

Questionnaire

At its 325th Session (October 2015), the Governing Body decided to place a standard-setting item on violence against women and men in the world of work on the agenda of the 107th Session (June 2018) of the International Labour Conference for a double discussion. At its 328th Session (October 2016), following the Meeting of Experts on Violence against Women and Men in the World of Work (October 2016),¹ the Governing Body decided to replace the term “violence” with “violence and harassment” in the title of the item placed on the agenda of the 107th Session (June 2018) of the Conference.²

The purpose of the questionnaire is to request the views of member States on the scope and content of the proposed instrument or instruments, after consultation with the most representative organizations of employers and workers. Replies received should enable the International Labour Office to prepare a report for the Conference. The Office would be grateful if the replies could reach the Office by 22 September 2017. Respondents are encouraged, where possible, to complete the questionnaire in electronic format and to submit their replies electronically to the following email address: VIOLENCEHARASSMENT@ilo.org. Respondents may also submit their replies in hard copy to the Conditions of Work and Equality Department (WORKQUALITY) at the International Labour Office in Geneva.

I. Form of the international instrument or instruments

1. *Should the International Labour Conference adopt an instrument or instruments concerning violence and harassment in the world of work?*

Comments:

Yes.

However, Finland draws attention to the fact that the title (violence and harassment against women and men in the world of work) may be problematic because its scope (women and men) is not necessarily sufficient. Here we refer to the ongoing discussion on gender diversity. One alternative would be to remove the concepts women and men, in which case the title of the instrument would merely read “violence and harassment in the world of work”.

¹ILO: *Final report*, Meeting of Experts on Violence against Women and Men in the World of Work (3–6 October 2016), available at: http://www.ilo.org/gender/Informationresources/Publications/WCMS_546303/lang--en/index.htm; and Background paper for discussion at the Meeting of Experts on Violence against Women and Men in the World of Work (3–6 October 2016), available at: http://www.ilo.org/gender/Informationresources/Publications/WCMS_522932/lang--de/index.htm.

² GB.328/PV, para. 357(b); and GB.328/INS/17/5, available at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_533534.pdf.

2. *If so, should the instrument or instruments take the form of:*

(a) *a Convention?*

(b) *a Recommendation?*

(c) *a Convention supplemented by a Recommendation, as two separate instruments or a single instrument comprising binding and non-binding provisions?*

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Comments:

Finland supports the drawing up of an instrument concerning this matter by the International Labour Organization and considers the theme extremely important. The alternatives a) a Convention, b) a Recommendation or c) a Convention supplemented by a Recommendation could be accepted by Finland. Finland finds it important that the eventual Convention should not be too detailed; however, the rights granted by it should still be genuine and effective. Too detailed provisions may create obstacles to the ratification, in which case the significance and effectiveness of the Convention may weaken. The Convention should not either cause an unreasonable administrative burden.

II. Preamble

3. *Should the Preamble of the instrument or instruments recall that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity?*

Comments:

Yes.

4. *Should the Preamble of the instrument or instruments reaffirm the relevance of the fundamental Conventions of the International Labour Organization?*

Comments:

Yes as well as the fundamental Safety and Health Conventions of the ILO and the relevant Human Rights Conventions of the United Nations.

5. *Should the Preamble of the instrument or instruments state the right of everyone to a world of work free from violence and harassment, including gender-based violence?*

Comments:

Yes.

6. *Should the Preamble of the instrument or instruments recall that violence and harassment in the world of work:*
- (a) *is a human rights violation, is unacceptable and is incompatible with decent work; and*
 - (b) *affects workplace relations, worker engagement, health, productivity, quality of public and private services and enterprise reputation, and may prevent access to, and remaining and advancing in, the labour market, particularly for women?*

Comments:

Yes. As regards the concept “enterprise reputation”, it must be remembered that the public sector is an employer, too.

7. *Should the Preamble of the instrument or instruments recognize that an inclusive and integrated approach, tackling underlying causes and risk factors, is essential to ending violence and harassment in the world of work?*

Comments:

Yes.

