION%20OF%20SEXUAL%20HARASSMENT%20IN%20THE%20WORKPLACE.pdf>.

In Pakistan, the Zero Tolerance for Sexual Harassment Code of Conduct⁷⁸ has to be adopted by every employer, pursuant to the Protection against Harassment of Women at the Workplace Act of 2009⁷⁹. In South Africa, the Amended Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace⁸⁰ provides for a wide coverage of those who may be considered victims as well as of those who may be considered liable or responsible for sexual harassment, including job applicants, clients, suppliers, contractors and others having dealings with a business.

Guidance tools have also been developed by workers' and employers' organizations at the national level. For instance, the Canadian Union of Public Employees produced a Workplace Violence and Harassment

Prevention Kit⁸¹, which includes information on relevant legislation, preventive guidelines, a sample inspection checklist and ways to prevent violence. Similarly, UNISON, the UK public service union, has issued a guide for safety representatives on Tackling bullying at work⁸², which explains the basics of the legislation on the matter and effective solutions for the workplace.

In 2011, the Zambia Federation of Employers issued a Code of Conduct for Employers of Domestic Workers in Zambia⁸³, which advises employers of domestic workers not to subject the worker to – or allow the worker to be subjected to – ‘any abuse, either physical, psychological, sexual or verbal in the work environment.’



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78 See: https://aasha.org.pk/Women_Harassment_Docs/Code%20of%20Conduct.pdf.

79 See: <http://qau.edu.pk/pdfs/ha.pdf>.

80 See: https://www.gov.za/sites/default/files/gcis_document/201409/278650.pdf.

81 See: <https://cupe.ca/violence-prevention-kit-0>.

82 See: <https://www.unison.org.uk/content/uploads/2013/07/On-line-Catalogue216953.pdf>.

83 See: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_164522.pdf.

▶ 3.2 Collecting data on violence and harassment

According to Recommendation No. 206, 'member States should make efforts to collect and publish statistics on violence and harassment in the world of work disaggregated by sex, form of violence and harassment, and sector of economic activity' (Paragraph 22).

Accurate and comprehensive data on workplace violence and harassment are essential for the development of informed laws, policies, strategies and programmes addressing work-related violence and harassment. However, gathering an accurate picture of the incidence and prevalence of this phenomenon is extremely challenging.

Countries around the world currently do not use the same definition for violence and harassment. Even within a country, there is often a lack of consensus as to what is, is not or should be counted in relevant statistics (e.g., claims for worker's compensation for violence or harassment – or their de facto 'stress' - which have been denied are unlikely to be captured in the data).

The significant under-reporting of workplace violence and harassment (however defined) across all industries, sectors, and professions further complicates the situation (Illing et al, 2016). A factor contributing to under-reporting is that official registers pertaining to OSH only contain data related to work-related diseases that are officially classified as occupational diseases in the national context and workplace accidents which lead to absences over a certain number of days (European Commission, 2015). Even where national OSH registers or monitoring systems are in place, workers may be reluctant to report cases of violence and harassment because of the 'fear of being fired or stigmatized, and a lack of knowledge regarding reporting mechanisms' (ILO, 2016b). In addition, when deciding whether or not to report workplace

violence and harassment (if behaviour is even perceived as such), victims need to consider a number of factors - including the possibility of needing to complete burdensome paperwork (for example, to make a formal complaint or apply for workers' compensation), the lack of institutional support, and also, potentially the 'dissuasive, sometimes subtle, arguments from co-workers, administration or law enforcement' (Hesketh et al, 2003).

There are several potential methods to measure work-related violence and harassment, including direct and indirect measures.

Direct measuring

Direct measures include formal complaints; specific questionnaires on violence and harassment; measuring items in existing periodic labour surveys; and trade union members' surveys, among others.

The number of formal complaints on violence and harassment is usually much lower than prevalence rates obtained with anonymous questionnaires (Illing et al., 2016). There are many reasons for under-reporting, including the belief that nothing will change or that the situation will deteriorate; the fear of being seen as a trouble-maker; the seniority of the bully; concerns regarding career repercussions (Carter et al., 2013); and the lack of knowledge regarding complaint mechanisms (ILO, 2016b).

Labour and sectoral surveys on working conditions provide a valuable resource for policy-makers, the social partners and researchers, and they can be used to drive strategies and actions at national and sectoral level. These surveys usually use a large sample size and are repeated on a regular basis. Increasingly, these surveys include questions on violence and harassment, including bullying and mobbing.⁸⁴

⁸⁴ For example the European Working Conditions Survey (EWCS), available at: <https://www.eurofound.europa.eu/surveys/european-working-conditions-surveys>; the Central American Survey on Working Conditions and Health (ECCTS), available at: http://www.archivosdeprevencion.com/view_document.php?tpd=2&i=13447; the Argentina National Survey of Workers: Employment, Work, Conditions and Working Environment (ENTETCML), available at https://www.srt.gob.ar/observatoriosrt/wp-content/uploads/2019/12/ECETSS_Informe_de_Resultados.pdf; the Chilean Survey on Employment Conditions, Work, Health and Quality of Life (ENETS), available at: https://www.dt.gob.cl/portal/1629/articles-99630_recurso_1.pdf; the Survey on Working Conditions, Health, and Safety in Uruguay ECTSSU.

► Box 8 - The 2013 French survey on working conditions

The 2013 French survey on working conditions asked the worker if they had been:

- ▶ ignored as if they were not present;
- ▶ prohibited from expressing themselves;
- ▶ ridiculed in public;
- ▶ criticised in an unjustified way for their work;
- ▶ given useless or condescending tasks;
- ▶ subject to sabotage or hindrance so that their tasks could not be carried out correctly;
- ▶ told that they are mentally incapable;
- ▶ subject to obscene or condescending remarks;
- ▶ subject to insistent sexual propositions;
- ▶ the butt of offensive or crude jokes or mockery.

Workers were then asked about the source of aggression (co-workers, clients, users or patients, workers from another enterprise, others) and why they think they had been harassed (on grounds of gender, health or disability, skin colour, national origin, style of dress, age, sexual orientation, profession).

A second set of items asks more directly about psychological or physical violence. Using a four- item scale (Never, Sometimes, Often, Always), the participant was asked whether in the past 12 months in the context of their work they had been subject to:

- ▶ verbal aggression from the public;
- ▶ physical aggression from the public;
- ▶ verbal aggression from a colleague or superior;
- ▶ physical aggression from a colleague or superior.

Source: Eurofound, 2015.



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Indirect measuring

Indirect metrics do not specifically measure violence and harassment, but a range of other variables that may be associated with it. These include absenteeism and sick (personal) leave, staff turnover, exit interviews and workers' compensation claims (Illing et al., 2016).

Factors that may be incorporated in workers' surveys and can be linked with violence and harassment include: leadership, pay, management of workplace conflict, reward and recognition of effort, career opportunities, job security, working conditions, workplace consultation, communication and involvement in decision making, control over workload, work schedules, work culture issues such as levels of support, social or physical isolation and management style (Work Safe Victoria, 2018).

It is critical to recall that indirect measures do not assess violence and harassment specifically; these data may be influenced by a number of other factors. However, they may help to identify sectors or occupations particularly vulnerable to stress and violence and harassment and provide a broader insight into the causes and consequences of such behaviours (Illing et al., 2016).

In those countries that officially recognize mental health problems and stress-related diseases as being occupational diseases, workers' compensation claims and OSH register data can provide a picture of the impact of violence and harassment at work.

▶ 3.3 Education, training and awareness raising

In its Paragraph 23, Recommendation No. 206 specifically refers to the development and implementation of (...)

(e) gender-responsive curricula and instructional materials on violence and harassment, including gender-based violence and harassment, at all levels of education and vocational training, in line with national law and circumstances; (...)

(g) public campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment.

Education for a culture change

Preventing violence and harassment in the world of work, as well as psychosocial risks in general, requires progressive changes in the behaviours and attitudes of people towards the protection of their own safety, health and well-being (both physical and psychological), together with that of others.

As children are the future of any society, information on violence and harassment should be integrated into the school curricula of today, in order to ensure that tomorrow's workforce and society are aware of the issue and committed to eliminating it – whether at school, at home or at work.

Unfortunately, bullying is becoming a common experience for many children and adolescents. In the United States, surveys indicate that as many as half of all children are bullied at some time during their school years, and at least 10 per cent are bullied on a regular basis (American Academy of Child and Adolescent Psychiatry, 2013). Being a victim of

bullying is an important risk factor for suicidal behaviour in adolescence and early adulthood (Kim and Leventhal, 2008; Klomek et al., 2008). A few studies have also explored the continuing victimization from primary school to secondary school and from primary school to the workplace, finding that being bullied at school dramatically increases the risk of being bullied at work (Andersen et al., 2015).

Many countries are designing and implementing programmes and tools to prevent violence and harassment in schools, particularly focusing on bullying. In the United States, a programme called "Bully-proofing your school" helped students learn how to recognize bullying and taught them conflict resolution skills (Tutty et al., 2005). When evaluated, this programme was associated with a reduction in the number of bullying behaviours compared to the control group. Another anti-bullying programme developed in Finland – KiVa - has been used in various countries (Finland University, 2020).

Promoting health and well-being through OSH training and information

Proper information and training on violence and harassment, together with psychosocial risks, should be integrated in a holistic strategy aimed at protecting and promoting the health and well-being of workers and other persons in the world of work. For instance, some OSH bodies offer training in this area.

Programmes and tools should be developed to provide adequate information on ways to: identify violence and harassment and other psychosocial risk factors; recognize their effects; understand the duties and responsibilities of employers, workers and other persons in the world of work; learn about measures and initiatives to prevent violence and harassment (including third party); and mitigate the effects once they occur.

In Lebanon, the National Charter for Mental Health in the Workplace addresses psychosocial risks including violence and harassment. The capacity-building programme comprises three types of training interventions: (1) training

on self-care for front-line staff in public institutions; (2) training of trainers (TOT) on self-care targeted towards human resources managers in private businesses; and (3) training for workers selected as 'mental health champions'. The aim is to empower these 'champions' with appropriate skills so that they can play a key role in driving the change process and advocating for better mental health in the workplace⁸⁵.

The Canadian Centre for Occupational Health and Safety has developed an e-learning platform, which offers courses on topics that include bullying in the workplace, dealing with difficult or hostile customers, and domestic violence in the workplace, it has also broadcast a series of podcasts on violence and harassment in the workplace. Similarly, the French National Institute of Research and Safety for the Prevention of Occupational Diseases and Accidents (INRS) has a YouTube channel containing short informative videos on various aspects of health and safety at work, including a playlist on psychosocial risks addressing work-related stress and third-party violence. In the United States, the National Institute for Occupational Safety and Health (NIOSH) offer an online course on workplace violence prevention for nurses. OSHA also provides training materials for workers in 'late-night retail establishments'.⁸⁶

Targeted awareness-raising campaigns

A number of workers' and employers' organizations have launched campaigns and awareness-raising initiatives to combat violence and harassment at work.

Following the results of the landmark global survey conducted by the International Bar Association (IBA) in 2018, which confirmed that bullying and sexual harassment is rife

within legal workplaces, a global engagement campaign was conducted to raise awareness about the findings and to promote dialogue on these issues and facilitate the sharing of best practice. This campaign has seen IBA representatives hold events in 27 cities across six continents and meet with over 80 law firms.⁸⁷

The Danish Work Environment Association for Social and Health Services (a bipartite body with employers' and workers' representative organizations) produced a series of awareness raising materials in 2013 on bullying and harassment at the work, called Intervene – good working relationships without bullying. It included films and practical information to support the dialogue amongst the colleagues and managers.⁸⁸

The European Transport Workers' Federation has launched a campaign to fight violence against women working in transport entitled "Stronger Together: Ending violence against women in transport"⁸⁹. In Canada, the PEI Union of Public Sector Employees committed itself in 2019 to stopping workplace violence in the health system.⁹⁰ And the Ontario Nurses Association has also spearheaded a campaign focused on ending violence against nurses⁹¹. In 2015, South Australia launched a campaign called "Keep your hands off our ambos" to address the regular violence and aggression emergency health workers were facing.⁹²

The UK Union of Shop, Distributive and Allied Workers (Usdaw) has launched the "Freedom from Fear" campaign to protect shop workers from violence, threats and abuse, which includes an annual Respect for Shopworkers Week. The theme of the 2016 week was "Keep your cool", which invited the public to remember that Christmas shopping period stress was not an excuse for violence against retail workers.⁹³ In South Africa, a mineworkers' union launched a campaign to address the violence and harassment people face in the workplace.⁹⁴

85 See: <http://mhworkplace.moph.gov.lb/en/home>.

86 See: https://www.osha.gov/dte/library/materials_library.html#workplaceviolence.

87 See: <https://www.ibanet.org/bullying-and-sexual-harassment.aspx>

88 The films (with English subtitles) are available on YouTube: The Workhorse (<https://www.youtube.com/watch?v=jG54eAh68gc>) and The roster (<https://www.youtube.com/watch?v=7HkjsuF2vB0>).

89 See: <https://www.etf-europe.org/activity/violence-against-women/>

90 See: <https://nupge.ca/content/pei-upse-launches-campaign-stop-workplace-violence>.

91 See: <https://windsorstar.com/news/local-news/windsor-essex-nurses-launch-campaign-against-violence>.

92 See: <https://www.adelaidenow.com.au/news/south-australia/sa-government-launches-campaign-to-stop-violence-against-health-workers/news-story/96b3fef311ed6c6433fa639404c02e2a>.

93 See: <https://www.usdaw.org.uk/Campaigns/Freedom-From-Fear>.

94 See: <http://www.industriall-union.org/south-african-mineworkers-union-launches-campaign-against-gender-based-violence>.





