

End Gender-Based Violence: Support An ILO Convention

Gender-based violence in the workplace is a pernicious problem that particularly impacts women's participation in the economy and society. An international standard would address a critical gap in the current international framework and provide guidance on developing strong laws and policies to address physical violence and sexual harassment in the context of the workplace. A proposal is currently pending before the Governing Body of the International Labour Organization (ILO) to develop such a standard. For the measure to pass, support is needed from governments and particularly the business community.

Ending Gender Based Violence In the Workplace: the Benefits of an International Standard

An international standard on gender-based violence in the workplace would create safe workplaces, reduce vulnerability, foster economic independence and promote gender equality.

Worldwide, 35 percent of women experience violence, and between 40 and 50 percent of women experience unwanted sexual advances, physical contact or other forms of sexual harassment at work. An international standard would provide clear and comprehensive guidance on effective laws and policies to address and prevent this global problem.

Across worksites, sectors, countries and continents, gender-based violence presents a barrier to financial independence and the ability to fully and equally participate in the workforce, and in society. In areas where the majority of the workforce is female, such as garment and domestic work, women are critical to the success of the industry, but violence and sexual harassment often prevent them from occupying positions of power and receiving recognition for their contributions.

A global standard will contribute to developing safe workplace cultures and mechanisms that empower and support victims. Gender based violence often goes unreported, particularly when it involves the individual's livelihood. Studies consistently find that victims of gender-based violence have difficulties performing their work duties, and some report being asked to leave their jobs for reasons connected to the abuse. Developing effective national laws and workplace policies is critical to ensure victims can safely come forward and receive support and redress.

Harassment, stalking behavior, threats and abuse – all part of what constitutes gender-based violence at work – are known to hamper job performance and productivity, and can prevent individuals from engaging in the labor force at all. The United States Centers for Disease Control and Prevention estimates that it costs the US economy \$5.8 billion each year in direct medical and mental health care services and lost productivity from paid work and household chores. In countries that lack the relatively robust protections of the United States, that number is even higher.

An international standard will create safe working environments, ensure gender equality, and empower victims to participate fully in the workplace, and in society.

Background on the ILO Process

Standard-Setting at the International Labour Organization (ILO)

ILO conventions are international labor standards that are negotiated and adopted at the ILO's annual International Labour Conference (ILC) by representatives of governments, employers and workers from the organization's 185 member countries. Conventions adopted by the Conference must be submitted by member countries to their legislatures for possible ratification and, if ratified, become legally binding on that country. Existing ILO conventions range from the so-called "fundamental conventions" covering freedom of association, the right to collective bargaining, abolition of child and forced labor and non-discrimination in employment to conventions dealing with such matters as minimum wages, occupational safety and health and the rights of particular categories of workers such as migrants and domestic workers.

The decision to include a particular subject on the agenda for development of a convention is made by the ILO Governing Body, a tripartite body of government, worker and employer representatives that meets in Geneva every November and March.

Proposal for a convention on gender-based violence in the workplace

Since November of 2012, a proposal to develop an ILO convention on gender-based violence in the workplace has been pending before the Governing Body. Having an international convention addressing this issue would reduce vulnerability in the workplace, increase economic independence and improve workplace safety. However, the proposal has so far failed to advance due to opposition from business groups and insufficient support from governments. Although the Workers' group (consisting of all the worker representatives on the Governing Body) has consistently pushed for the proposal and the number of governments supporting it has been growing, each time it has been considered for possible inclusion on the agenda for a future ILC, it has lost out to other proposals.

The proposal came closest to adoption in March of this year, when it was among four proposals for a final topic of the 2016 ILC agenda. As in the past, the Workers Group strongly supported the proposal and it also received support from the governments of the United States, Canada, Cuba, Uruguay, Germany, Italy, the Netherlands, India, Sri Lanka and Australia, as well as from the government of Kenya speaking on behalf of the group of African countries. However, the Employers' group opposed the proposal, and the governments of Denmark, Finland, Iceland, Norway, Sweden and Switzerland, while supportive of putting the topic on the agenda for a general discussion, were opposed to moving forward with development of a convention. Government representatives from France, Japan, Korea, Hungary, China, Mexico, and Russia who spoke on the question expressed support for other proposals and did not mention gender-based violence.

