

A Comprehensive Technical Analysis of ILO Convention No. 190: Frameworks for Eliminating Workplace Violence and Harassment

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The global landscape of labor rights has undergone a seismic shift with the introduction of international standards specifically targeting the eradication of violence and harassment. For decades, workplace misconduct was often relegated to internal human resources policies or fragmented national tort laws. However, the adoption of the **International Labour Organization (ILO) Convention No. 190 (C190)** and its accompanying Recommendation No. 206 (R206) has established a definitive, legally binding framework that recognizes violence and harassment as a violation of human rights and a threat to equal opportunity. This article provides an in-depth technical analysis of these frameworks, with a particular focus on **Gender-Based Violence (GBV)**, the technical requirements of Article 10(e), and the sociocultural mechanics that necessitate these international mandates.

1. Theoretical Framework: Defining Violence and Harassment in the Modern Era

Before analyzing the legal obligations of member states, it is critical to define the scope of the terminology. Under ILO C190, the term "violence and harassment" in the world of work refers to a range of unacceptable behaviors 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.

1.1 The Integrated Concept

Unlike previous frameworks that attempted to separate physical violence from psychological harassment (bullying), C190 adopts an **integrated concept**. This acknowledges that the boundaries between these behaviors are often fluid and that they frequently co-occur. The technical significance of this integration is that it simplifies the burden of proof for victims and broadens the scope for preventative measures within organizational structures.

1.2 Gender-Based Violence (GBV) and Harassment

A core component of this framework is the specific recognition of GBV. This 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. It includes sexual harassment and is rooted in unequal power relations. From a technical policy perspective, addressing GBV requires a **gender-responsive approach** that identifies specific risk factors such as gender stereotypes, multiple and intersecting forms of discrimination, and abuse of power relations.

2. Technical Breakdown of ILO Convention No. 190: Article 10(e)

One of the most actionable segments of the Convention is **Article 10(e)**, which outlines the remedial and support measures that member states must implement. This article focuses on ensuring that victims have access to effective dispute resolution and compensation mechanisms.

2.1 Specialized Jurisdictional Expertise

Article 10(e) stipulates that states should ensure the availability of courts or tribunals with expertise in cases of gender-based violence and harassment. This requirement is technical in nature; it necessitates the specialized

training of judges, lawyers, and investigators to understand the psychological nuances of trauma-informed testimony and the systemic nature of workplace power dynamics.

2.2 Procedural Safeguards and Timeliness

The technical implementation of Article 10(e) requires:

Timely Resolution: Legal mechanisms must be streamlined to prevent the "secondary victimization" caused by prolonged litigation.**Privacy Protections:** Measures to protect the identity of complainants and witnesses to prevent retaliation.**Shifting the Burden of Proof:**In certain civil and administrative proceedings, if a victim establishes a prima facie case of violence or harassment, the burden of proof may shift to the respondent to prove that no violation occurred.

3. Comparison of International Legal Frameworks

The following table compares ILO C190 with existing international instruments, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and regional frameworks like the Istanbul Convention.

Feature	ILO Convention No. 190 (C190)	CEDAW (General Rec. 35)	Istanbul Convention (Regional)
Primary Scope	The World of Work (Professional Context)	All forms of discrimination against women	Domestic and Gender-Based Violence
Binding Status	Legally binding upon ratification	Legally binding (Treaty)	Legally binding (Regional Treaty)
Definition of Work	Includes formal, informal, and digital work	General economic participation	Not specifically focused on labor
Key Innovation	Article 10(e) - specialized courts and remedies	Focus on systemic state accountability	Focus on prevention and criminalization

4. Sociocultural Context and the Mechanics of Power

Technical solutions cannot exist in a vacuum. The sociocultural context of GBV in the world of work is often defined by **hegemonic masculinity** and patriarchal hierarchies. Research indicates that violence is frequently used as a tool to maintain dominant status within professional environments.

4.1 The Role of Hegemonic Masculinity

In many technical and industrial sectors, masculine norms dictate the "ideal worker" profile. When women or gender-diverse individuals enter these spaces, harassment may be used as a boundary-policing mechanism. Understanding this sociocultural phenomenon is essential for designing effective **risk assessment tools**. Organizations must analyze their cultural "toxicity levels" by examining turnover rates, promotion disparities, and the frequency of informal complaints.