8. *Should other considerations be included in the Preamble of the instrument or instruments? If yes, please specify.*

Comments:

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III. Definitions and scope

9. *For the purposes of the instrument or instruments should the expression “violence and harassment” be understood as a continuum of unacceptable behaviours and practices – whether a single occurrence or repeated – having the aim or effect of causing physical, psychological or sexual harm?*

Comments:

Yes. However, the definition should be clarified, made more flexible and its scope should be extended. Particularly the concepts “as a continuum” and “sexual harm” would require clarification. The threat of violence should be taken into consideration in the scope of the Convention.

10. *For the purposes of the instrument or instruments should violence and harassment in the world of work cover situations occurring:*
- (a) *in the physical workplace, including public and domestic spaces where they are a place of work;*
 - (b) *in places where the worker is paid or takes meals;*
 - (c) *when commuting to and from work;*
 - (d) *during work-related trips or travel, at work-related events or social activities, and during work-related training; and*
 - (e) *through work-related communications enabled by information and communication technologies?*

Comments:

Yes, but the possibilities for employers and authorities to influence the situation are limited in some of the alternatives. Some of the alternatives can be regarded as mainly suitable for a recommendation. The limited nature of the possibilities to influence the situation can be highlighted especially as regards alternative a). It is important to take into account the national practices and regulation models regarding how supervision can be arranged. Especially in domestic work, it is important to take into consideration the need to protect domiciliary peace in supervising work performed in domestic spaces. If the supervisory requirements are too strict, they may cause obstacles to the ratification, which can also be seen in the case of Convention No. 189.

The matter has been regulated in the following way in Finland:

[*The Act on Occupational Safety and health Enforcement and Cooperation on Occupational Safety and Health at Workplaces \(44/2006\);*](#)

Section 9 – Inspection in premises within the sphere of domiciliary peace

An inspection may be carried out in premises within the sphere of domiciliary peace if there is a reasonable cause to suspect that the work performed on the premises or the working conditions cause danger to an employee's life or obviously harm or hazards to an employee's health and enforcement actions otherwise cannot be satisfactorily carried out.

Finland is of the opinion that, in order not to create an obstacle to the ratification, consideration should be given to whether the concept “world of work” and its scope should here be determined at a more general level.

11. *For the purposes of the instrument or instruments should the term “employer” include intermediaries?*

Comments:

The concept “intermediaries” should be clarified and a definition of what it refers to should be given. The EU countries are already obligated by the EU's directive on temporary agency work (Directive 2008/104/EC of the European Parliament and of the Council) to recognise temporary-work agencies as employers. In addition to temporary agency work, the concept intermediary may also cover other situations. However, room should be left for flexibility at a national level as definitions that are too strict may create obstacles to the ratification.

The questionnaire does not take into account the new forms of work. These should not be overlooked. In addition to employers and employment services, attention should be paid to those who run the platform economy or the sharing economy. Generally, attention should be paid to situations in which work is done in a manner that deviates from the traditional model of employment contracts. On the other hand, in order not to create obstacles to the ratification, recommendation-type entries on these matters could be included.

12. *For the purposes of the instrument or instruments should the term “worker” cover persons in any employment or occupation, irrespective of their contractual status, and in all sectors of the economy – formal or informal – including:*

(a) persons in training, internships and apprenticeships;

(b) volunteers;

(c) jobseekers; and

(d) laid-off and suspended workers?

Comments:

Yes.

13. *Should any other terms be defined by the instrument or instruments? If yes, please specify.*

Comments:

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IV. Content of a Convention

14. *Should the Convention provide that each Member should recognize the right to a world of work free from violence and harassment and adopt, in consultation with representative employers' and workers' organizations, an inclusive and integrated approach for the elimination of violence and harassment in the world of work that includes:*

- (a) prohibition in law of all forms of violence and harassment in the world of work;*
- (b) ensuring that relevant policies address violence and harassment;*
- (c) adoption of a comprehensive prevention strategy;*
- (d) establishment of enforcement and monitoring mechanisms;*
- (e) provision of remedies and support for victims;*
- (f) provision of sanctions for perpetrators; and*
- (g) development of tools and guidance?*

If others please specify.

Comments:

Yes.