04

**Action at the workplace level:
Enhanced OSH management systems for the prevention of violence and harassment**

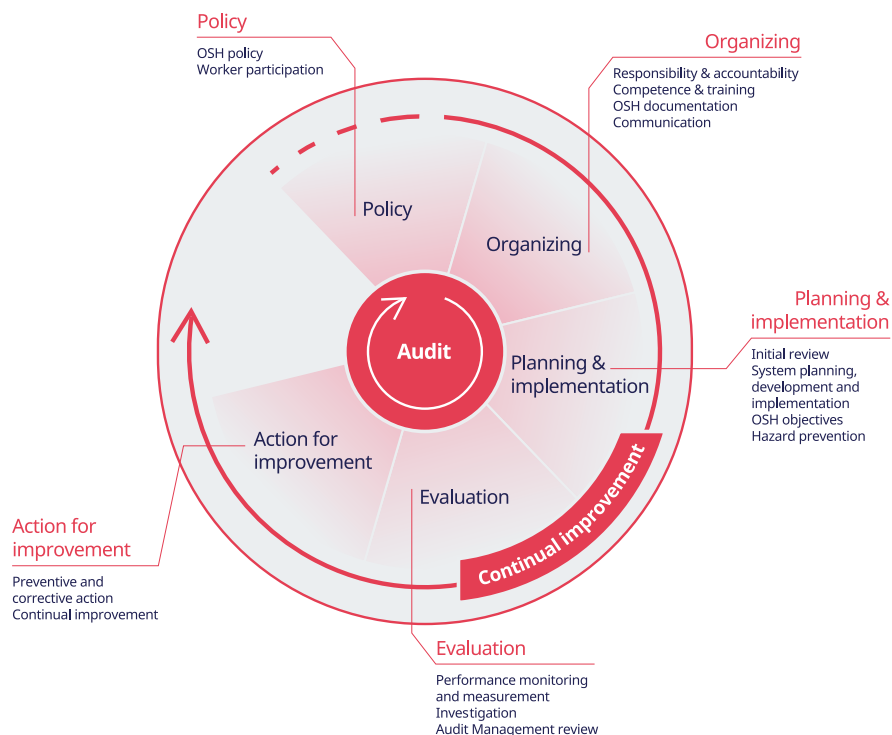
According to the Convention No. 190, member States should adopt laws and regulations requiring employers to take appropriate steps to prevent violence and harassment in the world of work. In particular, according to Article 9, employers should:

- 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, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.

To effectively prevent and control violence and harassment at work, psychosocial risks (including violence and harassment) should be integrated into a sound OSH management system (OSH-MS). In fact, OSH-MS include a set of actions and processes that establish, monitor and evaluate the organization's efforts to keep workers safe and healthy, and comply with national laws.

The ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001) advocate that appropriate arrangements should be made for the establishment of an OSH-MS, which should contain the elements of a workplace policy – planning and implementing, evaluation and action for improvement (ILO, 2001). In short, this process follows the basic principle of 'Plan-Do-Check-Act' Cycle (PDCA), which was established in the 1950s to monitor business performance on a continual basis (ILO, 2011).

► **Figure 5 - ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001): The continual improvement cycle**



During the past decades, the OSH-MS approach has become popular – and it has been introduced in both industrialized and developing countries. The ways for promoting its application vary from legal requirements to voluntary use, and experience shows that an OSH-MS is a logical and useful tool for the continual improvement of OSH performance at the organization's level (ILO, 2011).

Some specific guidance and standards have been developed to integrate psychosocial hazards and risks (including those related to violence and harassment) into OSH-MS and risk assessment process. For example, the WHO has developed the PRIMA-EF: Psychosocial Risk Management Excellence Framework.⁹⁵ This tool is intended to support employers and workers' representatives in the process of psychosocial risks

management to prevent work-related stress, workplace violence and harassment.

In Canada, the Standard on psychological health and safety in the workplace (CAN/CSA-Z1003-13/BNQ 9700-803/2013)⁹⁶ specifies requirements for a documented and systematic approach to develop and sustain a psychologically healthy and safe workplace. It is intended to align with other relevant OSH and recognized management system standards, taking into account various aspects of the work environment that may not be already considered in a traditional OSH Management System (OSH-MS). These include: psychological support; organizational culture; clear leadership and expectations; recognition and reward; workload management; work-life balance and psychological protection from violence, bullying, and harassment (BNQ-CSA Group, 2013).

▶ 4.1 Workplace policy on violence and harassment

Fostering a positive organizational culture is crucial for eliminating violence and harassment at work. This implies creating a working environment that does not permit or reward violence and harassment; is civil (and not hostile); is inclusive (and not discriminatory); encourages collaboration between workers (rather than competition); has strong (and constructive) communication processes throughout the organization; and has in place (and uses) good policies to encourage respectful work behaviours (Baillien et al., 2008).

In this context, a first preventative step for employers is to develop, in consultation with workers' representatives, a clear and concise policy on workplace violence and harassment – and to circulate this policy. It could subsequently be integrated into a broader workplace OSH and health promotion policy aimed at protecting workers' physical and mental health and well-being.

According to Recommendation No. 206 (Paragraph 7 (a)–(g)), the workplace policy on violence and harassment should:

- ▶ (a) state that violence and harassment will not be tolerated;
- ▶ (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
- ▶ (c) specify the rights and responsibilities of the workers and the employer;
- ▶ (d) contain information on complaint and investigation procedures;
- ▶ (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;
- ▶ (f) specify the right to privacy of individuals and confidentiality, (...) while balancing the right of workers to be made aware of all hazards; and

⁹⁵ See: <http://www.prima-ef.org>

⁹⁶ See: <https://carleton.ca/healthy-workplace/wp-content/uploads/National-Standard-CAS-Z1003.pdf>

- ▶ (g) include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation.

In addition, a workplace policy on violence and harassment could also include:

- ▶ a commitment on the part of the employer and/or senior management to manage and prevent all forms of workplace violence and harassment, and to provide appropriate resources to this end;
- ▶ a definition and examples of various types of workplace violence, including physical, psychological, and sexual violence – as well as internal and third-party violence;
- ▶ a statement on the application of the policy to management, workers, clients, independent contractors and anyone who has a relationship with the enterprise;
- ▶ a statement that no form of discriminatory or harassing conduct towards any workers, manager, client, contractor - or any other person in the workplace – will be tolerated and that anyone who engages in discrimination or harassment conducts will be subject to discipline;
- ▶ a description of the process by which preventive measures will be developed;
- ▶ a description of the training on violence and harassment prevention carried out in the workplace;
- ▶ a description of the way in which information about potential risks of violence and harassment will be communicated to workers;
- ▶ the creation of effective communication channels between management and workers;

- ▶ the provision of information on the procedures to report cases of workplace violence and harassment (including the possibility for witnesses to report);

- ▶ the provision of information on procedures to ensure confidentiality and to protect complainants from reprisals and/or victimization;

- ▶ the provision of information on the procedures for investigating and resolving complaints - including clear information on the consequences of violent behaviours;

- ▶ a commitment to provide support services to victims of violence and harassment (e.g. counselling);

- ▶ a description of the respective functions and responsibilities of managers, supervisors, workers and workers' representatives, OSH staff, etc.;

- ▶ a statement on the applicable regulatory requirements; and

- ▶ arrangements for monitoring and reviewing the policy.⁹⁷

The policy should also make it clear that psychological violence, verbal and non-verbal threats and associated activities – such as harassment (including sexual harassment), bullying and discrimination – are also captured (Perrone, 1999).

Finally, to be effective, the policy should be easily accessible and consistently applied. It should be communicated and promoted by means of notice boards, the intranet and team meetings. Managers should also discuss the policy with their staff.

⁹⁷ See for example: CCOHS, 2016; Perrone, 1999; UNISON, 2013



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▶ 4.2 Risk management

In a number of countries, the national OSH legislation stipulates that employers must assess the various health and safety risks associated with their workplace in order to identify, reduce, and whenever possible, prevent them.

The success of any workplace OSH programme, including in relation to violence and harassment prevention, is contingent upon the cooperation of workers and employers in identifying existing hazards and assessing the associated risks. Although management is responsible for controlling risks, workers have a critical role to play in helping to identify and assess workplace hazards, because of their knowledge and familiarity with facility operations, process activities and potential threats.

Hazard identification and risk assessment

Hazard identification and risk assessment should address all existing occupational hazards and risks, including psychosocial factors and the hazards and risks associated with violence and harassment. Employers can

audit the physical layout and organizational characteristics of the workplace to identify those features that are likely to enhance the probability of violence and harassment, and conduct an evaluation of existing preventive measures (Perrone, 1999).

In this context, according to the Recommendation No. 206 (Paragraph 8) particular attention should be paid to the hazards and risks that:

- (a) arise from working conditions and arrangements, work organization and human resource management;
- (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and
- (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

Worker surveys have been successful in identifying specific hazards associated with workplace violence and harassment. They also help to identify the problems workers face on a daily basis, and to establish a baseline for future evaluations.

► Box 9 - Questionnaires to measure bullying at work

The Negative Acts Questionnaire (NAQ-R) includes 23 items on work and person-related acts and is used as an instrument to detect bullying behaviour within the past six months (Hogh et al., 2012).

The Impact of Event Scale (IES) is comprised of 22 questions and is used as a measure of psychological stress reactions within the past seven days (Hogh et al., 2012).

The Leymann Inventory of Psychological Terror (LIPT) includes 45 questions that are contained in the following five categories: 'effects on self-expression and communication, social contacts, personal reputation, occupational situation and quality of life and physical health' (Leymann, 1990). The questionnaire examines bullying and mobbing.

The Danish Copenhagen Psychosocial Questionnaire (COPSOQ) is a recognized survey using the self-labelling approach. It provides detailed information in terms of investigated behaviours (including gossip and slander, quarrels and conflicts, unpleasant teasing, undesired sexual attention, threats of violence, violence, and bullying), and the intensity of the attacks and the perpetrators (Eurofound, 2015). The COPSOQ methodology has acquired an important international dimension, being one of the measuring instruments most used in psychosocial hazards risk assessments and research. It has been adapted and translated in a number of countries (including Belgium, Brazil, Chile, Norway, Spain and Sweden).

The Inventory of Violence and Psychological Harassment (IVAPT) has been adapted to the national context, validated and widely used in many Latin American countries and Japan. The 22 questions aim at identifying the presence, frequency and intensity of psychological violence and harassment at work (González et al, 2010).

Depending on the organization it may be necessary to conduct a client/customer survey as well. Clients and customers can further help to identify risks of workplace violence and harassment and its prevalence.

To identify potential hazards, employers can gather relevant information by consulting existing records, such as previous workplace inspection reports, incidents and accidents reports, workers' compensation claims, sick leave and staff turnover registers, records of grievance, and performance measures and schemes.

Employers can also contact similar local businesses, trade associations, community groups and government organizations to learn about the susceptibility to violence in the industry and identify trends.

Risk prevention and control

After identifying the hazards and assessing the associated risks, the next step is to adopt measures to prevent or control such risks.

Examples of measures to prevent physical workplace violence are locks and alarms, sign-in procedures for visitors and workers assistance.

In order to prevent psychological violence and harassment, different environmental and organizational measures should be considered. For example, individual job requirements should be clearly defined – and regular feedback should be sought from workers regarding their roles, responsibilities and workload. Workers should be provided with the resources, information and training they need to execute their responsibilities effectively and safely. Teamwork and cooperation should be encouraged. There is no denying that institutional hierarchy and power relations can contribute to psychological violence. Measures should therefore be put in place to provide managers and supervisors with the training, support and mentorship they need to be positive leaders. Likewise, the organization needs to ensure that leaders act in a timely manner when they see or become aware of workplace violence. As noted above, psychological violence, especially bullying and harassment, can be discouraged with good management practices and effective communication (ILO, 2004).



► Box 10 - Transformational leadership

The leadership style of supervisors and managers is a key determinant of a healthy working environment. Indeed, studies point to 'transformational leadership' as being the type of leadership under which there is a lower incidence of bullying (Appelbaum et al., 2012). It is a leadership approach where leaders possess charisma, inspirational motivation, intellectual stimulation and individualized consideration (Beugre et al., 2006). These leaders induce positive changes in their followers and the social system (Appelbaum et al., 2012). A study conducted on 500 schoolteachers in 25 primary and secondary schools in Turkey found that those principals who possessed 'transformational leadership' characteristics improved the organizational health of their school - and, as a result, teachers experienced less workplace bullying (Cemaloglu, 2011).

Similarly, clear policies and procedures on the unacceptability of workplace violence and harassment clearly reduce the psychosocial risks for violence. Indeed, investing in transformational leaders reduces the propensity of violence and harassment and increases worker productivity by overall improving the workplace conditions (Appelbaum et al., 2012).

Lastly, in times of organizational change, effective communication of these changes throughout the workplace is paramount.

► Box 11 - Managing organizational change well

Organizational change has a strong association with workplace violence and harassment and bullying. A number of researchers have put forward the theory that an increase in autocratic and authoritarian leadership practices, competition, interpersonal conflicts, workloads and job insecurity at times of organizational flux, are related to the rise in violence and harassment (Baillien et al., 2008). It is therefore essential to develop appropriate and strategic change management processes that acknowledge the potential for increased violence and harassment during such tense times.

Preventive measures must also address third party workplace violence and harassment. For example, proper emergency procedures should be adopted to use in the event of a robbery or security breach. Violence and harassment prevention activities should be integrated into daily procedures, such as checking lighting, locks and security cameras. Employers should also pay attention to communication problems and provide their workers with instructions on how to effectively defuse hostile situations involving their clients, patients, customers, passengers and members of the general public to whom they provide a service. Installing alarm systems and establishing a 'buddy' system are examples of measures that can be adopted to deal with emergency situations (Chappel and Di Martino, 2006).

Appropriate measures should be planned to respond and minimize the effects in the event of workplace violence and harassment, and to prevent similar occurrences in the future. These may include reporting and complaints procedures and a system of dispute resolution. Once these measures have been created, they need to be implemented and properly communicated to all relevant parties.

Workers are often reluctant to report accidents and incidents, especially cases of workplace violence and harassment. This is particularly the case if they are not confident that the report will be received, acted upon, and their rights to confidentiality respected - or if they feel reporting an incident might adversely affect their job. For example, a study among National Health Service (United Kingdom) workers showed that there was a 'pervasive culture of fear' in the workplace, including fear from reporting bullying incidents (Kline, 2014). A similar culture was indicated in a survey of 342 Australian aviation and rescue firefighters conducted in 2019 (UFU, 2019).

In order to promote the reporting of violence and harassment, procedures for reporting and complaints should be developed in collaboration with workers and clearly communicated to all staff, including new workers. The persons who manage them should be neutral, trained and competent to carry out their tasks; they must proceed with the necessary discretion to protect the dignity and privacy of the parties involved, and to insert operational mechanisms in order to avoid inappropriate complaints. Witnesses to workplace violence and harassment should also be encouraged to report.

It is also vital to protect the complainant and witnesses to avoid reprisals - and this can take the form of paid leave of absence or moving to another workplace or location. Preventing interruptions and delays is core to resolving these matters. (Velázquez, 2016).

Following reporting and/or complaint of cases of violence and harassment, appropriate measures should be taken in relation to the perpetrator(s). This may include disciplinary action - up to and including dismissal. The victim(s) should receive support and, if necessary, be helped with reintegration (Velázquez, 2016).

An effective response to reports and incidences of workplace violence and harassment is key to stopping the violence. It will also give the message to workers that workplace violence and harassment is taken seriously and that consistent action will be taken. This will help to institutionalize a peaceful workplace culture. It goes without saying that national legal requirements and other requirements can often dictate workplace level regulations regarding the prevention and management of violence and harassment at work. However, Table 3 provides a good framework for the types of principles and actions that might be present in any workplace response to this situation.

