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Violence and harassment at work: expectations regarding the ratification of ILO Convention 190 by Brazil

Violência e assédio no trabalho: expectativa sobre a ratificação da Convenção 190 da OIT pelo Brasil

Workplace violence and harassment are highly prevalent and have profound and costly effects, ranging from physical and mental health damages to job disengagement and economic losses for workers, employers, and societies^{1,2}. The International Labour Organization (ILO) Convention No. 190 is the first international treaty to recognize the right to a world of work free from violence and harassment. It was adopted in June 2019 by the ILO General Conference, alongside Recommendation No. 206. In its first article, “violence and harassment” in the world of work is defined as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.” Furthermore, “gender-based violence and harassment” refers to “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”³.

The unified concept of violence and harassment is considered a significant milestone in curbing abusive practices in the context of work, since it includes various known forms as well as new manifestations that harm victims. Similarly, the “world of work” is broadly defined, encompassing not only the traditional physical workplace, but any private or public space that is a place of work, such as public spaces, including for informal workers such as street vendors, and the home, particularly for domestic workers and teleworkers. It also includes places where the worker is paid, takes a break for rest or a meal, or uses sanitary, washing, and changing facilities, the commuting to work, social events, and work-related communications. This comprehensive and expanded approach allows for a broader scope of the Convention’s provisions, covering all forms of violent and harassing behaviors, as well as individuals, places, sectors, or situations related to the phenomena of violence and harassment in the realm of work activities⁴.

Significant emphasis is also placed on promoting a “gender-responsive approach” for countries to consider it as a relevant dimension in the design, development, implementation, and outcomes of programs, actions, policies, laws, norms, and collective agreements. This approach involves considering gender differences, including the distinct realities and needs of women and girls, and seeking to ensure their participation in decision-making processes at all levels to achieve gender equality⁵. Furthermore, the role of intersectionality in the genesis of workplace violence is recognized in Brazil, since categories such as race, class, geographical origin, ability, and age, in addition to sex and gender, are interconnected and associated with work and health conditions⁶.

A global study conducted by the ILO in partnership with research institutes, using data from approximately 125,000 interviews conducted in 121 countries during 2021, revealed that 22.8%, or 743 million of people in employment have experienced violence and harassment – whether physical, psychological, or sexual – during their working lives. The prevalence was higher in the Americas (34.3%), as well as among people who have experienced gender, disability, nationality/ethnicity, skin color, and/or religion discrimination at some point in their lives. Women were the primary victims of sexual violence and harassment in the workplace. Note, however, that these results only reveal the “tip of the iceberg,” considering the limitations of the research and the difficulties people face in recognizing themselves as victims of workplace violence and harassment².

Brazil has no nationally comprehensive study estimating the prevalence of workplace violence. However, the National Health Survey (PNS) of 2019 estimated that around 18.3% of individuals over 18 years old in Brazil, equivalent to 29.1 million individuals, experienced some form of psychological, physical, or sexual violence in the 12 months prior to the interview, without delimiting the context in which the violence occurred. Among those who reported experiencing psychological violence (17.4% of the population), 18.4% identified the workplace as the location, and 7.1% pointed to “co-workers, employers, bosses, or supervisors” as the main perpetrators⁷. According to Minayo, in Brazil, the family, community, institutional, and social environments, in general, are permeated by various types of interpersonal violence that affect individual and collective health, as well as hinder the healthy growth and development potential⁸. In this scenario, workplace violence and harassment are somewhat invisible.

Although Brazil had a well-established legal framework for worker protection since the 1940s when the Consolidation of Labor Laws (CLT) was created, there have been recent setbacks. The labor reform approved in 2017 made changes to several provisions of the CLT and even made union contributions optional. It also expanded the possibilities for outsourcing and temporary contracts. This reform has been characterized as an instrument for dismantling rights, aligned with a set of ongoing neoliberal political actions in Brazil that have exposed workers to greater social vulnerability^{9,10}. Moreover, it clashed with various international human rights treaties previously ratified by Brazil, including those “related to equality and non-discrimination, health and safety at work, combating slavery-like labor conditions, freedom of association and collective bargaining, and socially protected employment arrangements”¹¹.

In this context, there is great expectation regarding the ratification of ILO Convention No. 190 by Brazil. During the International Women’s Day ceremony on March 8, 2023, the President of the Republic, Luiz Inácio Lula da Silva, sent messages to the National Congress to initiate the ratification process of ILO’s Convention No. 190, as well as Convention No. 156, which addresses equal opportunities and equal treatment for male and female workers. As of April 2023, Convention No. 190 had been ratified by 27 countries¹². Its ratification and implementation in Brazil have been an important demand from national labor unions, the Labor Judiciary, the Labor Public Prosecutor’s Office, and institutions dedicated to the defense of women’s rights¹³.

Countries that ratify Convention No. 190 commit to implementing the necessary laws and policies to prevent and address violence and harassment in the world of work across various areas, which includes measures to provide guidance, resources, and training on these topics, covering gender-based violence and harassment for employers, workers, and their respective organizations, as well as competent authorities, in addition to awareness campaigns. These measures should also encompass the establishment of structures to ensure that victims have access to legal resources and appropriate psychological support, as well as the creation of mechanisms to monitor and report cases of violence and harassment, ensuring that no retaliation is taken against the complainants¹⁴. Furthermore, Recommendation No. 206 emphasizes the importance of improving data sources and information on workplace violence and harassment¹⁵.

The ratification of ILO Convention No. 190 in Brazil represents a historic opportunity for the country to regain its trajectory towards a commitment to human rights in the context of work, which can benefit its international image and serve as a message of hope for workers, both men and women.

However, a process still has to be completed before ratification, including the passage and approval of the Bill by the National Congress, the President’s sanction, and the deposit of the ratification instrument with the ILO. Moreover, much work is necessary to ensure that the provisions of Convention No. 190 are implemented throughout the national territory after its ratification. It is the collective responsibility of employers, governments, workers, and the scientific community to make every necessary effort to build a fair, safe world of work based on dignity and respect for everyone.

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