A. Fundamental principles and rights at work and protection

15. *Should the Convention provide that, with a view to eliminating violence and harassment in the world of work, each Member should respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation?*

Comments:

Yes.

16. *Should the Convention provide that each Member should adopt national laws and regulations prohibiting all forms of violence and harassment in the world of work, and in particular all forms of gender-based violence?*

Comments:

Yes.

17. *Should the Convention provide that each Member should develop laws, regulations and policies ensuring the right to equality and non-discrimination for all workers, including for women workers as well as workers belonging to one or more groups disproportionately affected by violence and harassment, including:*

- (a) young workers;*
- (b) migrant workers;*
- (c) workers with disabilities;*
- (d) workers from indigenous and tribal peoples;*
- (e) lesbian, gay, bisexual, transgender and intersex workers;*
- (f) workers living with HIV; and*
- (g) workers from marginalized communities, such as caste-affected persons, and members of ethnic minorities?*

If others please specify.

Comments:

Yes. In addition to young workers, older workers may also face different kinds of violence or harassment because of their age and the assumed or possible lower ability to function resulting from it. The list of grounds for discrimination could also be extended by expressing in the Convention that no one must be put in a weaker position on the basis of their gender, age, origin, language, religion, conviction, opinion, state of health or other reason related to the person without an acceptable reason. Membership in a trade union should also be a prohibited ground for discrimination. It is important that, in addition to individual grounds for discrimination, discrimination on multiple grounds should also be taken into consideration.

B. Prevention measures

18. *Should the Convention provide that each Member should:*

- (a) take measures to ensure the prevention of violence and harassment in the world of work;*
- (b) identify sectors, occupations and work arrangements in which workers are more exposed to violence and harassment; and*
- (c) take measures to ensure that such workers are effectively protected?*

Comments:

Yes. The starting point should be that everyone is protected; however, the sectors that are particularly exposed to risks should be recognised.

19. *Should the Convention provide that each Member should adopt national laws and regulations requiring that employers take steps to prevent all forms of violence and harassment in the world of work, and in particular to:*
- (a) include violence and harassment and psychosocial risks under existing occupational safety and health management systems;*
 - (b) adopt a policy, in consultation with workers and their representatives, outlining a zero-tolerance stance on all forms of violence and harassment;*
 - (c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures for their prevention and control; and*
 - (d) inform and train workers on the identified hazards and risks of violence and harassment and the associated prevention and protection measures?*

Comments:

Yes. However, item 19 (b) is very detailed and the outlined zero-tolerance stance in it is fairly strong. The question is more like a recommendation-type of matter. It must be taken into account that, ultimately, the primary responsibility for public order and security lies with the state.

C. Enforcement, monitoring and victim support

20. *Should the Convention provide that each Member should take appropriate measures to ensure the monitoring and enforcement of national laws and regulations regarding violence and harassment in the world of work?*

Comments:

Yes. However, the creation of such new obligations for the authorities in the Member States that would require unreasonable additional resources (for example, in the pre-trial investigation conducted by the police or the work carried out by the police to reduce violence) should be avoided. As regards “appropriate measures”, the different supervision mechanisms in the different Member States should be respected.

21. *Should the Convention provide that each Member should ensure that all workers have easy access to safe, fair and effective legal remedies and dispute resolution mechanisms in cases of violence and harassment, including:*

- (a) complaint and investigation mechanisms at the level of the economic unit;*
- (b) access to courts or tribunals;*
- (c) dispute resolution mechanisms external to the economic unit;*
- (d) protection against victimization of complainants, witnesses and whistle-blowers;*
- (e) appropriate remedies;*
- (f) legal, social and administrative support measures for complainants; and*
- (g) sanctions for perpetrators?*

Comments:

Yes. It is also important to ensure that possible problems and abuses are brought into the knowledge of the employer so that they can be solved as early as possible. Regarding item c) in this question and regarding Question 22 below, Finland also draws attention to the fact that the concept “dispute resolution mechanisms” should respect national supervision procedures and procedural legislation, and the creation of new unreasonable administrative obligations should be avoided. In addition to dispute resolution mechanism, “legal remedies” should be added to the title as some of the alternatives given earlier belong under this concept.