► Table 1 - Good practices for responding to workplace violence and harassment

PRINCIPLES	ACTION
Act promptly	Reports/complaints should be dealt with quickly, reasonably, and within established timelines. The relevant parties should be advised of how long it will likely take to respond to the report/complaint, and should be kept informed of the progress so they are reassured it has not been forgotten or ignored.
Treat all matters seriously	All reports/complaints should be taken seriously and assessed on their merits and facts.
Maintain confidentiality	The confidentiality of all parties involved should be maintained. Details of the matter should only be known by those directly concerned.
Ensure procedural fairness	The person who is alleged to have perpetrated for example a bullying behaviour should be treated as innocent unless the allegations are proven to be true. Allegations must be put to the person in question, and he or she must be given a chance to explain his or her version of events. The opportunity to have decisions reviewed should be explained to all parties.
Be neutral	Impartiality towards everyone involved is critical. This includes the way people are treated throughout the process. The person in charge of the report/complaint should not have been directly involved in the case, and they should also avoid personal or professional bias.
Support all parties	Once a report/complaint has been filled, the parties involved should be told what support is available. This might include worker assistance programmes, or the right to have a support person present at interviews or meetings – for example, an OSH representative, union representative or work colleague.
Do not victimize	It is important to ensure that anyone who reports workplace bullying is not victimized for doing so. The person accused of workplace violence and harassment (and witnesses) should also be protected from victimization.
Communicate the process and outcomes	All parties should be informed of the process, how long it will take, and of what they might expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken (or not taken) should be explained to the parties.
Keep records	<p>The following should be recorded:</p> <ul style="list-style-type: none"> ► the person who made the report/complaint, the date and the person to whom it was submitted ► the details of the issue reported ► the action taken to respond to the issue ► any further action required - what, when and by whom. <p>Records should also be made of conversations, meetings and interviews, detailing who was present and the agreed outcomes.</p>

Source: adapted from SWA (2016): *Guide for preventing and responding to workplace bullying*.

▶ 4.3 Integrating violence and harassment in OSH training and information

Workers, managers and supervisors should be aware of what the concept of workplace violence and harassment means – and know precisely where their responsibilities lie in preventing and responding to it. Training programmes should be tailored to the specific needs of the target audience (workers, workers' OSH representatives, members of joint OSH committees, supervisors, managers, etc.) and be relevant to their workplace.

The training should ensure that all the staff (including workers, managers and supervisors) understand and follow the same rules and policies, and are equally rewarded, disciplined, and sanctioned for poor behaviour.

New and prospective workers should receive adequate information about unacceptable violence and harassment at work and respectful workplace policies before they enter

the organization, e.g., during recruitment, orientation, and the onboarding process.

When workers are promoted to supervisory/management positions, they should receive specific training on how to be a good manager/supervisor before they take up their posts. They should acquire appropriate skills to identify and respond to workplace violence and harassment.

Workers' OSH representatives should be trained to understand the causes and consequences of occupational violence and harassment, and taught ways to prevent it (including discrimination-related violence and harassment). They must also be given details on the violence and harassment policy and its implementation, and informed on how and where to get support (within and outside the organization).

▶ Box 12 - Key elements to include in workplace violence and harassment training

- ▶ The standards of behaviour expected in the workplace - including the use of social media, if relevant;
- ▶ How workplace violence and harassment should be reported, and the way in which such reports are managed;
- ▶ Where to go for more information and assistance;
- ▶ Awareness raising of the impact that certain behaviours may have on the safety, health and well-being of colleagues;
- ▶ The health and safety duties and responsibilities relating to workplace violence;
- ▶ Measures used to prevent the occurrence of workplace violence and harassment;
- ▶ How individuals can respond to workplace violence and harassment;

Source: adapted from McPhaul et al, 2013 and SWA, 2013.

It is also important to consider extending training programmes and the dissemination of information to families and the community through organizing fairs, exhibitions, distributing brochures, etc.

▶ 4.4 Monitoring and evaluation

Monitoring and evaluation is a key component of any OSH-MS. Any OSH programmes and measures that have been implemented, including those relating to violence and harassment, should be regularly monitored and evaluated to ensure that the organization continues to strengthen its ability to prevent workplace violence and harassment and its consequences.

It is essential to maintain good record keeping on reported cases of violence and harassment, as well as other records (e.g., exit interviews and records of absenteeism).

Workplace surveys assessing violence and harassment and psychosocial risks conducted

on a regular basis may provide useful indicators about the effectiveness of the measures implemented.

Periodic evaluations help organizations identify new or previously unnoticed risk factors, as well as deficiencies or failures in the risk prevention management programme. They also demonstrate the effectiveness of the trainings. Evaluations also help improve compliance with workplace violence and harassment regulations. Results of these evaluations should be provided to board members and health and safety representatives.





05

The way
forward

This report calls for the ongoing development and use of existing national and workplace mechanisms to effectively prevent and manage violence and harassment in the world of work, including through OSH management systems, OSH policies and programmes, and OSH national tripartite mechanisms. A process for managing the risk of violence and harassment needs to be integrated into all policies and procedures wherever possible.

The world of work may serve as a platform for reaching out to the millions of people worldwide who are victims of violence and harassment outside of the workplace and who need care, in line with existing mechanisms to promote health and well-being at work. Research has shown that these mechanisms not only have a positive impact on workers' lives and business productivity, but also on violence and harassment as a whole.

Both international standards – including the Violence and Harassment Convention, 2019 (No. 190), and its accompanying Recommendation (No. 206) – and regional regulations have a part to play in raising awareness and bringing international recognition and visibility to this important issue. This will, in turn, generate new studies and research into combating workplace violence and harassment, which will enhance the understanding of both the causes and consequences of this problem.

There is also a need to standardize methodologies used to research and study workplace violence, which will enhance the effective monitoring and evaluation of this phenomenon on a global level. It is also vital to address the matter of under-reporting of incidents. Under-reporting may, in some cases, be attributed to the normalization of violence and harassment – the process by which workers and employers believe that

physical, psychological and sexual violence and harassment are part of the job. Workers then remain in violent workplaces which adversely affects their safety and health while impairing research efforts to mitigate workplace violence and harassment due to lack of data.

Furthermore, the scope, prevention, protection and remedial provisions to manage and eliminate violence and harassment at work need to be spelled out and embedded in national legislation, policy and practice. But legislation is not enough; the stakeholders need to recognize the risk of workplace violence, find solutions to alleviate it, and implement prevention systems at the level of the workplace.

There must be zero tolerance to any form of abuse, harm or injury inflicted on someone who is simply trying to do a job – this is a human right. It may take time to develop, align and/or adapt the necessary legislation to include or strengthen protection from the many forms of violence and harassment at work. However, there is much to do at the workplace level in the immediate future.

Good OSH practice helps address violence and harassment. The recognition of good practices is growing and paving the way for the eradication of violent behaviour in the world of work. There is no denying that planning and implementing successful and effective strategies to prevent and/or intervene in violence and harassment at work is challenging – but if the stakeholders work together, they can contribute towards achieving workplaces that are free from violence and harassment. This inevitably calls for a collaborative approach. A recipe for a good work culture requires that many ingredients and processes be blended together.

Governments are responsible for setting overall policy, and adopting legislation and regulations to prevent and eliminate violence and harassment at work. If they have not already ratified Convention No. 190, they should take steps to do so. They should also ensure robust and consistent mechanisms to measure the prevalence of workplace violence and harassment, and put in place effective measures and provide guidance to combat it. Their complaint processes must also be easily accessible to the victims of workplace violence, unions, and workers' OSH representatives. Governments should also work closely with social partners to integrate violence and harassment issues on the agenda of national OSH tripartite plus committees (where they exist).

Further to collaborating with governments in this area, **social partners (employer and worker organizations)** have a key role in providing guidance to their members on preventing and addressing violence and harassment in the world of work. They may adopt collective agreements and this may include a sectoral approach. They may also help collect data on the prevalence and trends of violence and harassment.

Labour inspectorates need adequate resources to assess compliance with legal OSH obligations, including those related to violence and harassment. They should investigate any complaints alleging the contravention of labour standards and protections – and be able, if necessary, to sanction these actions. They should cover violence and harassment in the world of work as part of their mandate. They can provide advice to employers and workers to adopt appropriate measures to prevent and/or respond to violence and harassment.

Employers have an important role in preventing and addressing workplace violence and harassment. It is their responsibility to ensure safe and healthy working environments. Employers should integrate violence and harassment in the workplace OSH management system (where it exists). This includes adopting a comprehensive workplace OSH policy and programme, conducting inclusive risk assessments and providing appropriate information and training.

Workers should co-operate in the implementation of this enhanced OSH-MS. Workers and their representatives can act as whistle-blowers if they observe, or are informed by a worker, that there has been a violation of the right to physical or mental health in the organization. Workers' representatives are also well placed to take constructive steps to prevent violence and harassment at work by negotiating better workplace policies and collective and enterprise agreements, and by engaging in campaigns and awareness raising.

Workers' OSH representatives have a crucial role to play in preventing workplace violence and harassment and supporting workers through a complaints process. Their functions may be set out in legislation. OSH representatives should consult with workers and discuss the issue of violence and harassment at work to increase awareness of the issue. They can conduct surveys to see if it is a problem at their workplace, making sure that the survey considers those workplace factors which may be contributing to violence and harassment. As they work with management, OSH representatives can also help develop policies on preventing and eliminating workplace violence and harassment and creating respectful workplaces. OSH representatives should also consult with employers and unions to ensure that adequate training, information and instruction are provided at the workplace to all workers, supervisors and OSH representatives, and encourage the reporting of all incidents of violence and harassment. They should also be alert for any warning signs that violence and harassment may be happening, and be aware of those processes (e.g., organizational change) which may act as possible triggers for this situation.

Joint OSH committees are bipartite bodies composed by workers' and employers' representatives. Such committees may be established at the workplace to ensure cooperation between workers and employers to achieve and maintain safe and healthy working environments, free from violence and harassment. Policy development may be a task for the joint OSH committee, together with the design of OSH measures and procedures – including those for preventing, reporting and responding to workplace violence.

OSH practitioners are specialized professionals who can provide advice to employers for ensuring the safety and health of all workers within an organization, including by helping prevent and eliminate violence and harassment at work. They are entrusted with supporting enterprise leaders understand that the management of OSH and associated risks needs to be an integral part of everyday work - and built into business planning and practices. They also play a role in supporting workers to take ownership of their own safety and health outcomes. Providing guidance to help the employers and workers understand and meet their obligations is crucial. This implies ensuring that enterprise leaders, managers, workers and OSH representatives are educated and supported to better understand their rights and responsibilities with respect to violence and harassment at work. OSH practitioners are one of the lynchpins in building and maintaining healthy partnerships within the workplace. OSH practitioners can facilitate engagement and influence positive change by supporting leaders to commit to safety and health and to embrace new ideas, including by preparing reports and providing strategic advice into workplace programmes to manage OSH and violence and harassment in the world of work.



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► Appendices

Appendix I. Relevant provisions from ILO OSH standards

OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981 (NO. 155), ITS ACCOMPANYING RECOMMENDATION (NO. 164), AND THE PROTOCOL OF 2002 (P155)

Article 3(e) of Convention No. 155 provides that the term 'health', in relation to work, includes the physical and mental elements impacting on health which are directly related to safety and hygiene at work. In its Article 13, the Convention calls for the protection from undue consequences for workers who remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health.

Paragraph 3(e) of Recommendation No. 164 provides that measures should be taken in pursuance of the national policy on occupational safety, occupational health and the working environment to prevent harmful physical or mental stress due to conditions of work. Paragraph 10 outlines the obligations of employers to ensure that work organization, particularly with respect to hours of work and rest breaks, does not adversely affect occupational safety and health. It obliges employers to take all reasonably practicable measures with a view to eliminating excessive physical and mental fatigue.

Preambular Paragraph (e) of the Protocol (2002) clearly opens up the scope of the meaning of work when it calls for information on measures taken regarding occupational accidents, diseases and other injuries to health, which arise in the course of or in connection with work. In its Definitions section, Article 1(a) of the Protocol specifies that an occupational accident covers an occurrence arising out of, or in the course of, work resulting in a fatal or non-fatal injury. Article 1(c) states that the term 'dangerous occurrence' covers a readily identifiable event as defined under national laws and regulations, with the potential to cause an injury or diseases to persons at work or to the public. Article 1(d) goes on to identify the term 'commuting accident', which covers an accident resulting in death or personal injury occurring on the direct way between the place of work and (i) the worker's principal or secondary residence; (ii) the place where the worker usually takes a meal; or (iii) the place where the worker usually receives his or her remuneration.

Paragraph 15 (2) of Recommendation No. 164 provides that employers should be required to keep such records relevant to occupational safety and health and the working environment, and Article 16(e) states that these include records of all notifiable occupational accidents and injuries to health which arise in the course of or in connection with work.

OCCUPATIONAL HEALTH SERVICES CONVENTION, 1985 (NO. 161), AND ITS ACCOMPANYING RECOMMENDATION (NO. 171)

Convention No. 161 defines 'occupational health services' as [emphasis added] 'services entrusted with essentially preventive functions and responsible for advising the employer, the workers and their representatives' in the enterprise on a range of relevant matters, including on the requirements to establish and maintain a safe and healthy working environment so as to facilitate optimal physical and mental health in relation to work and also on the adaptation of work to the capabilities of workers in the light of their state of physical and mental health (Article 1 (a) (i)-(ii)).

Preventative work clearly falls within the remit of Convention No. 161, as does as the need to make reasonable adjustments to put an end to violence and harassment at work – and its adverse physical and mental health consequences.

Under Article 3, each Member undertakes to progressively develop adequate and appropriate [multi-disciplinary and professionally independent – see Articles 9 and 10] occupational health services (OHS) for all workers, noting any risks specific to the enterprise, and where such services cannot be immediately established, to draw up plans for such services in consultation with the most representative organizations of employers and workers.

Article 5 provides that without prejudice to an employer's responsibility for the health and safety of workers in her of his employment, OHS shall manage the occupational risks of the enterprise including by: identifying and assessing the risks from health hazards in the workplace; surveilling the work environment and work practices which may affect workers' health and also workers' health in relation to work (...); providing advice on planning and organization of work, including the design of workplaces; participating in the development of programmes to improve working practices (...); promoting the adaptation of work to the workers; collaborating in providing information, training and education in the fields of occupational health (...); organizing first aid and emergency treatment; and participating in analysis of occupational accidents and occupational diseases.

All of these functions may be understood as being relevant to the proactive management of violence and harassment at work.

Article 8 provides that all parties – employers, workers and their representatives – shall cooperate and participate on an equitable basis in implementing organizational and other measures relating to occupational health services.

Article 13 provides that all workers shall be informed of health hazards (which would include psychosocial hazards) involved in their work. Article 14 requires an employer and workers to inform the OHS provider of any known or suspected factors in the working environment which may affect the workers' health, while Article 15 requires OHS providers to be informed of incidences of ill health among workers and absences from work for health reasons. The purpose of this is to allow OHS providers to be able to identify any relationship between the ill health and/or absence and health hazards present at the workplace, noting that the providers must not be required by the employer to verify the reasons for a worker's absence from work.

