



ILERA AFRICA

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The Role of Collective Bargaining in the Implementation of C190

Gender Based Violence

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The Role of Collective Bargaining in the Implementation of C190

Paper Overview

- Study arose when South Africa ratified the Convention – 190
- To understand the role of collective bargaining in implementing C190 - Adapting the Legal Framework
- International trends on implementation
- Lessons from countries implementing C190

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Paper Overview

- Why is Convention 190 groundbreaking, Key features, Key definitions
- What does C190 offer Workers - C190 and Work-place Polices
- What actions have unions taken against GBV in South Africa
- The Bargaining Agenda and C190
- Recommendations on ending violence in the world of work

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International Trends on Implementation

- ITUC - survey of 104 union confederations in 66 countries:
- Since its adoption in 2019, 36 countries have ratified C190, and another 20 ratifications are expected in 2024.
- 92% - working to secure the ratification and implementation of C190/R206
- 85% are engaged in social dialogue to align national laws and policies with C190/R206
- Collective Bargaining can be used to give effect to public policy and legislation

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Collective Bargaining and C190

- C190 places responsibility on the employer to ensure a safe workplace.
- The convention compels employers and managers to treat workers with respect and ensure safety in the world of work
- This responsibility translates into a demand for safety in the workplace from Unions

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The Bargaining Agenda and C190

What rights can be extended to Workers through C190?

- **Paid Leave**
- Parties can negotiate for employers to provide paid leave for victims/survivors of domestic violence.
- This is an effective way to mitigate the impact of domestic violence in the world of work, giving time for victims/survivors to deal with/leave an abusive situation.

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The Bargaining Agenda and C190

- **Flexible Work Arrangements**
- to provide flexible work arrangements for those suffering from domestic violence.
- This could include, for example, an advance in pay or a gradual return to full-time work after absence on leave for GBV.

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The Bargaining Agenda and C190

- **Protection**
- negotiate for temporary protection against discipline for employees whose absences are related to domestic violence and its impacts
- Protection from adverse action, retaliation or discrimination on the basis of their disclosure, experience, or perceived experience of domestic violence, and for protection of their confidentiality.

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The Bargaining Agenda and C190

- **Peer Support Representatives**
- This are specially trained workplace representatives to whom workers with domestic violence concerns can go to for support.

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Negotiated workplace policies or CBAs aligned with – C190

- **Argentina** - Unions included clauses on C190 and R206 in their workplace agreements, including those related to support and **paid leave for victims of domestic violence**.
 - Agreement on gender violence and domestic violence signed by the Central de los Trabajadores Argentinos (CTA-A) affiliate, La Bancaria trade union, with the sector's business chambers, established a joint Commission for Assistance to Victims of Gender Violence, five days (extendable) paid leave, work relocation and emergency loans.

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Negotiated workplace policies or CBAs aligned with – C190

- **Indonesia** C190 was used in collective bargaining in the garment and textiles sector, the chemicals sector and in mining. A binding memorandum of understanding (MOU), signed in the chemical sector in 2023, led to the inclusion of measures on violence and harassment for the first time.
 - SPN Confederation, reported that 10 agreements had been signed with companies covering provisions on C190 and R206 on the prohibition of violence and harassment, sanctions, prevention and complaints handling. Trade unions also proposed a model policy on zero tolerance of sexual harassment that has been signed by 49 companies. Eight employers have also signed agreements to establish **‘safe houses’ in the workplace where women can receive support.**

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Negotiated workplace policies or CBAs aligned with – C190

- Ireland - trade unions negotiated workplace policies to provide support for survivors of domestic violence
- The Irish Congress of Trade Unions (ICTU) campaign and awareness raising among unions. In the banking sector, the financial services union negotiated progressive workplace policies with the Bank of Ireland and Danske Bank. Similar policies were agreed between the Communications Workers Union with the telecoms company Eir and in the postal sector with An Post. The policies all go further than the ‘five days paid’ guaranteed in legislation, providing 10 days paid leave that is extendable, along with other workplace supports and security measures for survivors.

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The What actions are unions in SA currently taking against GBV and implementing C190

- **SACTWU** – the textile union – is involved in **participatory action research** on how unions can prevent and address GBV and harassment in the global clothing, garment and manufacturing sector and supply chain – This research seeks to provide a better understanding of how **violence manifests in female-dominated sectors**.
- **SADTU** and **NAPTOSA** – the teachers' unions – have implemented commitments to ending violence and GBV in school communities. SADTU has a collective agreement that speaks to violence and GBV. Together with other teacher unions in Africa, SADTU and NAPTOSA have developed strategies for ending GBVH in educational settings that offer an example of how a public sector union can build an effective GBV strategy.

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Conclusion

- Domestic violence is not a private or personal issue; it is a workplace issue and a violation of human rights.
- The effects of domestic violence are felt in the world of work.
- We need to balance the wage and non-wage demands. This demand speaks to safety in the workplace and is easy to get on the bargaining agenda and win. Workers spend a lot of time in the workplace. If they feel safe, they are productive and happy. C190 also places responsibility on the employer to ensure a safe workplace. The convention compels employers and managers to treat workers with respect.

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Conclusion

- Paid domestic violence leave can draw the line between leaving and being trapped.
- It can end the cycle of abuse.
- Paid domestic violence leave should be a universal right, equal to other paid leave entitlements.



THANK YOU!!!