22. *Should the Convention provide that each Member should adopt additional measures to ensure that victims of gender-based violence in the world of work, whether in urban or rural areas, should have effective access to specialized and expeditious dispute resolution mechanisms as well as to specialized support, services and remedies?*

Comments:

Yes.

23. *Should the Convention provide 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 of violence and harassment, without suffering undue consequences?*

Comments:

Yes.

D. Support and guidance at the national level

24. *Should the Convention provide that each Member should, in consultation with representative employers' and workers' organizations, take measures to ensure that:*

- (a) violence and harassment in the world of work is addressed in relevant national policies, such as occupational safety and health, equality and non-discrimination, including gender equality, and migration policies;*
- (b) guidance, resources and other tools are provided to workers, employers and their representatives, and to enforcement authorities regarding violence and harassment in the world of work; and*
- (c) awareness-raising campaigns and other initiatives are developed with the aim of eliminating violence and harassment in the world of work, including gender-based violence?*

Comments:

Yes.

E. Means of implementation

25. *Should the Convention provide that each Member should implement its provisions through laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending existing occupational safety and health measures to cover violence and harassment or adapting them and developing specific measures where necessary?*

Comments:

Yes.

V. Content of a Recommendation

A. Fundamental principles and rights at work and protection

26. *Should the Recommendation provide that in adopting an inclusive and integrated approach to end violence and harassment in the world of work, Members should address all forms of violence and harassment in the world of work in labour, occupational safety and health, and equality and non-discrimination law, as well as in criminal law where appropriate?*

Comments:

Yes.

27. *Should the Recommendation provide that Members should ensure that workers in sectors, occupations and work arrangements with a higher incidence of violence and harassment fully enjoy freedom of association and the right to collective bargaining in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)?*

Comments:

Yes. These rights belong to all workers.

28. *Should the Recommendation provide that Members should take measures to:*
- (a) encourage collective bargaining at all levels as a means of preventing and addressing violence and harassment in the world of work; and*
 - (b) facilitate such collective bargaining through the collection and dissemination of information on trends and good practices regarding the negotiation process and the content of collective agreements?*

Comments:

Yes.

29. *Should the Recommendation provide that with a view to eliminating violence and harassment in the world of work, Members should recognize the effects of domestic violence on the world of work and take measures to address them?*

Comments:

Yes.

30. *Should the Recommendation provide that Members should take legislative or other measures to protect migrant workers, and particularly women migrant workers, in origin, destination and transit countries, against violence and harassment, including gender-based violence?*

Comments:

Yes, as well as all employees regardless of their status.

B. Prevention measures

31. *Should the Recommendation provide that occupational safety and health provisions on violence and harassment in national laws, regulations and policies should take into account occupational safety and health instruments of the International Labour Organization, including the Occupational Safety and Health Convention, 1981 (No. 155), and Recommendation, 1981 (No. 164); the Occupational Health Services Convention, 1985 (No. 161); the Night Work Convention, 1990 (No. 171), and Recommendation, 1990 (No. 178); and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)?*

Comments:

Yes.

32. *Should the Recommendation provide that, in developing and implementing workplace policies on violence and harassment, employers should + addition: where appropriate:*
- (a) establish violence and harassment prevention programmes with measurable objectives;*
 - (b) outline the rights and responsibilities of workers and employers;*
 - (c) ensure that workers and their representatives are consulted, informed and trained;*
 - (d) provide information on complaint and investigation procedures; and*
 - (e) ensure that all internal and external communications related to violence and harassment are duly considered and acted upon?*

Comments:

Yes, taking into account the need to add the words “where appropriate” (see the question above).

33. *Should the Recommendation provide that workplace risk assessments should take into account factors that increase the likelihood of violence and harassment, in particular psychosocial hazards and risks, including those arising from third parties such as clients and the public, and the presence of negative power relations, gender norms, cultural and social norms, and discrimination?*

Comments:

Yes.

34. *Should the Recommendation provide that Members should:*

- (a) adopt specific measures for sectors, occupations and work arrangements which are more exposed to violence and harassment, including night work, work in isolation, services, health care, emergency services, domestic work, transport, education and entertainment; and*
- (b) ensure that these measures do not in any manner exclude or restrict the participation of women or other groups of workers?*

Comments:

Yes. The starting point should be that everyone is protected; however, the sectors that are particularly exposed to risks should be recognised.