Paragraph 5(a) of the Occupational Health Services Recommendation, 1985 (No. 171) calls for the identification and evaluation of environmental factors which may affect workers' health; Paragraph 5(b) requires an assessment of factors and conditions which may affect the workers' health; and Paragraph 5(e) requires the assessment of control systems designed to eliminate or reduce exposure to hazards. Paragraph 11 calls for all assessments necessary to protect the health of workers, including by assessing workers' health at periodic intervals during employment involving exposure to a particular hazard to health, and also after a return to work after a prolonged absence for health reasons. The purpose of the latter is to determine possible occupational causes and to recommend appropriate action to protect the workers. Paragraph 11(2) also stipulates that measures be adopted to protect the privacy of workers and to ensure that health surveillance is not used for discriminatory purposes or in any other manner prejudicial to their interests.

Furthermore, Paragraph 37(1) requires that the professional independence of OHS providers be safeguarded, and paragraph 38 requires them to observe professional secrecy regarding any medical and technical information they might have acquired in the course of their work. Paragraph 40 (1) calls for a multidisciplinary and collaborative approach to OHS, including with the personnel department and workers' representatives, and with the workers' safety representatives and the health committee where they exist.

LIST OF OCCUPATIONAL DISEASES RECOMMENDATION, 2002 (NO. 194)

Recommendation No. 194 provides for the regular review and updating of the list of occupational diseases contained in its Annex through tripartite meetings of experts. The ILO list, updated in 2010, now covers mental and behavioural disorders, including post-traumatic stress disorder (PTSD) (Paragraph 2.4.1). Paragraph 2.4.2 of the new list now provides for other mental or behavioural disorders not mentioned in the preceding item where a direct link is established scientifically, or determined by methods appropriate to national conditions and practice, between the exposure to risk factors arising from work activities and the mental and behavioural disorder(s) contracted by the worker.

**PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 2006 (NO. 187)
AND ITS ACCOMPANYING RECOMMENDATION (NO. 197)**

Convention No. 187 calls for the active and continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths by developing, in consultation with the most representative organizations of employers and workers, appropriate national systems, policies and programmes. It provides that the national programme shall promote the development of a 'national preventative safety and health culture,' (Article 5 (2)(a)), which it defines as 'a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a systems of defined rights, responsibilities and duties, where the principle of prevention is accorded the highest priority (Article 1 (d)).

The national programme is also to widely publicise and contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace (Article 5(2)(b)).

Paragraph 1 of Recommendation No. 197 provides that the national policy formulated under Article 3 of the Convention should consider Part II of the Occupational Safety and Health Convention, 1981 (No. 155), as well as the relevant rights, duties and responsibilities of workers, employers and governments in that Convention.

Paragraphs 3-6 provide that to prevent occupational injuries, diseases and deaths, the national system should provide measures to protect all workers, particularly those in high-risk sectors, and vulnerable workers, including young workers, migrant workers, and those in the informal economy. In promoting a national preventative safety and health culture, Members should aim to: raise workplace and public awareness through national campaigns, linked with, where appropriate, workplace and international OSH initiatives; promote mechanisms to deliver OSH education and training (particularly for managers, supervisors, workers and their representatives, and government officials responsible for OSH); introduce OSH concepts and, where appropriate, competencies in educational and vocational training programmes; facilitate the exchange of OSH statistics and information among relevant authorities, employers, and workers and their representatives; provide information and advice to employers and workers to promote/facilitate cooperation with a view to eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks; and promote, at the level of the workplace, OSH policies, joint safety and health committees, and the designation of workers' OSH representatives, in accordance with national law and practice, as well as appropriate management systems.

Appendix II.

Examples of legal provisions addressing workplace violence and harassment in national OSH and labour laws and regulations

COUNTRY	LEGISLATION ⁹⁸	KEY PROVISIONS
AUSTRALIA	Fair Work Act 2009 No. 28, 2009	Part 4-6B (Section 789) deals with “workers bullied at work”. It defines bullying at work and allows for the application to the Fair Work Commission (FWC) for an order to stop the bullying.
BELGIUM	Loi du 4 août 1996 relative au bien-être des travailleurs lors de l'exécution de leur travail (M.B. 18.9.1996) [Act on Well-Being of Workers]	<p>Article 32ter defines violence (any act whereby a worker is psychologically or physically threatened or attacked during the execution of his/her work), moral harassment (a wrongful series of several behaviours, outside or within the undertaking or the organisation, taking place over a specific period of time, the goal or consequence of which is that the personality, dignity or physical or psychological integrity of a worker is affected in the execution of his/her work, that his/her position is placed at risk or that a threatening, hostile, insulting, demeaning or hurtful environment is created manifesting particularly in words, threats, actions, gestures or one-sided communication) and sexual harassment (any form of unwanted verbal, non-verbal or physical behaviour with a sexual connotation, the goal or consequence of which is a compromise of the dignity of a person, or the creation of a threatening, hostile, insulting or injurious environment)</p> <p>The employer has to conduct a risk assessment and take the necessary preventive measures concerning situations that can lead to psychosocial risk, stress, violence, moral and sexual harassment (article 2/32). The minimum preventive measures to be taken by the employer to avoid the occurrence of violence, “moral” and sexual harassment at work include: material and organizational measures; specific measures to protect workers who come into contact with persons other than the employer and other workers (third parties); informing and training workers; informing the committee for prevention and protection at work (article 32quater).</p> <p>Under article 2/32, a worker who has suffered violence, moral or sexual harassment at work can ask for an informal psychosocial intervention to the confidential counsellor or to the prevention advisor (informally looking for a solution through interviews or an intervention with a third party or conciliation) or a formal psychosocial intervention to the prevention advisor (asking the employer to take the appropriate collective and individual measures, following the analysis of the applicant’s work situation and the measures suggested by the prevention advisor).</p> <p>Under art. 32sexies, the employer decides whether the tasks assigned to the prevention advisor have to be carried out by the internal service for prevention and protection at work, or by an external service. If the internal service is in charge, a prevention advisor specialized in the psychosocial aspects of work (including violence and harassment at work) has to be appointed by the employer, in consultation of all the representatives of staff members on the committee. Confidential counsellors can also be appointed. People who are part of the management staff cannot act as prevention advisors or confidential counsellors.</p> <p>The employer cannot terminate the employment relationship nor take detrimental measures against workers because they have requested a formal psychosocial intervention, filed a complaint, brought a legal claim or provided a witness statement (art. 32tredecies).</p> <p>According to article 6, workers have a duty to cooperate with the employer to the safeguard of their own health and safety at work. Among other things, they should contribute positively to the prevention policy on the protection of workers against violence, psychological or sexual harassment at work, and refrain from any act of violence, psychological or sexual harassment at work.</p>
	Arrêté royal du 10 Avril 2014 relative à la prévention des risques psychosociaux au travail [Royal decree on the prevention of psychosocial risks at work]	<p>Under article 3, the employer has to carry out a risk assessment with participation of the workers that takes into account the occurrence of situations that can lead to stress or burnout caused by work or harm to health deriving from conflicts linked to work or from violence or moral or sexual harassment at work.</p> <p>Under article 5, in the assessment of risks, specific attention has to be given to whether the workers come into contact with other people in the workplace in the course of their work. For this purpose, the employer has to take into account the declarations of workers contained in the “register of actions of third parties” kept by the prevention advisor. The declarations contain a description of the acts of violence, psychological or sexual harassment at work caused by other people in the workplace, of which the workers claim to have been subjected to.</p> <p>Articles 14 and 15 specify the content of the informal and formal psychosocial interventions, respectively</p>
BOSNIA AND HERZEGOVINA	Labour Law of 2015	According to article 9, employers and other persons employed with an employer shall not harass or sexually harass, commit violence based on gender, as well as systematically harass employees at work or in relation to work (mobbing), including job seekers with an employer. Article 9 also provides the definitions of harassment, sexual harassment, gender-based violence and mobbing (intended as “a specific form of non-physical harassment in the workplace, which implies repeating actions by which one or more persons psychologically abuse and humiliate another person, and whose purpose or consequence is to undermine that person’s reputation, honor, dignity, integrity, working conditions or professional status”)
BOTSWANA	Employment Act (Act 29, 1982), amended 2003, Cap 47:01, Part III, Art. 26	According to article 26, an employee may terminate their contract without notice if (section e) “by virtue of his employment he or his dependants are immediately threatened by danger to the person from violence or disease such as he did not undertake to accept by his contract of employment”.
BURKINA FASO	Loi n° 028-2008-AN du 13 mai 2008 portant Code du Travail [Labour Code]	According to articles 6)36) and 37, the employer shall prohibit every form of physical or mental violence or any other abuse, including sexual harassment.
CANADA	Canada Labour Code, RSC 1985	<p>Article 125(z.16) states that employers shall “take the prescribed steps to prevent and protect against violence in the workplace”.</p> <p>Article 247 address workplace sexual harassment (defined as “any conduct, gesture or contact of a sexual nature (a) that is likely to cause offence or humiliation to any employee; or (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion”). Every employee is entitled to employment free of sexual harassment (article 247.2). Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment (article 247.3) and shall, after consulting with the employees or their representatives, if any, issue a policy statement concerning sexual harassment (article 247.4).</p>

⁹⁸ For legislation, the most recent available text of the laws, as amended was used (as of February 2020).

	Occupational Health and Safety Regulations (SOR/86-304)	Part XX section 20.2 defines workplace violence as “any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee.” \
		Section 20.3 states that “the employer shall develop and post at a place that is accessible to all employees a work place violence prevention policy setting out, among other things, the obligations of the employer, which include the following: (a) to provide a safe, healthy and violence-free work place; (b) to dedicate sufficient attention, resources and time to address factors that contribute to work place violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it; (c) to communicate to its employees information in its possession about factors contributing to work place violence; and (d) to assist employees who have been exposed to work place violence.
		Section 20.4 states “employer[s] shall identify all factors that contribute to work place violence”.
		Section 20.5 states that “employers shall assess the potential for work place violence, using the factors identified under section 20.4”
CHILE	Codigo del Trabajo (2002) [Labour Code]	Article 2 states that labour relations must always be based on treatment compatible with the dignity of the person and consider sexual harassment and workplace harassment against this principle. Workplace harassment is defined as any conduct that constitutes repeated aggression or harassment by the employer or by one or more workers against other worker(s) and that results in harm, mistreatment or humiliation for the affected person(s), their harm, mistreatment or humiliation, or that jeopardizes or impairs their employment situation or opportunities. Title IV deals with investigation and sanction of sexual harassment (articles 211A-E)
COLOMBIA	Ley núm. 1010 de 23 de enero de 2006 por medio de la cual se adoptan medidas para prevenir, corregir y sancionar el acoso sexual y otros hostigamientos en el marco de las relaciones de trabajo [Law on sexual and other forms of harassment within the framework of labor relations]	The purpose of the law is to define, prevent, address and sanction the various forms of aggression, abuse, humiliation, disparagement and offensive treatment and in general any outrage against human dignity exercised on those who carry out their activity in the context of a private or public employment relationship. Article 2 defines workplace harassment as any persistent and demonstrable conduct, exercised on an employee by an employer, a superior, a co-worker or a subordinate, aimed at instilling fear, intimidation, terror and anxiety, to cause damage and generate demotivation at work, or induce resignation. It can occur, among others, under the following general modalities: (1) labour abuse (any act of violence against physical or moral integrity, physical or sexual freedom and the personal assets; any abusive or outrageous verbal expression that damages the moral integrity or the rights to privacy and the good name; or any behaviour tending to undermine the self-esteem and dignity); (2) labour persecution (any repeated or arbitrary conduct aimed at inducing the resignation of the employee, through disqualification, excessive workload and permanent changes in the schedule that may result in labour demotivation); (3) labour discrimination; (4) labour obstruction (any action tending to hinder the work performance, to make the work more burden-intensive or to delay it with damage to the worker; for example the deprivation and hiding of documents or equipment, the destruction or loss of information, the hiding of correspondence or electronic messages); (5) labour inequality (assignment of tasks underestimating the worker); (6) labour protection (any conduct tending to jeopardize the integrity and safety of the worker through orders or assignment of duties non complying with the minimum requirements of protection and worker safety). Article 7 and 8 further describe the behaviours that constitute or not workplace harassment. Article 9 provides for the adoption of preventive and corrective measures to address workplace harassment. In particular, workplace regulations must provide for mechanisms for the prevention of harassment and the establishment of internal, confidential, conciliatory and effective procedure to deal with cases of harassment. Paragraph 2 further specifies that the failure to adopt preventive and corrective measures dealing with workplace harassment by the employer or senior managers, shall be understood as tolerance of the same. Article 11 provide guarantees against retaliation.
COMOROS	Loi du 28 juin 2012 abrogeant, modifiant et complétant certaines dispositions de la loi n° 84-108/PR portant Code du travail [Labour Code]	Sexual or moral harassment is strictly prohibited (Title I, article 2.2). The employer shall take all necessary steps to prevent such acts. No worker shall be fired, penalized, or discriminated for being subject to harassment or reporting it (article 2.3).
DENMARK	Work Environment Act (No. 268 of 2005), consolidated text (2017)	Article 1a provides that the Act covers the physical and psychological working environment. §2a (added by a 2015 amendment) reads that the Ministry of Employment may lay down rules so that some of the provisions of the Act with the required adjustments also apply to work for an employer where there is a risk of work-related violence, threats or other offensive behaviour outside working hours, as well as rules about the employer's obligation to set guidelines and to offer employees assistance with reporting work-related violent episodes outside working hours to the police.
	Executive Order No. 559 of 17. June 2004 on the Performance of Work	The Order specifies the employer's obligations set forth by the Working Environment Act, such as planning and organizing work as to ensure safe and healthy working conditions (article 4) and developing a written risk assessment (article 6a). Article 7 specifies that all aspects related to work must be performed as to ensure health and safety, in light of the individual and overall assessment of the physical, ergonomic and psychosocial conditions of the working environment, which in the short or longer term may affect the physical or mental health of employees. Further, article 9a adds that it must also be ensured that work does not involve a risk of physical or mental impairment to health due to bullying and sexual harassment.
EL SALVADOR	Ley general de prevención de riesgos en los lugares de trabajo (N. 254/2010)	Article 2 establishes the guiding principles of the law. These includes the respect for the inherent dignity of the person and the right to a work environment free of violence in all its manifestations. The employer is responsible to design and implement the Management Program for the Prevention of Occupational Risks, which should include the development of preventive and awareness raising programs on violence against women, sexual harassment and psychosocial risks (article 10) 8)).
FINLAND	Occupational Safety and Health Act, No. 738/2002	According to section 1)27) the work and working conditions in jobs entailing an evident threat of violence shall be arranged in such a way that the threats and incidents of violence are prevented as far as possible by providing appropriate safety arrangements and equipment as well as an opportunity of summoning help. Pursuant to section 2)27), for jobs and workplaces liable to threats of violence, the employer must provide procedural instructions considering threatening situations and presenting practices to control or restrict the effects of violence incidents on employees' safety. If harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, once aware of this, must take measures to remedy to this situation (section 28). Pursuant to section 29, if an employee works alone and such works entails evident hazards or risks to his/her safety and health, the employer must ensure that the hazards/risks are avoided or minimized and, considering the nature of the work, must provide an opportunity for necessary communication between the employee and the employer or his/her representatives or other employees, as well as an opportunity to summon help.