Because there was not considered to be sufficient support for the Gender-Based Violence in the Workplace, another topic was chosen to complete the 2016 ILC agenda, but the proposal will be reconsidered again by the Governing Body in November, this time for possible placement on the 2017 ILC agenda.

Getting approval for development of a Gender-Based Violence Convention in November:

The Governing Body traditionally makes decisions by consensus, rather than by taking votes, and when it comes to choosing agenda topics for the ILC there is a preference for choosing topics that have at least some degree of support from all three of the ILO constituent groups: workers, employers and governments. Thus, to get development of a convention on Gender-Based Violence in the Workplace on the agenda for the 2017 ILC, it is important both that more governments support the proposal and also that the Employers' group be persuaded either to affirmatively support it or at the very least drop its opposition.

Attached is a list of the members of the Governing Body which shows what governments are represented as well as the current employer and worker members and their countries. The Employers' group, like the Workers' group, traditionally speaks with one voice in the Governing Body, through a single spokesperson, but employer representatives from individual countries can obviously be influential within the Employers group in determining what position the group will take.

U.S. employers are represented in the Employers Group by Ronnie Goldberg, who is senior counsel at the U.S. Council on International Business (USCIB), the organization that serves as the official representative of U.S. employer interests at the ILO. USCIB has an active membership of more than 300 of the largest and most prominent U.S.-based multinationals and law firms, businesses that should be supportive of an ILO convention on gender-based violence, if only for the sake of their reputational interests.

Unfortunately, as of the March GB meeting, USCIB was in agreement with the Employers Group's official position that gender-based violence in the workplace is a "criminal matter" that should be dealt with through criminal law and should not be the subject of an ILO convention. It is therefore particularly important that companies that belong to the USCIB weigh in to encourage the organization to change its position and to advocate within the Employers' Group in favor of the Gender-Based Violence in the Workplace proposal. There is information on how some of USCIB's membership included at the end of this document.

Members of ILO Governing Body¹

Governments:

Albania	Chad	Japan*	Russian Federation*
Algeria*	China*	Jordan	Sudan*
Angola*	Colombia	Kenya*	Tanzania
Argentina*	Cuba	Korea*	Thailand
Australia	Dominican Republic	Lesotho	Trinidad and Tobago*
Bahrain	Spain	Lithuania	Turkey*
Bangladesh	Ethiopia	Mali	United Arab Emirates*
Belgium	France*	Mauritania	United Kingdom*
Botswana	Germany*	Mexico*	United States*
Brazil*	Ghana*	Netherlands	Uruguay
Brunei	India*	Norway	Venezuela*
Bulgaria*	Indonesia	Pakistan	Zimbabwe*
Burkina Faso	Iran*	Panama*	
Cambodia*	Italy*	Poland	
Canada		Romania*	

Employers:

Sr. J. de Regil (Mexico)*	Mr P. O'Reilly (New Zealand)*
Sr. A. Echavarría Saldarriaga (Colombia)*	Mme G. Pineau (France)*
Ms R. Goldberg (United States)*	Mr J. Rønneft (Denmark)*
Ms R. Hornung–Draus (Germany)*	Mr C. Syder (United Kingdom)*
Mr H. Matsui (Japan)*	M. A. Yuma (Congo)*
Mr K. Mattar (United Arab Emirates)*	Sr. A. Urtecho (Honduras)
M. M. Megateli (Algeria)*	Ms S. Romchatthong (Thailand)
Mr Y. Modi (India)*	Ms S. Texeira (Brazil)
Ms J. Mugo (Kenya)*	Mr A. Walcott (Barbados)

¹ Asterisks denote titular members of the GB who, in the very rare instance that a vote is taken, have the right to vote. Others are deputy members who have all the rights of titular members except the right to vote.

Employers cont.