C. Enforcement, monitoring and victim support

35. *Should the Recommendation provide that appropriate remedies in cases of violence and harassment referred to in question 21 should include, among others:*

- (a) reinstatement; where appropriate*
- (b) compensation for material and non-material damages;*
- (c) injunctive relief ordering the employer to ensure that certain conduct is stopped or requiring that policies or practices be changed; and*
- (d) legal fees and costs?*

Comments:

Yes, taking into account the need to add the words “where appropriate” after the work “reinstatement” (see paragraph a) above).

36. *Should the Recommendation provide that victims of violence and harassment should have access to compensation in cases of psychosocial or physical disability or incapacity to work?*

Comments:

Yes.

37. *Should the Recommendation provide that specialized and expeditious dispute resolution mechanisms for gender-based violence referred to in question 22 should include:*

- (a) courts with expertise in cases of gender-based violence;*
- (b) fast-track processes;*
- (c) shifting the burden of proof;*
- (d) legal advice and assistance for complainants; and*
- (e) guides and other information resources available in the widely spoken languages of the country?*

If others please specify.

Comments:

Yes, but items a) and b) in this question should be lightened with the addition of the words “where appropriate”.

38. *Should the Recommendation provide that specialized support, services and remedies for victims of gender-based violence referred to in question 22 should include appropriate measures such as:*

- (a) leave for victims of domestic violence;*
- (b) flexible work hours for victims of stalking and domestic violence;*
- (c) support to help victims re-enter the labour market;*
- (d) counselling and information services, including at the workplace;*
- (e) 24-hour hotlines;*
- (f) emergency services;*
- (g) medical care and treatment;*
- (h) crisis centres, including shelters; and*
- (i) special police units to support victims?*

If others please specify.

Comments:

Yes, but the nature of the list should however be lightened referring to “appropriate measures such as”.

39. *Should the Recommendation provide that perpetrators of violence and harassment should be assisted through counselling or other appropriate measures with a view to preventing the reoccurrence of violence and harassment and facilitating their reintegration into work?*

Comments:

Yes, where appropriate (if the perpetrator is willing to participate).

40. *Should the Recommendation provide that labour inspectors should have the mandate to address violence and harassment and be empowered to issue:*
- (a) interim orders of non-compliance in cases of violence and harassment; and*
 - (b) orders to stop work in cases of violence and harassment or an imminent and serious danger of violence and harassment?*

If others please specify.

Comments:

Yes.

41. *Should the Recommendation provide that labour inspectors should undergo gender- sensitive training with a view to identifying and addressing violence and harassment, psychosocial hazards and risks, gender-based violence, and discrimination against particular groups?*

If others please specify.

Comments:

Yes, but the training should be targeted at those who deal with these issues in their work.

42. *Should the Recommendation provide that the mandate of national bodies responsible for occupational safety and health or equality and non-discrimination, including gender equality, should include violence and harassment in the world of work?*

Comments:

Yes.

43. *Should the Recommendation provide that Members should collect and publish sex-disaggregated statistics on violence and harassment in the world of work, including gender-based violence?*

Comments:

Yes.

D. Support and guidance at the national level

44. *Should the Recommendation provide that national policies on occupational safety and health, equality and non-discrimination, including gender equality, and gender-based violence, including violence against women, should address violence and harassment in the world of work?*

Comments:

Yes.

45. *Should the Recommendation provide that Members should develop, implement or disseminate, as appropriate:*

- (a) programmes aimed at addressing factors that increase the likelihood of violence and harassment, including negative power relations, gender norms, cultural and social norms, and discrimination;*
- (b) gender-sensitive guidelines and training to assist judges, labour inspectors, police officers and other public officials in fulfilling their mandate regarding violence and harassment as well as to assist employers in preventing and addressing violence and harassment;*
- (c) model codes of practice, workplace policies and risk assessment tools, either general or sector-specific, for all forms of violence and harassment, taking into account the specific situations of disproportionately affected workers;*
- (d) awareness-raising campaigns that convey the unacceptability of violence and harassment, in particular gender-based violence, and address discriminatory attitudes and stigmatization of complainants and victims;*
- (e) gender-sensitive curricula at all levels of education;*
- (f) training programmes and materials for journalists and other media personnel on gender-based violence, including its underlying causes and risk factors; and*
- (g) campaigns aimed at fostering safe, healthy and harmonious workplaces free from violence and harassment?*

Comments:

Yes.