FRANCE	Code du Travail [Labour Code]	<p>Employees should not be subjected to repetitive acts of moral harassment that have the aim or effect of degrading their working conditions likely to impair their rights to dignity, to alter their physical or mental health or to compromise their professional future (article L1-1152). To this end, employers are required to take all necessary measures to prevent moral (article L4-1152). Furthermore, employees, trainees and interns should not be sanctioned, terminated or subjected to a discriminatory measure (especially with respect to remuneration, training, promotion, contract renewal, etc.) for having been subjected to or having refused to be subjected to repeated acts of moral harassment or for having testified about them or for reporting them (art. L2-1152) (prohibition of reprisals). Termination in violation of this provision is null and void (art. L3-1152). Employees who commit acts of moral harassment are liable to disciplinary sanctions (art. L5-1152). Art. L6-1152 provides that a mediation procedure can be initiated by victims or accused of moral harassment. The parties agree on the choice of the mediator, who attempts conciliation between the parties and submits to them some written proposals to end the harassment. If conciliation fails, the mediator informs the parties of possible sanctions and procedural guarantees in favour of the victim. Attempting to impair the regular exercise of the mediator's functions is punished with one-year imprisonment and a fine of €3750 (art. L1-1155).</p> <p>Art. 1-1153 prohibits sexual harassment of employees in two forms: (1) sexual harassment consisting of repetitive words or behaviours with a sexual connotation that impair the dignity of a person because of their degrading or humiliating character or they create an intimidating, hostile or offensive situation (hostile working environment); (2) sexual harassment consisting of all forms of severe pressure, even not repetitive, exercised with the actual or apparent aim of obtaining an act of sexual nature, either to the benefit of the offender or of a third party (quid pro quo).</p> <p>Every workplace with more than 50 employees must have a hygiene, security and conditions of work committee (art. L1-4611). The committee can propose actions to prevent moral and sexual harassment (art. L3-4612).</p> <p>Employers must also organize health services at work (art. L1-4622), which have the task of protecting workers' health. Such services can advise the employer, the workers and their representatives about the necessary measures control risks, to improve working conditions and to prevent moral and sexual harassment (art. L2-4622).</p>
GUINEA	Loi n° L/2014/072/CNT du 10 janvier 2014 portant Code du travail de la République de Guinée [Labour Code]	Workplace violence consists of every situation in which an employer or worker is persecuted, threatened or assaulted, psychologically or physically, during the execution of his/her work in the workplace.
KENYA	The Employment Act, 2007 (No. 11 of 2007)	Employers who employ twenty or more employees are required, after consulting with the employees or their representatives, to issue a policy statement on sexual harassment (Article 2)6)). The policy statement shall contain: (a) the definition of sexual harassment as specified in article 1)6); (b) a statement (i) that every employee is entitled to employment that is free of sexual harassment; (ii) that the employer shall take steps to ensure that no employee is subjected to sexual harassment; (iii) that the employer shall take such disciplinary measures as the employer deems appropriate against any person under the employer's direction, who subjects any employee to sexual harassment; (iv) explaining how complaints of sexual harassment may be brought to the attention of the employer; and (v) that the employer will not disclose the name of a complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation thereto (Article 3)6)).
LESOTHO	Labour Code Order 1992 (Order No. 24 of 1992)	<p>According to article 200, any person who offers employment or who threatens dismissal or who threatens the imposition of any other penalty against another person in the course of employment as a means of obtaining sexual favours or who harasses workers sexually shall commit an unfair labour practice.</p> <p>Article 234 states that "every person who, with a view to compelling another person to abstain from doing or to do an act which that other person has a legal right to do or abstain from doing, wrongfully and without legal authority (a) uses violence to or intimidates that other person or his or her spouse or children, or injures his or her property; or (b) persistently follows that other person about from place to place; or (c) hides any tools, clothes or other property owned or used by that other person or deprives him or her of or hinders him or her in the use thereof; or (d) watches or besets the house or other place where that person resides, or the approach to that house or place; or (e) follows that other person in a disorderly manner in or through any street or road; shall be guilty of an offence and liable to a fine not exceeding two hundred maloti or to imprisonment for a term not exceeding one month".</p>
MAURITIUS	The Employment Rights Act 2008 (No.33 of 2008)	<p>In Part 1, amended by Act No.6 of 2013, "harassment" is defined as "any unwanted conduct, verbal, non-verbal, visual, psychological or physical, based on age, disability, HIV status, domestic circumstances, sex, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, that a reasonable person would have foreseen that a worker would be affected negatively in his dignity"</p> <p>Article 1)54) states that no person shall (a) harass, sexually or otherwise; (b) assault; (c) verbally abuse, swear at or insult; (d) express the intention to cause harm; (e) bully or use threatening behaviour towards; (f) use aggressive gesture indicating intimidation, contempt or disdain towards; (g) by words or act, hinder, a workers, in the course of or as a result of his work.</p>
MEXICO	Reglamento Federal de Seguridad y Salud en el Trabajo (2014) [OSH Federal Regulation]	<p>Article 3 defines psychosocial risk factors as those factors that can cause disorders related to, non-organic sleep-wake cycle and severe stress, derived from the nature of the job functions, the type of working day and exposure to severe traumatic events or acts of workplace violence, and for the work carried out. Workplace violence is defined as acts of mobbing, harassment or ill-treatment against the worker, which can damage his integrity or health.</p> <p>In order to promote a favourable organizational environment and prevent workplace violence, Article 55 requires employers to: (i) define policies for the prevention of workplace violence; (ii) establish safe and confidential mechanisms for receiving complaints; (iii) perform evaluations;(iv) adopt adequate preventive measures to combat the practices opposed to the Favorable Organizational Environment and acts of workplace Violence; (v) disseminate the policies, the results of the evaluations and information on the measures adopted; and (vi) keep records on the preventive measures adopted and the results of the evaluations.</p>
MOROCCO	Dahir n° 1-03-194 du 11 septembre 2003 portant promulgation de la loi n° 65-99 relative au Code du travail [Labour Code]	According to Article 40, the employee may terminate the contract in case the employer commits any form of violence and sexual harassment.
NAMIBIA	Labour Act, 2007 (Act No. 11 of 2007)	Article 5 prohibits discrimination and sexual harassment in employment. It defines sexual harassment' as any unwarranted conduct of a sexual nature towards an employee which constitutes a barrier to equality in employment where - (i) the victim has made it known to the perpetrator that he or she finds the conduct offensive; or (ii) the perpetrator should have reasonably realised that the conduct is regarded as unacceptable, taking into account the respective positions of the parties in the place of employment, the nature of their employment relationships and the nature of the place of employment. Where sexual harassment is perpetrated by an employer against an employee, and that employee resigns as a result of the sexual harassment, that resignation constitutes a constructive dismissal.
NETHERLANDS	Working Conditions Act (1999). Consolidated text	<p>The employer shall ensure that the health and safety of employees is protected with respect to all employment-related aspects, and to this end shall conduct a policy aimed at achieving the best possible working conditions (Article 1)3)). For this purpose, the following factors shall be taken into account: a) the employer shall organize the work in such a way that it has no detrimental effect on the employee's safety and health; b) hazards and risks to the safety or health of the employee shall wherever possible be avoided or limited at source in the first instance; c) the actual work required shall be adapted to employees' individual characteristics; d) monotonous work and work that needs to be carried out at a particular speed shall be avoided; e) prevention of employment-related psychosocial pressure as part of the general working conditions policy (Article 2)3)).</p> <p>Employment-related psychosocial pressure is defined as "sexual intimidation, aggression and violence, aggravation and pressure of work in the employment situation that cause stress" (Article 3)1)).</p>

NIGER	Loi n° 2012-45 du 25 septembre 2012 portant Code du travail [Labour Code]	Article 44 places an obligation on the employer to prohibit any form of physical or psychological violence or any other abuse resulting from employment relationships. Article 45 prohibit sexual harassment by abuse of authority, for the purpose of obtaining sexual favours.
NORWAY	Act (No. 62 of 2005) respecting working environment, working hours and employment protection, etc. (Working Environment Act)	The purpose of the Act is to secure a working environment that provides a healthy and meaningful working situation, that affords full safety from harmful physical and mental influences and that has a standard of welfare consistent with the level of technological and social development of society; to ensure equality of treatment at work; to facilitate the adaptation of the individual employee's working situation in relation to his/her capabilities and circumstances of life; to provide a basis for cooperation between the employer and the employees to safeguard and develop the working environment; to foster inclusive working conditions (Section 1-1). According to s. 2) 1-4), the organization, arrangement and management of work, working hours, pay systems, technology, etc., must be arranged so that employees are not exposed to adverse physical or mental strain. Special risks associated with working alone must be assessed, and measures to prevent/reduce them must be implemented to create a fully satisfactory working environment (s. 3) 1-4)). S. 3-4, titled "requirements regarding the psychosocial working environment", requires: the work to be arranged so as to preserve the employees' integrity and dignity; efforts to be made to arrange the work so as to enable contact and communication with other employees; employees not to be subjected to harassment or other improper conduct; employees to be protected, as far as possible, against violence, threats and undesirable strain as a result of contact with other persons. Section 3-2 defines employees' duty to cooperate, including ensuring that the employer or the safety representative is notified as soon as employees become aware of harassment or discrimination at the work- place.
POLAND	Labour Code of 26 June 1974 (Dz.U. 1974, Nr 24 poz. 141)	Article 94 defines mobbing as persistent and long-term harassment or intimidation of an employee, resulting in a decreased evaluation of his/her professional abilities, or which is aimed at, or results in, the humiliation or ridicule of the employee, or in the isolation or elimination of the employee from the group of co-workers.
PORTUGAL	Law No. 73/2017 of 16 August	This law, amending the Labour Code, strengthens the legislative framework for preventing harassment in both the private sector and public administration. In Article 29 it prohibits harassment, gives victims the right to compensation and provides protections for whistle-blowers and witnesses from disciplinary action. Article 127 adds that companies with seven or more workers must adopt codes of conduct for the prevention and response to harassment in the workplace. It also gives the employer the responsibility of compensating for any diseases or damages to the worker due to the harassment.
PARAGUAY	Resolución MTESS No 2019/388 por la cual se deja sin efecto la resolución MJT No. 2012/472, se crea la oficina de atención y prevención de la violencia laboral y se establece el procedimiento de actuación ante casos de violencia laboral, mobbing y acoso sexual en los lugares de trabajo dentro de las empresas	The law creates the Office of Attention and Prevention of Workplace Violence (Oficina de Atención y Prevención de la Violencia Laboral), under the Ministry of Labour, Employment and Social Security (article 1). Article 3 defines the main functions of this office, mainly related to raise awareness about workplace violence and conduct research to better understand the phenomenon, in particular for prevention purposes. The law also describes the procedures for complaints (article 5) and sanctions (article 6). Article 7 requires employers with more than 10 employees to adopt an internal regulation defining (i) the internal procedures for complaints of cases of workplace violence; (ii) the applicable sanctions; (iii) measures to prevent, control and, as appropriate, eliminate violence in the workplace; (iv) education and training programs for workers on the prevention of workplace violence.
REPUBLIC OF KOREA	Labor Standards Act, 1997	Article 2-76 states employers or workers shall not take advantage of their position or relations in the workplace, causing physical and mental distress to other workers or worsening the working environment beyond the scope of their work. Article 3-76 states Anyone who finds out the harassment in the workplace may report it to the employer. (2) If the employer receives a report under paragraph (1) or recognizes the occurrence of harassment in the workplace, he / she shall conduct an investigation to confirm the fact without delay. (3) An employer shall, when necessary to protect workers who have been injured in relation to workplace harassment or workers who claim to have been injured (hereinafter referred to as "the victims") during the investigation period under paragraph (2), shall Appropriate measures, such as a change of working place and an order for paid leave should be taken. In this case, the employer shall not take measures against the will of the victims. (4) When the employer finds out that workplace harassment has occurred as a result of the investigation under paragraph (2), the employer shall take appropriate measures such as changing the place of work, changing the placement, and ordering paid leave when requested by the victim. (5) The employer shall immediately take necessary measures such as disciplinary action, change of working place, etc. when the employer finds out that workplace harassment has occurred as a result of the investigation under paragraph (2). In this case, the employer must listen to the victim's opinion on the measures before taking disciplinary action. (6) An employer shall not dismiss or otherwise treat disadvantaged workers or other workers who report the occurrence of harassment in the workplace.
RWANDA	Loi n° 13/2009 du 27 mai 2009 portant réglementation du travail au Rwanda [Labour Code]	Section 3 deals with the "protection of workers against violence or harassment". According to article 9, it shall be forbidden to directly or indirectly subject a worker to gender based violence or moral harassment within the context of work. The resignation of a worker who is victim of violence by his/her supervisor is considered as an unfair dismissal (article 10). Finally, no worker shall be dismissed for having reported or testified on violence (Article 11).
SERBIA	Labour Code of the Republic of Serbia of 15 March 2005	According to article 21 harassment and sexual harassment are prohibited. Harassment is any unwanted behaviour resulting from some of the grounds referred to in Article 18 of this law (i.e. sex, origin, language, race, colour of skin, age, pregnancy, health status or disability, nationality, religion, marital status, familial commitments, sexual orientation, political or other belief, social background, financial status, membership in political organizations, trade unions or any other personal quality) aimed at or representing violation of dignity of a person seeking employment or employee, causing fear or breeding adverse, humiliating or insulting environment. Sexual harassment is any verbal, non-verbal or physical behaviour aimed at or representing violation of dignity of a person seeking employment or employee in the area of sexual life, causing fear or breeding adverse, humiliating or insulting environment.
SLOVENIA	Employment Relations Act, 2013 (VDR1-)	Article 1)7) prohibits sexual and other forms of harassment at work. Harassment is defined as any unwanted behaviour related to any personal circumstance, with the effect or intent to hurt a person's dignity or to create an intimidating, hostile, degrading, humiliating or abusive environment. Furthermore, article 4)7) prohibit workplace abuse and bullying (defined as any repetitive or systematic, reprehensible or clearly negative and insulting action or behaviour directed to an individual worker at work or in connection with work).
SOUTH AFRICA	Labour Relations Act, 1995 (No. 1995/66)	According to schedule 8, section 4)3), physical assault on the employer, a fellow employee, client or customer is considered as serious misconduct (leading to disciplinary measures and eventually dismissal).
SPAIN	Real Decreto Legislativo 2000/5, de 4 de agosto, por el que se aprueba el texto refundido de la Ley sobre Infracciones y Sanciones en el Orden Social [Law of Infractions and Sanctions in the Social Order]	Article 8.13 states that an act of sexual harassment, committed within an employment relationship and under the responsibility of the employer, constitutes a very serious offence, regardless of who the perpetrator may be. Article 8.13 bis states that an act of harassment on the grounds of sex, committed within an employment relationship and under the responsibility of the employer, will also constitute a very serious offence, regardless of who the perpetrator may be, provided that the employer is aware that it has occurred and has not acted to stop it.