Mr P. Woolford (Canada)

Mr O. Alrayes (Bahrain)

M. J. Belahrach (Morocco)

Sr. M. Ceretti (Argentina)

M. K. de Meester (Belgium)

M. A. Savané (Guinée)

M. O. Diallo (Côte d'Ivoire)

Mr A. Frimpong (Ghana)

Ms L. Horvatic (Croatia)

Sr. J. Lacasa Aso (Spain)

Ms H. Liu (China)

Sr. J. Mailhos (Uruguay)

Mr M. Mdwaba (South Africa)

Ms M. Moskvina (Russian Federation)

Mr K. Rahman (Bangladesh)

Workers:

Mr K. Asamoah (Ghana)*

Mr F. Atwoli (Kenya)*

Ms A. Buntenschach (Germany)*

Sra. M. Carvalho Francisco (Angola)*

Mr R. Chandrasekharan (India)*

M. L. Cortebeek (Belgium)*

Ms S. Fox (United States)*

Mr. J. Guangping (China)*

Mr S. Gurney (United Kingdom)*

Ms H. Kelly (New Zealand)*

Sr. G. Martinez (Argentina)*

Mr T. Sakurada (Japan)*

Mr M. Shmakov (Russian Federation)*

M. B. Thibault (France)*

Mr M. Al Maaytah (Jordan)

Mr Z. Awan (Pakistan)

Ms B. Byers (Canada)

Ms S. Cappuccio (Italy)

Sra. I. Carcamo (Honduras)

Mr. P. Dimitrov (Bulgaria)

M. F. Djondang (Chad)

Mme A. El Amri (Morocco)

Sra. E. Familia (Dominican Republic)

M. M. Guiro (Senegal)

Ms M. Liew (Singapore)

Mr A. Lisboa (Brazil)

Mr M. Maung (Myanmar)

Mr B. Ntshalintshali (South Africa)

Mr J. Ohrt (Denmark)

Ms B. Pandey (Nepal)

Ms C. Passchier (Netherlands)

Ms S. Siwela (Zimbabwe)

Sra. M. Triana (Colombia)

Members of the USCIB:

USCIB does not publicly list its membership. It does have a public list of its Policy Committees, which are chaired by representatives from multinationals and law firms. The list below is all the businesses that have representatives on any committee. The USCIB Corporate Responsibility Committee is chaired by Clifford Henry from the Procter & Gamble Company, with Laura Rubbo from the Walt Disney Company serving as Vice Chair. Edward Potter, from Coca Cola, chairs the USCIB Labor and Employment Committee.

Law Firms:

Alston & Bird LLP
Akerman Senterfitt
Arnold & Porter LLP
Baker Botts LLP
Baker & McKenzie LLP
Beveridge & Diamond, P.C.
Chadbourne & Parke LLP
Covington & Burling
DLA Piper Rudnick Gray Cary US LLP
Ernst & Young LLP
Fulbright & Jaworski LLP
Holland & Knight LLP
Jenner & Block LLP
Jones Day
Kaye Scholer LLP
Kilpatrick Townsend & Stockton LLP
MorillADR LLC
Patton Boggs LLP
Quinn Emanuel Urquhart & Sullivan LLP
Sherman & Howard L.L.C.
Troutman Sanders LLP
Wilmer Cutler Pickering Hale and Dorr LLP

Companies:

21st Century Fox
AT&T
American Cleaning Institute
The Bank of New York Company, Inc.
BP America, Inc.
The Coca-Cola Company
Citigroup Inc.
DuPont
ExxonMobil Corporation
HanesBrands, Inc.
General Electric Company
GE China
Goldman Sachs & Co., Inc.
J.P. Morgan Chase & Company
Johnson & Johnson
Leo Burnett Worldwide
Lockheed Martin Corporation
Microsoft Corporation
McGraw Hill Financial
Nabors Corporate Services, Inc.
Nestle Holdings, Inc.
Network Solutions
Novozymes North America Inc.
Oracle Corporation
Pfizer Inc
PricewaterhouseCoopers LLP
The Procter & Gamble Company
The Soap and Detergent Association
Time Warner Inc.
Verizon Communications, Inc.
Viacom Media Networks
The Walt Disney Company
World Shipping Council