46. *Should the Recommendation provide that Members should provide resources and assistance for informal economy workers and their associations to prevent and address violence and harassment, including gender-based violence, in the informal economy?*

Comments:

Yes.

VI. Special problems

47. *Are there unique features of national law or practice that are liable to create difficulties in the practical application of the instrument or instruments?*

Comments:

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48. *(For federal States only) In the event of an instrument or instruments being adopted, would the subject matter be appropriate for federal action or, wholly or in part, for action by the constituent units of the federation?*

Comments:

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49. *Are there any other relevant problems or issues not covered by the present questionnaire that ought to be taken into consideration when drafting the instrument or instruments?*

If yes, please specify. Comments:

Yes. The possibilities employers and authorities have to influence the situation should be taken into consideration in the drafting of the instrument. Ensuring public safety is the responsibility of the authorities. When drafting the instrument, too much detail should also be avoided. Provisions that are too detailed may create obstacles to the ratification, in which case the significance and effectiveness of the Convention may weaken. More flexibility should be added concerning some of the questions in order to take into consideration the national practices. Likewise, the terms should be defined carefully (for example, the concepts gender-based and the informal economy).

FURTHER INFORMATION

A copy of this report has been sent to the following labour market organisations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish Enterprises (FFE)

Statements of the labour market organisations:

The Confederation of Finnish Industries (EK)

The Confederation of Finnish Industries does not regard the new instruments for the prevention of the threat of violence against women and men at work proposed by the ILO as appropriate from Finland's perspective. The Finnish Occupational Safety and Health Act and other legislation provide on controlling the threat of violence as comprehensively as it is possible. Applicable legislation already exists in the EU, and the ILO has standards addressing the matter. The instrument proposed by the ILO, whether it be a standard or a recommendation, would not bring anything new to Finnish legislation. The Confederation of Finnish Industries is of the opinion that increasing regulation as proposed by the ILO would be against the goals of reducing the administrative burden and improving regulation pursued by Finland. The Confederation of Finnish Industries does not consider the ILO's new instrument necessary for the above-mentioned reasons.

The Federation of Finnish Enterprises (FFE)

Taking into consideration the significance of the matter as well as the fact that neither the ILO constitution nor the 1944 declaration of Philadelphia provides a definition of "violence and harassment at work" The Federation of Finnish Enterprises sees it expedient for ILO to adopt certain and specific instruments concerning violence and harassment in the world of work. At the current situation FFE sees that a recommendation would be most appropriate form for this instrument.

According to the Federation of Finnish Enterprises the term employer should not be extended to cover intermediaries (Q. 11). The term "worker" should not cover volunteers (Q. 12). Regarding Q. 23 (workers right to remove themselves from a work situation) the FFE sees that there should be an obligation to first notify the employer so that the employer can take appropriate measures to solve the situation in the first place. In Q. 29 the FFE points out that it can be hard or even possible for the employer to recognize and especially intervene to possible issues caused by domestic violence regarding the employee.

The State Employer's Office (VTML)

According to the State Employer's Office, the new instrument of the International Labour Organization should not be implemented. Finland has functioning national legislation and has also implemented related European agreements. However, if a decision is made to introduce the new instrument, only a recommendation would be possible as it would give room for application at a national level.

According to the State Employer's Office, volunteers or jobseekers should not be covered by the concept worker (Q 12). An employment relationship or, for example, an internship contract, should be required for the status "worker". As regards volunteers, guidance and familiarisation must be ensured for them and the possible insurance cover must be determined. However, they cannot be classified as having the same status as persons with an employment relationship.

The Commission for Local Authority Employers (KT)

The Commission for Local Authority Employers supports the creation of the International Labour Organization's instrument concerning this matter. The instrument should take the form of a convention.