SWEDEN	Work Environment Act (1977:1160)	According to section 1 of chapter 2, working conditions shall be adapted to people's differing physical and mental aptitudes. Technologies, the organisation of work and the content of work must be designed in such a way that the employee is not subjected to physical strain or mental stress that may lead to illness or accidents. Employers and employees must cooperate to create a good work environment (Section 1a of Chapter 3). The employer must take all necessary measures to prevent the employee from being exposed to illness or accidents. In particular, the employer must take into account the special risks of illness and accident deriving from lone work (Section 2 of Chapter 3). The Act is complemented with almost 100 detailed provisions, issued by the Work Environment Authority, after consulting with the social partners.
	Organisational and social work environment (AFS 2015:4). The Swedish Work Environment Authority provisions on organisational and social work environment, with general recommendations on application thereof	The Regulations aim at promoting a good work environment and at preventing risks of ill health due to organisational and social conditions in the work environment (Section 1). Section 4 defines (among others) victimisation (as actions directed against one or more employees in an abusive manner, which could lead to ill health or their being placed outside the community of the workplace) and unhealthy workload (when the demands in the work more than temporarily exceed the resources). Under Section 6, the employer has to ensure that managers and supervisor know how to prevent and deal with unhealthy workloads and victimisation. Employers must also make sure that tasks and responsibilities do not amount to unhealthy workloads, and resources have to be adapted accordingly (Section 9). Employers must also take measures to counteract work tasks and situations that are severely mentally stressful causing ill health (Section 11). Employers have a duty to clarify that victimisation is not accepted and to take action against conditions in the work environment that may cause victimisation (Section 13). Procedures to deal with victimisation have to be set up and made known to employees and they should indicate who is responsible for receiving information that victimisation is occurring, what happens with the information and what the recipient has to do, and how the victims can quickly find help (Section 14).
	Systematic Work Environment Management (AFS 2001:1). Provisions of the Swedish Work Environment Authority on Systematic Work Environment Management, together with General Recommendations on the implementation of the Provisions	These Provisions require employers to regularly conduct a systematic work environment management; which includes investigation, carry out and follow up activities 'in such a way that ill-health and accidents at work are prevented and a satisfactory working environment achieved' (Section 2). Employees, safety delegates and pupil safety delegates shall all be accorded the opportunity to participate (Section 4). The provisions also discuss the allocation of tasks and related knowledge. Tasks shall be allocated in such a way that one or more managers, supervisors or other employees are tasked with working for the prevention of risks at work and the achievement of a satisfactory working environment. The employer shall make sure that the persons assigned these tasks are sufficient in number and have the authority and the resources that are needed. The employer shall also make sure that they have sufficient knowledge of rules with significance for the working environment; physical, psychological and social conditions implying risks of accidents and ill-health; measures to prevent ill-health and accidents; and working conditions which contributes to a satisfactory working environment (Section 6). When competence within the employer's own activity is insufficient for systematic work environment management or for work relating to job adaption and rehabilitation, the employer shall engage occupational health services or corresponding expert assistance from outside (Section 12). The accompanying General Recommendations provides further guidance on the individual sections. They recognize that managers and supervisory personnel have a decisive role to play in creating satisfactory working conditions and preventing ill-health and accidents. To this end, they need to have a thorough knowledge of the work, the risks and measures for the prevention of injuries. It is important for them to have good insight into people's reactions in different situations and to be well aware of the health implications of, for example, heavy workload, overtime, victimisation, violence and menaces, and sub-stance abuse.
	Violence and Menaces in the Working Environment (AFS 1993:2). Ordinance of the Swedish National Board of Occupational Safety and Health on measures for the prevention of violence and menaces in the working environment	These provisions require employers to investigate the risks of violence or threat of violence which may exist in the work and take appropriate measures (Section 2). Employees shall have sufficient training and information and receive sufficient instructions to be able to do their work safely and with adequate security (Section 4); in work where there is a risk of recurrent violence or threats of violence, employees shall receive special support and guidance (Section 5). When cases of violence or threats of violence have occurred, such incidents shall be recorded and investigated (Section 10) and assistance and support shall be given to the victims for the prevention or alleviation of both physical and mental injury (Section 11).
	Victimization at Work. Ordinance of the Swedish National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work, together with General Recommendations on the Implementation of the Provisions, AFS 1993:17	Section 1 defines victimisation as recurrent reprehensible or distinctly negative actions directed against individual employees in an offensive manner and that can result in them being placed outside the workplace community. The Guidance on Section 1 specifies that victimisation can be committed by fellow employees, the employer or the employer's representatives and that this phenomenon is commonly known as bullying, mental violence, social rejection and harassment (including sexual harassment). It also indicates as examples of victimisation, among others: sabotaging or impeding the performance of work; persecution, threats, inspiration of fear, degradation (e.g. sexual harassment); deliberate insults, hypercritical or negative response or attitudes (e.g. ridicule, unfriendliness); offensive administrative penal sanctions directed at an employee without any objective cause, explanation or efforts to solve the underlying problems (e.g. withdrawal of an office or duties, unexplained transfer, manifest obstruction in processing applications for training, leave of absence and similar). Under Section 2, the employer has a duty to plan and organise work so as to prevent victimisation as far as possible.
TUNISIA	Code du Travail (1966)	Section 14 describe serious misconduct as "engaging during work or at the workplace in acts of violence or threats against any fellow worker or person not belonging to the enterprise". This would justify dismissal of the employee.
UGANDA	Employment (Sexual Harassment) Regulations, 2012	Article 3 requires employers with more than 25 employees to "adopt a written policy against sexual harassment which shall include the following- (a) a notice to employees that sexual harassment at the workplace is unlawful; (b) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint; (c) a description and examples of sexual harassment; (d) a statement of the consequences for employers who are found to have committed sexual harassment; (e) a description of the process for filing sexual harassment complaints and the addresses and telephone numbers of the person to whom complaints should be made; (f) education and training programmes on sexual harassment for all employees on a regular basis; and (g) additional training for the committee on sexual harassment, supervisory and managerial employees".
URUGUAY	Ley N° 18.561 Acoso Sexual. Normas Para su Prevención y Sanción en el Ámbito Laboral Y en las Relaciones Docente-Alumno [Law on sexual harassment]	The law aims at preventing and punishing sexual harassment and protecting the victims (article 1). According to article 6, employers are required to: (a) adopt measures to prevent, discourage and punish sexual harassment; (b) protect the privacy of complainants, victims and witnesses; (c) implement measures to protect the psycho-physical integrity of the victim during the investigations and once terminated take actions in accordance with the decision issued; (d) communicate and disseminate a policy on sexual harassment to supervisors, workers and their representatives, clients and suppliers, as well as to teaching and non-teaching staff and students.
VENEZUELA	Ley Orgánica de Prevención, Condiciones y Medio Ambiente de Trabajo (2005) [Law on prevention, conditions and environment of work]	Article 56 defines the duties of the employers to adopt the necessary measures to ensure adequate OSH conditions. In particular, employers must refrain from carrying out (by their own or by their representatives) any offensive, malicious, intimidating conduct or any act that psychologically or morally harms workers; prevent any situation of harassment through the degradation of working conditions and environment, physical or psychological violence, isolation or for not providing a reasonable occupation to the worker according to their abilities and background; and avoid the application of sanctions not clearly justified or disproportionate and systematic and unjustified criticism against the worker or his/her work (article 5)56)). Employers must also take appropriate measures to avoid any form of sexual harassment and establish a policy aimed at eradicating it from workplaces (article 8)56)).

Appendix III. Examples of strategies and interventions to deal with violence and harassment in the world of work

Levels of interventions with examples⁹⁹

Preventing and managing workplace violence and harassment require a multi-pronged and multi-faceted approach. Primary, secondary and tertiary prevention methods are commonly distinguished from organizational, job/task-level and individual orientation. A fourth level of prevention includes policy-level interventions, aimed at generating change through their influence at the macro level - nationally and internationally. However, the fourth level could rationally be split into international, regional, national and provincial (or state/territory) level interventions. Other levels of intervention are also relevant and applicable, including an employer/employee representative organizational level and occupational/professional levels.

Primary level interventions are proactive and preventative by nature, aiming to stop the harmful phenomena or its effects from emerging in the first place by reducing the risks of incidents occurring. Secondary stage interventions aim to reverse, reduce or slow the progression of the situation or of ill health and/or to increase the resources of individuals. Tertiary stage interventions are rehabilitative and restorative by nature, aiming to reduce the negative impacts caused by different occupational hazards and to restore the health and well-being of employees, as well as re-establishing a safe and healthy workplace. In relation to workplace violence, bullying and harassment, organizational, enterprise or employer-level interventions aim to: influence the attitude towards bullying; develop an organizational culture where there is no room for violence and harassment; and introduce policies and procedures for prevention, as well as intervention when a problem occurs. Job and task level strategies set out to prevent and tackle the problem by influencing the work environment and the functioning of the work unit. Finally, individual-level interventions aim to change the characteristics of the way in which individuals interface with the job, such as perceptions, attitudes or behaviour - or the individual's health and ability to do their job.

The table below contains a number of different levels of interventions and examples to deal with bullying and harassment presented in line with Vartia-Väänänen.¹⁰⁰

Level of work organization intervention	Stage of prevention		
	Primary interventions (proactive and preventative)	Secondary interventions (remedial and resourcing)	Tertiary interventions (rehabilitative and restorative)
International-level interventions	International Conventions (e.g., ILO Violence and Harassment Convention, 2019 (No. 190), and its accompanying Recommendation (No. 206)	Involving international courts and tribunal cases	International-level law reform
Regional- level interventions	Regional conventions, charters, frameworks, and protocols, etc.	Involving regional court and tribunal cases	Regional- level law and framework reform, etc.
National-level interventions	National employment and industrial, OSH, labour inspection, ombudsman, workers' compensation, privacy, corporations, administrative, and human rights laws, ordinances, and regulations, etc. National social and employment policy initiatives, etc. Codes of conduct for public service agencies	Royal Commissions, Parliamentary Inquiries, Parliamentary oversight committees Involving national court and tribunal cases Collective agreements Research Labour inspectorate investigations and prosecutions	National- level law reform; Provision of rehabilitation opportunities
Provincial/state and/or territory-level interventions	Local-level laws and regulations Regional social and employment policy initiatives, etc. Codes of conduct for public service agencies	Involving local-level court and tribunal cases Collective agreements	Local-level law reform; Provision of rehabilitation opportunities
Employers' and workers' organizations' interventions (may be national-, or provincial-/state-based)	Providing information, advice, and support to members	Lobbying, submissions to inquiries and proposed law reform; Representing the parties in collective, enterprise and award bargaining processes	Representing the interests of individual and corporate members

⁹⁹ Source: Vartia-Väänänen, M. 2013. "Workplace Bullying and Harassment in the EU and Finland" in Workplace Bullying and Harassment. 2013 JILPT Seminar on Workplace Bullying and Harassment, JILPT REPORT No. 12 (Tokyo, The Japan Institute for Labour Policy and Training).

¹⁰⁰ Taxonomy adapted from Murphy and Sauter (2004) and Leka et. al. (2008b). See also Hoel (2008,) Vartia-Väänänen (2013) and further adjustments by Ballard (2019).

Occupational-, professional-level interventions	Occupational and professional regulations and legislation Professional codes of conduct Occupational licensing	Court and tribunal cases (e.g., professional misconduct in the form of workplace violence, bullying, harassment)	Education of members
Organization-, enterprise-, employer-level interventions	Anti-bullying policies Development of organizational culture of respect and zero tolerance Management training Organizational surveys Exit interviews Establishment of an OSH service	(appropriate) complaint handling procedures, mediation of complaints, investigation of complaints	Enterprise-level agreements, programmes and contracts of professional aftercare
Workplace- and group task-level interventions	Psychosocial work environment redesign Risk analysis Training (awareness, recognition, insight of the phenomenon, research-based knowledge) OHS representatives and committees	Training (e.g., conflict management, investigation skills) Awareness raising, exploration of the situation Case analysis, conflict/case resolution, Mediation	Group recovery programmes
Individual level interventions	Training, (appropriate) induction, onboarding, orientation	Social support counselling	Therapy Counselling Physical activities Redress

Examples of workplace strategies to address power and emotional abuse

Addressing abusive supervision¹⁰¹

Time/type of Intervention	Psychosocial	Socio-technical
Primary (proactive prevention)	Recruitment and selection process (develop an appropriate recruitment and selection process)	Orientation programme (help new entrants understand/ imbibe good practices) HR policies (zero abuse tolerance policy)
Secondary (counter-abusive conduct after reporting)	Reduce mistreatment at work by improving organizational climate (CREW – civility, respect, engagement at work - programme) and providing Affirmation training	HR hotlines and other complaints mechanisms
Tertiary (the last resort to change behaviour)	Counselling leadership training programmes (role reversal and empathy training)	Withdrawal of (worker's) benefits, follow disciplinary procedures, termination (last resort)

Addressing emotional abuse¹⁰²

The 'Broken Windows' theory of criminal behaviour may be applied to emotional abuse. This theory proposes that tolerating 'lesser' criminal acts (e.g. vandalism) creates an environment where more serious crime (e.g. robberies and assaults) occur. This approach hypothesizes that if emotional abuse is tolerated at work (e.g. if co-workers verbally abuse each other), organizational outsiders (like patients) are more likely to become increasingly aggressive and violent (even if they would not normally behave badly). Therefore, they argue it is critical to investigate and address the role that emotional abuse may have in creating an environment where other forms of violence, such as physical and sexual assault, are increasingly accepted. A 'Broken Windows' approach to violence prevention requires an immediate visible and systemic response to all incidents of violence, no matter how seemingly trivial/innocuous. Everything from physical assaults to insults or humiliation must be treated seriously. This approach requires support from all levels of an organization. Hesketh et al also argue that systemic interventions should not focus, on overt 'anti-violence' protocols, but on fostering environments 'where courtesy, civility, and decency are expected and displayed at all levels in everyday practice.'

101 Source: Pradhan, S.; Jena, L. K. 2018. "Abusive supervision: a framework of developmental solutions to this workplace menace", in Development and Learning in Organizations, Vol. 13(2), pp. 20-23.

