



15 December 2022

Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra, ACT 2600

By email: jsct@aph.gov.au

Dear Secretary

International Labour Organization Convention concerning the elimination of violence and harassment in the world of work (no. 190)

The Australian Human Rights Commission (the Commission) welcomes the opportunity to make this submission to the Joint Standing Committee on Treaties' inquiry into the International Labour Organization Convention concerning the elimination of violence and harassment in the world of work (No. 190) (ILO Convention 190).

The prevention of sexual harassment and other forms of gender-based violence and discrimination is one of the Commission's key priority areas. Through *Respect@Work*, the final report of the National Inquiry into Sexual Harassment in Australian Workplaces (National Inquiry), the Commission remains committed to delivering strategic policy and project outcomes to combatting violence and harassment in the workplace.

The Commission strongly supports ratification and implementation of ILO Convention 190.

ILO Convention 190 represents the first international commitment to ensuring everyone has the right to work free from violence and harassment, including gender-based violence and harassment. Among other things, ILO Convention 190 encourages States to broadly define 'worker' and 'workplace' to ensure a full range of traditional and non-traditional work arrangements, relationships and

settings are captured,¹ and to place a positive duty on employers to prevent violence and harassment in the workplace.² Vitally, it also highlights that gender-based violence and harassment at work cannot adequately be addressed without first understanding the underlying drivers of this behaviour – sexism and gender-based inequalities. These themes are strongly reflected throughout the *Respect@Work* report.

Earlier this year, the Australian Government committed to implementing the recommendations outlined in the *Respect@Work* report in full, including the Commission's recommendation to ratify ILO Convention 190 (Recommendation 15 refers). The *Respect@Work* report also highlighted the number of submissions to the National Inquiry the Commission received that broadly supported Australia ratifying ILO Convention 190.

The Commission supports the ratification of ILO Convention 190, and considers the regulatory model recommended in the *Respect@Work* report is consistent with ILO Convention 190 and its accompanying Recommendation.

The Commission is happy to provide further assistance to the Committee, to assist with its consideration of this matter.

Yours sincerely



Kate Jenkins
Sex Discrimination Commissioner
Australian Human Rights Commission



¹ *International Labour Organization Convention (No 190) Concerning the Elimination of Violence and Harassment in the World of Work*, adopted 21 June 2019, 108th sess, art 3.

² *International Labour Organization Convention (No 190) Concerning the Elimination of Violence and Harassment in the World of Work*, adopted 21 June 2019, 108th sess, art 9.