4.2 Intersectionality in Risk Assessment

Risk is not distributed equally. Intersectionality—the overlapping of various social identities such as race, disability, and gender—creates unique vulnerabilities. A technical risk assessment following C190 guidelines must account for these intersecting factors to ensure that protection measures are inclusive and reach the most marginalized workers, including those in informal economies or precarious employment.

5. Practical Implementation: A Step-by-Step Field Guide for Organizations

For organizations looking to align with international standards and national ratifications, a systematic approach is required. Below is a procedural workflow for implementing a comprehensive violence and harassment prevention program.

Step 1: Policy Formulation

Draft a clear, zero-tolerance policy that explicitly defines violence and harassment, including GBV. This policy must apply to all employees, contractors, and third parties. It should be translated into all languages spoken in the workplace to ensure accessibility.

Step 2: Hazard Identification and Risk Assessment

Conduct a technical audit of the workplace. This includes identifying physical "blind spots" (unmonitored areas), digital risks (cyber-bullying on company platforms), and organizational risks (power imbalances in remote work settings). Use the following formula to prioritize interventions:

Risk Score = (Likelihood of Occurrence) × (Severity of Impact) × (Vulnerability of Target Group)

Step 3: Implementation of Protective Measures

Based on the risk assessment, implement controls. These may include:

Engineering Controls: Improved lighting, secure entry points, and emergency alert systems. **Administrative Controls:** Mandatory training for management on trauma-informed leadership and conflict resolution. **Digital Controls:** Robust moderation policies for internal communication tools (Slack, Teams, etc.).

Step 4: Establishment of Reporting Mechanisms

Create multiple channels for reporting, including anonymous options. Ensure that the personnel handling these reports are trained in accordance with the principles of **Article 10(e)**, focusing on confidentiality and impartiality.

6. Case Study: Addressing GBV in Higher Education Institutions (HEIs)

Higher Education Institutions represent a complex "world of work" where the roles of employer, employee, and student often overlap. Recent technical studies have highlighted the prevalence of GBV in HEIs, often perpetuated through hierarchical academic structures where students or junior faculty depend on senior professors for career progression.

6.1 The Institutional Framework

Successful HEI models have integrated C190 principles by establishing specialized GBV offices that operate independently of the HR department. This removes the conflict of interest where an institution might prioritize protecting its reputation over the safety of the victim. Key elements of this model include:

- External Oversight: Regular audits by third-party gender experts.
- Standardized Response Protocols: Uniform procedures for handling disclosures across different faculties.
- Curriculum Integration: Educating the campus community on consent and professional boundaries as part of the core academic experience.

6.2 Failure Modes and Troubleshooting

A common failure mode in HEIs is the "silo effect," where different departments handle harassment cases differently. The technical solution is a centralized digital tracking system (with high-level encryption) that allows the institution to identify **serial offenders** who move between departments or projects.

7. Operational Challenges and Technical Solutions

Implementing C190 is not without challenges. One significant hurdle is the application of these standards to the **informal economy**, which accounts for a vast portion of the global workforce.

Challenge	Technical Solution / Mitigation
Jurisdictional Ambiguity	Developing cross-border legal agreements for remote workers.
Under-reporting	Implementing "Whistleblower Protection" algorithms that secure identity.
Informal Sector Reach	Partnering with NGOs and labor unions to provide mobile reporting tools.
Retaliation	Strict legal mandates for "non-retaliation clauses" in employment contracts.

The transition toward a world of work free from violence and harassment requires more than just policy; it requires a fundamental restructuring of how we value labor and human dignity. The technical specifications provided by ILO Convention No. 190, particularly the remedial mandates of Article 10(e), offer a roadmap for states and organizations to move beyond rhetoric toward substantive change.

As more countries ratify C190, the standard of "due diligence" for employers will continue to rise. Organizations that fail to implement gender-responsive and trauma-informed frameworks will not only face legal liabilities and financial penalties but will also struggle to retain talent in an increasingly socially-conscious global market. The integration of technical risk assessments, sociocultural awareness, and robust legal protections is no longer optional; it is the blueprint for the future of work. By systematically dismantling the structures that allow violence to persist, we can foster professional environments characterized by safety, equality, and mutual respect.

Tags: #ILO Convention 190 #Gender Based Violence #Workplace Safety #Labor Law Compliance #Article 10e