The Central Organization of Finnish Trade Unions (SAK), the Finnish Confederation of Salaried Employees (STTK) and the Confederation of Unions for Academic Professionals in Finland (Akava)

SAK, STTK and Akava support adopting ILO's instrument/instruments concerning the subject. According to the trade union federations the instrument should take the form of a binding Convention, supplemented by a Recommendation, as two separate instruments. The trade union federations point out that there is no internationally agreed definition of the term or scope of "violence and harassment in the world of work". Whilst several ILO instruments refer to violence and/or harassment, none of these instruments address violence and harassment as their primary aim, none define what is meant by violence and harassment, nor do they indicate the steps that governments, employers and workers' organisations should take to prevent, address and redress violence and harassment in the world of work. Further, these instruments tend to refer to only certain forms of violence or harassment and only cover specific groups or categories of workers. The approach to dealing with violence and harassment in the world of work at both international and domestic level is often fragmented and limited in scope. The development of international standard(s) is therefore meant to fill important gaps at international and domestic level in relation to occupations, sectors and forms of violence and harassment, by taking a comprehensive and integrated approach.

SAK, STTK and Akava are of the opinion that it is particularly important that reference is made in the Preamble to gender-based violence. Whilst violence and harassment in the world of work affects everyone, women and those who do not conform to societal perceptions of gender roles and norms are at greater risk. Overall, the Convention should make explicit reference to the prohibition of all forms of gender-based violence and harassment in particular (Q. 5 and 16).

Regarding Q. 9 option a), the trade union federations remind that public spaces are often the physical workplace for informal economy workers, whilst domestic workers, home care workers, home-based workers and teleworkers perform work in domestic spaces. The scope of the Convention should also extend to measures to prevent and address violence from third parties, such as clients and members of the public. Furthermore, the scope of violence and harassment in the world of work should cover situations occurring in the domestic sphere, where these impact on the world of work. Domestic abuse/intimate partner violence can, for example, cause disrupted work histories, high rates of absenteeism, lower personal incomes, frequent changes in jobs and loss of employment. It can also result in an abusive partner stalking or harassing the worker at their workplace (concerning also Q. 29).

Regarding prevention measures SAK, STTK and Akava raise that also workers in informal, precarious and non-standard forms of employment and workers who cannot effectively exercise their rights to freedom of association and collective bargaining, which includes the majority of workers in export processing and special economic zones, are also likely to be more at risk of violence and harassment (Q. 18 b). In Q. 21 a the trade union federations would recommend that the question would be reformulated to read, "... complaint and investigation mechanisms at workplace level, including in the informal economy;" Such mechanisms, both within and external to the workplace, should recognize the role of trade unions in dispute resolution. Extending protection also to whistleblowers (as well as to complainants and witnesses) is crucial. In addition, the Convention should provide that, as a minimum, remedies should include reinstatement injunctive relief, legal fees and costs, and compensation for material and non-material damages. The Convention should also provide for compensation in cases of psychosocial or physical disability or incapacity to work (Q. 21 d and e).

In many countries, workers have a general right to be free from undue consequences (such as termination of contract or other disciplinary action) when stopping work in a situation that puts their health at risk, in line with the Occupational Safety and Health Convention, 1981 (No. 155). SAK, STTK and Akava are of the opinion that the Convention should also provide that labour inspectors should be mandated to address violence and harassment and should have the power to stop work in the case of work-related violence and harassment (Q 25). In Q. 27 the federations reply that the rights mentioned in the question should be part of

the Convention, since they concern fundamental labour rights, which are also foundational. Additionally, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) are key to enabling workers and employers to build workplaces free from violence and harassment, and Members should ensure that all workers fully enjoy the rights in these Conventions. The Recommendation could give guidance to Members to pay special attention to ensuring that workers in sectors, occupations and work arrangements with a higher incidence of violence and harassment fully enjoy these rights.

Additional comments:

The above-mentioned comments from labour organisations have been taken into consideration in the Finnish Government's reply to the questionnaire and they have also been discussed together with the organisations in the convention division of Finland's Advisory ILO Committee and in the Advisory ILO Committee.