102 Source: Hesketh, K. L.; Duncan, S. M.; Estabrooks, C. A.; Reimer, M.A.; Giovannetti, P.; Hyndman, K.; Acorn, S. 2003. "Workplace violence in Alberta and British Columbia hospitals", in Health Policy 63 (3), pp. 311-321

Appendix IV.

Selected ILO OSH guidance material relevant for violence and harassment in the world of work

Title	Description
Workplace stress: A collective challenge (2016)	This report aims at raising awareness about work-related stress and associated psychosocial risks, including violence and harassment. It describes the prevalence and impact of work-related stress and provides an overview of legislation, policies and interventions for its management at international, regional, national and workplace level.
My Guide to Safe Work for Young People in the Pacific (2015)	This guide includes practical advice for young people in the workplace on detailing with various hazards including violence and harassment.
HealthWISE work improvement in health services (2014)	HealthWISE is a joint ILO/WHO practical, participatory quality improvement tool for health facilities and health services. The package (Action Manual and a Trainers' Guide) includes eight topics addressing OSH, human resources management and environmental health issues, and focuses on the three main risk factors for health workers: biological hazards, ergonomics and violence and harassment.
Labour inspection, gender equality and non-discrimination in the Arab States: A guide book (2014)	This guide book is aimed to provide labour administrations in the Arab states with modern understanding and tools to use labour inspections strategically to enforce gender and non-discrimination related principles and rights at work. Chapter 2 includes a subsection on violence in the workplace.
SOLVE Training Package: Integrating health promotion into workplace OSH policies (2012)	This training package focuses on promotion of health and well-being at work through policy design and action. It is conceived with a participatory approach and offers an integrated response addressing the following areas and their interactions: psychosocial health (stress, psychological and physical violence, economic stress); potential addictions and their effects on the workplace (tobacco consumption and exposure to second-hand smoke, alcohol and drug consumption); and lifestyle habits (adequate nutrition, exercise or physical activity, healthy sleep, prevention of HIV and AIDS).
Stress prevention at work checkpoints: Practical improvements for stress prevention in the workplace (2012)	This manual includes easy-to-apply checkpoints for identifying stressors in working life and mitigating their harmful effects. One of the sessions specifically deals with protection from offensive behaviour.
Code of practice on safety and health in agriculture (2010)	This code of practice provides guidance on appropriate strategies to address the range of OSH risks encountered in agriculture in order to prevent – as far as is reasonably possible – accidents and diseases for all those engaged in this sector. Section 19.5 addresses extensively issues of workplace violence within agriculture.
Guidelines for implementing the occupational safety and health provisions of the Maritime Labour Convention (2006)	The purpose of these guidelines is providing supplementary practical information to governments for the implementation of the occupational safety and health provisions of the Maritime Labour Convention, 2006 (MLC, 2006). Section 6.5 addresses violence at the workplace.
Code of Practice: Workplace violence in services sectors and measures to combat this phenomenon (2003)	This code of practice provides general guidance in addressing the problem of workplace violence in services sectors.
Framework guidelines for addressing workplace violence in the health sector (2002)	These guidelines were developed jointly with the World Health Organization (WHO), the International Council of Nurses (ICN) and the Public Services International (PSI). They are intended to provide guidance through the complexity of issues to be considered when developing anti-violence policies and strategies for all work-settings in the health sector. They are complemented by a training manual to encourage social dialogue among health sector stakeholders and develop, in consultation, approaches to address violence in the workplace.
Guidelines on occupational safety and health management systems (ILO-OSH 2001)	These guidelines aim at assisting organizations, competent national institutions, employers, workers and other social partners in establishing, implementing and improving OSH management systems both at national and organizational level to prevent and control hazards arising in, or from, the world of work that could impair the physical and mental health and social well-being of workers.
Code of Practice: Recording and notification of occupational accidents and diseases (1996)	This code of practice provides guidance for the design and implementation of systems, procedures and arrangements for the recording and notification of occupational accidents and diseases, commuting accidents, dangerous occurrences and incidents, and their investigation and prevention. The practical recommendations of this code can be considered also for recording and notification of workplace violence and harassment.

Appendix V.

A selection of non-ILO tools and resources relevant for violence and harassment in the world of work

TITLE	DEVELOPER	DESCRIPTION	LINK
ON-LINE PLATFOTMS, WEBPAGES, RESOURCE KITS AND E-TOOLS			
A-Z topics and industry bullying: Tools and resources for businesses and workers to help guide you in preventing bullying in the workplace	WorkSafe, New Zealand	This resource kit with includes resources on bullying at work.	https://worksafe.govt.nz/topic-and-industry/bullying
Ask an expert: Get answers to your workplace health and safety questions.	Government of Alberta, Canada	This webpage includes a form to get feedback about questions concerning workplace health and safety, reporting mechanisms and Canadian legislation.	https://www.alberta.ca/ask-expert.aspx
Bullying	WorkSmart, United Kingdom	This web portal answers frequently asked questions about bullying in the workplace and provides links to other resources on bullying.	https://worksmart.org.uk/health-advice/illnesses-and-injuries/violence-and-bullying/bullying
Bullying and harassment	Work Safe BC (British Columbia), Australia	This webpage on bullying and harassment, include key information, books, guides, reporting and investigation procedures, worker checklists, training tools, posters and videos.	https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment
Bullying, Harassment and Discrimination	Employment New Zealand, New Zealand	This web portal provides definitions and resources regarding bullying, harassment and discrimination in the workplace, including information on preventing and responding to these issues.	https://www.employment.govt.nz/resolving-problems/types-of-problems/bullying-harassment-and-discrimination/
E-guide to managing stress and psychosocial risks	European Agency for Safety and Health at Work (EU-OSHA)	The e-guide is designed to respond to the needs of employers and people working in small enterprises, who are starting to approach psychosocial risks in the workplace, and who need to get guidance on the first steps, including: simple explanations of work-related stress and psychosocial risks; effects on businesses and workers; practical examples on how to prevent and deal with psychosocial risks.	https://osha.europa.eu/en/tools-and-resources/e-guides/e-guide-managing-stress-and-psychosocial-risks
F-PSYCHO. Psychosocial factors. Evaluation method (F-PSICO. Factores Psicosociales. Método de evaluación)	Instituto Nacional de Seguridad y Salud en el Trabajo (INSST), Spain	This computer application is a tool for the evaluation of psychosocial factors. Its objective is to contribute to the diagnosis of the psychosocial risks present in a enterprise or in partial areas of it, based on individual questionnaires. It also includes guidelines to help enterprises to adopt measures for preventing psychosocial risks. (Available only in Spanish)	https://www.insst.es/-/aip-29-1-18-f-psico-factores-psicosociales-metodo-de-evaluacion-version-4-0-ano-2018
FAQs on Effective Handling of Workplace Harassment	Society for Human Resources Management (SHRM), India	This webpage on workplace harassment, illustrating the issue, relevant Indian laws applicable, process to be followed when investigating harassment at workplace, steps that an employer should follow to take disciplinary action on an employee, steps that an employer/HR can take to make the workplace free of harassment.	https://www.shrm.org/shrm-india/pages/india-faqs-on-effective-handling-of-workplace-harassment.aspx
Guidance on unruly passenger prevention and management	International Air and Transport Association (IATA)	This webpage gives a snapshot of unruly passenger conduct on flights and what is being done to reduce risk.	https://www.iata.org/en/policy/consumer-pax-rights/unruly-passengers/
Harcèlement et Violence Interne	Institut national de recherche et de sécurité (INRS), France	This webpage includes a number of resources about violence and harassment such as definitions, examples and prevention strategies.	http://www.inrs.fr/risques/harcelements-violences-internes/ce-qu-il-faut-retenir.html
HeadsUP > Workplace Bullying	Beyond blue, Australia	The online platform Heads Up include a session on Workplace Bullying, with specific information for employers and managers	https://www.headsup.org.au/supporting-others/workplace-bullying

Health and safety topics > Hazards: Psychosocial	Government of Alberta, Canada	This webpage includes many OSH resources on harassment and violence prevention, as well as other psychological hazards	https://ohs-pubstore.labour.alberta.ca/psychosocial
Healthy Work Design and Well-Being Resources	National Institute for Occupational Safety and Health (NIOSH), United States	This web portal includes a number of resources aimed at improving the design of work, management practices, and the physical and psychosocial work environment.	https://www.cdc.gov/niosh/programs/hwd/resources.html?Sort=Title%3A%3Aasc
Hot Topic 8# Violence Prevention	European Network Education and Training in Occupational Safety and Health (ENETOSH)	This web portal includes a collection of links to tools and projects on violence and harassment, most of which are focused on violence and bullying in the education sector.	http://www.enetosh.net/webcom/show_article.php/_c-178/_nr-9/i.html
Managing violence in licensed and retail premises	Health and Safety Executive (HSE), United Kingdom	This toolkit provides practical advice on how to conduct a risk assessment and take action to prevent or control work-related violence.	http://www.hse.gov.uk/violence/toolkit/index.htm
Moral harassment at work (Harcèlement moral au travail)	Service Public de l'Administration française Public Service of the French Administration, France	The website provides information on employers' obligations to prevent and remedy harassment, and on the services and procedures available to report a case of moral or sexual harassment. (Available only in French)	https://www.service-public.fr/particuliers/vosdroits/F2354
PRIMA-EF: Psychosocial Risk Management Excellence Framework	World Health Organization (WHO) and PRIMA-EF Consortium	On this website there is information about this project. Under PRIMA-EF Project outputs several guidance materials are available, including reports, guides, guidance sheets and best practices.	http://www.prima-ef.org/prima-ef.html
SOBANE. Occupational risk management (SOBANE: Gestion de risques professionnels)	Service public fédéral Emploi, Travail et Concertation sociale, Belgium	SOBANE is a strategy of risk prevention including four levels of intervention: Screening, Observation, Analyze, and Expertise. Guides have been developed to apply the strategy addressing 15 different fields of risks including psychosocial aspects. (Available in French and Dutch)	http://www.sobane.be/sobane/home.aspx
Spanish Association against workplace harassment and domestic violence (Asociación Española contra el acoso laboral y la violencia en el ámbito familiar)	Asociación Española contra el acoso laboral y la violencia en el ámbito familiar (AECAL), Spain	This is the website of the Association, whose purpose is to give advice and help to victims of workplace harassment and domestic violence, providing legal and psychological support. It collaborates with Universities, Professional Associations and other Entities to provide information and raise awareness on measures to prevent and eliminate workplace harassment and violence. (Available only in Spanish)	https://www.aecal.org
Violence / Bullying	Canadian Centre for Occupational Health and Safety (CCOHS), Canada	This webpage provides a number of resources, including factsheets with Q&A on violence, bullying, cyberbullying, negative interactions, working alone, etc., podcasts, posters and promotional materials and e-learning courses.	https://www.ccohs.ca/topics/hazards/psychosocial/violence/
Violence at work (Violencia en el trabajo)	Instituto Nacional de Seguridad y Salud en el Trabajo (INSST), Spain	This webpage is an entry point for accessing information and tools on violence at work, psychosocial risks and stress. (Available only in Spanish)	https://www.insst.es/violencia-en-el-trabajo
Workplace harassment and violence	Government of Alberta, Canada	This webpage offers a series of resources, such as sample workplace policies, a guidance document on legal obligations of employers to protect their workers and a webinar on Watch a recording of the workplace violence and harassment.	https://www.alberta.ca/workplace-harassment-violence.aspx
Workplace Violence and Harassment Prevention Kit	Canadian Union of Public Employees (CUPE), Canada	This online kit includes factsheets, guidelines and checklists on several issues related to violence and harassment.	https://cupe.ca/cupes-workplace-violence-and-harassment-prevention-kit-available-online
INTERNATIONAL, REGIONAL AND NATIONAL AGREEMENTS, GUIDELINES AND STANDARDS			
Framework Agreement on Stress at Work	Confederation of European Business (BUSINESSEUROPE); European Association of Craft Small and Medium-Sized Enterprises (UEAPME); European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP); European Trade Union Confederation (ETUC)	This framework agreement signed by the European social partners, calls for the adoption of measures to identify, prevent, eliminate and/or reduce work-related stress. It also defines the responsibility of both employers and workers (and their representatives).	https://www.worker-participation.eu/EU-Social-Dialogue/Interprofessional-ESD/Outcomes/Framework-agreements/Framework-agreement-on-stress-at-work-2004

Framework Agreement on Violence and Harassment at Work	Confederation of European Business (BUSINESSEUROPE); European Association of Craft Small and Medium-Sized Enterprises (UEAPME); European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP); European Trade Union Confederation (ETUC)	This framework agreement signed by European social partners provide employers, workers and their representatives with an action-oriented framework to identify, prevent and manage problems of harassment and violence at work.	https://www.etuc.org/en/framework-agreement-harassment-and-violence-work
Guidance on eliminating shipboard harassment and bullying	International Chamber of Shipping (ICS); International Transport Workers' Federation (ITF)	These guidelines provides information about identifying and eliminating harassment and bullying in shipboard workplaces, as well as communication activities for employees.	https://www.ics-shipping.org/docs/default-source/Other-documents/guidance-on-eliminating-shipboard-harassment-and-bullying.pdf?sfvrsn=4
Multi-sectoral guidelines to tackle third-party violence and harassment related to work	European Public Service Union (EPSU)- European Hospital & Healthcare Employers' Association (HOSPEEM), Council of European Municipalities and Regions (CEMR),-European Services Workers Union (UNIEUROPA)-EuroCommerce, European Trade Union Committee for Education (ETUECE), European Federation of Education Employers (EFEE) Confederation of European Security Systems (CoESS), European Union	The Guidelines set out the practical steps that can be taken by employers, workers and their representatives and trade unions to reduce, prevent and mitigate problems.	https://hospeem.org/activities/socialdialogue/multi-sectoral-guidelines-to-tackle-third-party-violence-and-harrassment-related-to-work/
National Standard of Canada CAN/ CSA-Z13-1003/BNQ 2013/803-9700 Psychological health and safety in the workplace – Prevention, promotion, and guidance to staged implementation	Bureau de normalisation du Québec (BNQ), and Canadian Standards Association (CSA Group), Canada	This Standard specifies requirements for a documented and systematic approach to develop and sustain a psychologically healthy and safe workplace. The strategic pillars of a psychological health and safety system are prevention of harm (the psychological safety of employees), promotion of health (maintaining and promoting psychological health), and resolution of incidents or concerns.	https://www.csagroup.org/documents/codes-and-standards/publications/CAN_CSA-Z1003-13_BNQ_9700-803_2013_EN.pdf
PAS 1010:2011 Guidance on the management of psychosocial risks in the workplace	Central Institute for Labour Protection – National Research Institute (CIOP-PIB); The Manufacturers' Organisation (EEF); European Trade Union Confederation (ETUC); EU-OSHA; Finnish Institute of Occupational Health (FIOH); Health and Safety Executive (HSE); iMS Risk Solutions Ltd; Italian Workers' Compensation Authority (INAIL); TNO-Work and Employment; WHO	The Publicly Available Specification (PAS 1010) provides guidance for organizations on how to manage the health of employees with respect to psychosocial risk. It focuses in particular on work-related stress. Work-related harassment and bullying are included in this PAS as psychosocial risks, and are further discussed in Annex, where examples of different level of interventions are also provided.	http://mtpinnacle.com/pdfs/Guidance-on-the-management-of-psychosocial-risks-in-the-workplace-1.pdf
Preventing workplace harassment and violence. Joint guidance implementing a European social partner agreement	Advisory, Conciliation and Arbitration Service (ACAS); Department for Business, Innovation and Skills (BIS); Confederation of British Industry (CBI); Health and Safety Executive (HSE); Partnership of Public Employers (PPE); Trades Union Congress (TUC), United Kingdom	This guide – designed for use by both employers and workers – gives practical advice on dealing with harassment and violence at work and information on the key relevant pieces of legislation and support available in the UK.	https://www.hse.gov.uk/violence/preventing-workplace-harassment.pdf
Protocol of action against cases of violence at work, harassment and sexual harassment for companies of the Mexican Republic (Protocolo de actuación frente a casos de violencia laboral, hostigamiento y acoso sexual, dirigido a las empresas de la República Mexicana)	Secretaría del Trabajo y Previsión Social (STPS), Mexico	This Protocol provides information on the conceptual framework on violence and harassment at work, and suggest practical non-binding measures that can be used as reference for implementing policies and actions for prevention, detection and solution of these problems. (Available only in Spanish)	https://www.gob.mx/cms/uploads/attachment/file/281042/Protocolo_28062017_FINAL.pdf
Tripartite Advisory on Managing Workplace Harassment	Ministry of Manpower (MOM), Singapore	These guidelines were jointly developed by The Ministry of Manpower (MOM), National Trades Union Congress (NTUC), and Singapore National Employers Federation (SNEF), to help employers and employees prevent and manage workplace harassment.	https://www.mom.gov.sg/newsroom/press-releases/2015/1223-tripartite-advisory-on-managing-workplace-harassment
Work-related psychological health and safety: A systematic approach to meeting your duties. National guidance material	Safe Work Australia	This guidance material is intended to provide greater clarity about what employers must or should do in relation to psychological health and safety, according to national law.	https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties

PRACTICAL GUIDES FOR WORKPLACE ACTION

Dealing with workplace bullying – A worker’s guide	Safe Work Australia	This guide is intended to help workers determine if workplace bullying is occurring and how to prevent and deal with it. It provides information for workers who may be experiencing or witnessing workplace bullying and for those who have had a bullying report made against them.	https://www.safeworkaustralia.gov.au/system/files/documents/1702/workers-guide-workplace-bullying.pdf
Guide for the implementation of the plan for the prevention of workplace violence and conflict management with people outside the organization (Guía de implantación del plan de prevención de la violencia laboral y gestión de conflictos con personas ajenas a la organización)	Spain MC Mutual	This guide has been produced in response to the need to prevent end control situations of third-party violence and aims to guide the development of prevention plans adapted to each organization. (Available only in Spanish)	https://enuveprod-universitatpolit.netdna-ssl.com/php_preencionintegral/sites/default/files/noticia/41001/field_adjuntos/guiaviolencia.pdf
IOE Helping employers Manage risks from violence to staff	International Organisation of Employers (IOE)	This guide advises employers on how to protect staff from the risks arising from the work activity, where violence from the public is foreseeable.	https://www.ioe-emp.org/index.php?eID=dumpFile&f&f=129778&token=888568870f3e66e11cf965518b2476d667322115
Manual of Procedures of complaint and sanction of abuse, harassment and sexual harassment at work (Manual de procedimiento de denuncia y sanción del maltrato, acoso laboral y sexual)	Dirección Nacional de Fronteras y Límites del Estado (DIFROL), Chile	The Manual is designed to ensure that all officials can access a clear and expedited procedure to carry out their complaints, in cases where they are affected by behaviours that may constitute abuse, harassment or sexual harassment. (Available only in Spanish)	https://minrel.gob.cl/practicas_laborales/site/artic/20160518/asocfile/20160518144918/procedimiento_maltrato_y_acoso_difrol.pdf
Manual on mobbing, Physical violence and sexual harassment (Manual sobre mobbing, Violencia física y acoso sexual)	Instituto Nacional de Seguridad y Salud en el Trabajo (INSST), Spain	This guide provide detailed information on the issues and includes a model of Code of Conduct on how to fight against sexual harassment. (Available only in Spanish)	https://www.insst.es/-/mobbing-violencia-fisica-y-acoso-sexual-ano-2006-2-ed-
Manual on violence at work for trade unions (Manual sobre violencia laboral para organizaciones sindicales)	Oficina e Asesoramiento sobre Violencia Laboral (OAVL), Argentina	The objective of this manual is to provide social partners with examples and suggestions of activities they can implement to deal with violence at work. The Manual promote Collective Bargaining as privileged tool for setting policies to prevent, detect and eradicate violence at work. It also promotes data collection and research. (Available only in Spanish)	https://www.argentina.gob.ar/trabajo/oavl/sindicatos
Tackling bullying at work: A UNISON guide for safety reps	UNISON, the public service union, United Kingdom	This guide defines workplace bullying and harassment, provides tools to recognize bullying, examines legislative instruments and policies, and outlines risk assessments and complaint procedures.	https://www.unison.org.uk/content/uploads/2013/07/On-line-Catalogue216953.pdf
Violence at work: a guide for employers	Health and Safety Executive (HSE), United Kingdom	This guide gives employers practical advice on how to identify violence in their workplace and how to respond to it and prevent it.	https://www.hse.gov.uk/pubns/indg69.pdf
Work and well-being. A trade union resource	Trade Union Congress (TUC), United Kingdom	This guide gives advice to promote workers’ ‘well-being’. It is intended to help workers’ representatives tackling management when work and work practices are likely to be the cause of workforce ill health, including situations of workplace violence and harassment.	https://www.tuc.org.uk/sites/default/files/1115_TUC_WellBeingF%20LO.pdf

POLICY AND REPORTING TEMPLATES AND SAMPLES

Example policy on work-related violence	Health and Safety Executive (HSE), United Kingdom	It’s a 5 pages example of policy to be used as reference to develop the workplace policy, in consultation with workers representatives.	https://www.hse.gov.uk/violence/toolkit/examplepolicy.pdf
Harassment Investigation	HR Proactive Inc., Canada	This website includes example policies that can implemented on violence and harassment as well as a template for conducting harassment investigations.	https://harassmentinvestigation.ca/tools_templates.html

Models of clauses to be incorporated into collective bargaining agreements (Modelos de cláusulas a incorporar en los convenios colectivos de trabajo)	Oficina e Asesoramiento sobre Violencia Laboral (OAVL), Argentina	This document is one-page sample on how to formulate articles to be included in a collective bargaining agreement on how to deal with violence at work. (Available only in Spanish)	https://www.argentina.gob.ar/trabajo/oavl/sindicatos
Sample Incident Report Form	Occupational Safety and Health Administration (OSHA), United States	This is a sample form for reporting an incident of workplace violence.	https://www.in.gov/dol/files/OSHA_Sample_Workplace_Violence_Incident_Report_Forms.pdf
Violence and Harassment Policy	Workplace Safety and Prevention Services, Canada	This is a sample policy on violence and harassment for workplaces.	https://www.wspcs.ca/WSPS/media/Site/Resources/Downloads/Violence-and-Harassment.pdf
Work related violence and abuse reporting form	Trade Union Congress (TUC), United Kingdom	This template can be adapted for use when reporting an instance of violence or abuse at work.	https://www.tuc.org.uk/sites/default/files/Violence%20and%20Abuse%20Reporting%20Form%20%28pdf%29_0.pdf
QUESTIONNAIRES AND ASSESSMENT TOOLS			
The Negative Acts Questionnaire (NAQ-R)	Staal Einarsen, Helge Hoel and Guy Notelaers	The NAQ-R questionnaire is one of the most frequently used questionnaires to assess workplace bullying. It includes 22 items to assess workplace bullying. This study includes the NAQ-R questionnaire.	https://www.tandfonline.com/doi/full/10.1080/02678370902815673
Inventory of Violence and Psychological Harassment (IVAPT)	María de los Ángeles Carrión García, Francisco López Barón, Manuel Pando Moreno	The research paper includes the scale which consists of 22 questions that are used to examine psychosocial risks.	https://www.recercat.cat/handle/2072/242749
The Leymann Inventory of Psychological Terror	Dr. Heinz Leymann	This questionnaire includes 45 types of mobbing developed by Prof. Dr. Heinz Leymann.	http://www.antimobbing.eu/lipt.html
The Impact of Event Scale (IES)	Mardi Horowitz, Nancy Wilner, and William Alvarez	This research paper includes the Impact of Event Scale which aims to measure the impact of an event on a person.	https://pdfs.semanticscholar.org/b18b/654ee40cee9a3a3f6d073636d7ff0eaf189.pdf
SUSESO / ISTAS Questionnaire 21	Instituto de Seguridad del Trabajo, Chile	This questionnaire is an instrument that can evaluate psychosocial risks.	http://www.ist.cl/cuestionario-suseso-istas-21/
Copenhagen Psychosocial Questionnaire (COPSOQ-II)	NRCWE	This questionnaire is available in several versions curated for employers, academics and other groups.	https://nfa.dk/da/Vaerktoejer/Sporgeskemaer/Copenhagen-Psychosocial-Questionnaire-COPSOQ-II/Engelsk-udgave
Workplace bullying: measurements and metrics to use in the NHS Final Report for NHS Employers	Newcastle University	This document provides resources including questionnaires, assessment tools and other tools.	https://www.nhsemployers.org/~media/Employers/%20%20Documents/Campaigns/NHS_Employers_Bullying_Measures_Final_Report.pdf
TRAINING COURSES			
Bullying and Harassment Training	International Transport Workers' Federation (ITF)	This training focuses on ending bullying and harassment in transportation workplaces.	https://www.itfglobal.org/en/training-education/bullying-and-harassment-training
Online Workplace Violence Prevention Course for Nurses	National Institute for Occupational Safety and Health (NIOSH), United States	This free online course is aimed at nurses and healthcare workers and focuses on prevention of violence in the workplace.	https://www.cdc.gov/niosh/topics/violence/training_nurses.html
Violence in the Workplace: Awareness Course	Canadian Centre for Occupational Health and Safety (CCOHS), Canada	This course is offered free of charge to promote the awareness of workplace violence, describing the types of behaviours and the source of the behaviour, as well as the legal obligation of employers.	https://www.ccohs.ca/products/courses/violence_awareness/

INTERVENTIONS AND INFORMATIVE REPORTS

Expanding our understanding of the psychosocial work environment: a compendium of measures of discrimination, harassment and work-family issues	National Institute for Occupational Safety and Health (NIOSH), United States	This report examines different measures of psychosocial risk and the psychosocial work environment.	https://www.cdc.gov/niosh/docs/2008-104/pdfs/2008-104.pdf
Healthy workplaces: a model for action: for employers, workers, policymakers and practitioners	World Health Organization (WHO)	This report defines a healthy workplace and looks at processes and best practices for employers and employees to be successful.	https://www.who.int/occupational_health/publications/healthy_workplaces_model_action.pdf
IGLOO: An integrated framework for sustainable return to work in workers with common mental disorders	United Kingdom	The IGLOO model aims to support the development of practical interventions to ensure employee health and well-being and to facilitate the return to work of employees with common mental disorders.	https://www.tandfonline.com/doi/full/10.1080/02678373.2018.1438536
Tackling Violence in the Health Sector – A Trade Union Response	Public Services International	This report describes how trade unions have been working on tackling violence against people in work.	http://www.world-psi.org/en/tackling-violence-health-sector-trade-union-response
The Australian Workplace Barometer: Report on psychosocial safety climate and worker health in Australia	Safe Work Australia	This report gives the results of work conditions in Australia and can be used by policymakers to develop policies in the workplace to reduce risk to employee health.	https://www.safeworkaustralia.gov.au/system/files/documents/1702/the-australian-workplace-barometer-report.pdf
Us Too? Bullying and Sexual Harassment in the Legal Profession	International Bar Association	This report describes the situation of bullying and sexual harassment in the legal profession with results from a global survey of around 7,000 people from 135 countries.	https://www.ibanet.org/bullying-and-sexual-harassment.aspx
Workplace Moral Harassment Found in Legal Cases in Japan	Association Against Workplace Moral Harassment (AAWMH), Japan	This report describes the legal situation of workplace bullying and harassment in Japan by presenting the courses of important court cases.	http://www.kwesthues.com/Nagao0807.pdf
Workplace Violence and Harassment: A European Picture	European Agency for Safety and Health at Work (EU-OSHA)	This report includes data and information about workplace violence and harassment in Europe, along with description of initiatives and interventions implemented at national level to prevent and respond to violence and harassment in the workplace.	https://osha.europa.eu/en/publications/workplace-violence-and-harassment-european-picture
FACTSHEETS AND ARTICLES			
Factsheet -24Violence at work	European Agency for Safety and Health at Work, EU OSHA	This factsheet gives information and suggestions to take practical action to tackle violence at work.	https://osha.europa.eu/en/publications/factsheet-24-violence-work/view
Fast Facts for Taxi Drivers: How to Prevent Robbery and Violence	National Institute for Occupational Safety and Health (NIOSH), United States	This factsheet gives taxi drivers strategies to reduce risk of robbery or violence.	https://www.cdc.gov/niosh/docs/2020-100/pdfs/2020-100Revised112019.pdf?id=10.26616/NIOSH PUB2020100revised112019
Home healthcare workers: How to prevent violence on the job	National Institute for Occupational Safety and Health (NIOSH), United States	This factsheet is for employers and employees and gives examples of ways all parties can prevent violence and manage violence situations.	https://www.cdc.gov/niosh/docs/2012-118/pdfs/2012-118.pdf?id=10.26616/NIOSH PUB2012118
IOE Factsheet on Understanding and Addressing Violence at Work	International Organisation of Employers, IOE	This factsheet provides an overview on the importance of talking workplace violence, the risk factors and what should be done to address violence at work.	https://www.ioe-emp.org/index.php?eID=dumpFile&f&f=129778&token=888568870f3e66e11cf965518b2476d667322115
What HR Can Do About Cyberbullying in the Workplace	Society for Human Resource Management (SHRM)	This article explores strategies that human resources departments can employ to prevent and respond to cyberbullying in the workplace.	https://www.shrm.org/resourcesandtools/hr-topics/technology/pages/what-hr-can-do-about-cyberbullying-in-the-workplace.aspx

► **International Labour Organization**

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