

REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL ECONOMY, TRADE AND LABOUR MATTERS

ON THE

**RATIFICATION OF THE INTERNATIONAL AGREEMENT ON THE
INTERNATIONAL LABOUR ORGANISATION CONVENTION NO. 190 AND ITS
RECOMMENDATION NO. 206, AND THE ACCOMPANYING RESOLUTION ON
ELIMINATING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK**

FOR THE

THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

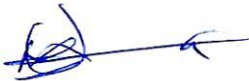
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FOREWORD

Honourable Madam Speaker, the Committee on National Economy, Trade and Labour Matters has the honour to present its Report on the consideration of the Ratification of the International Agreement on the International Labour Organisation Convention No. 190 and its Recommendation No.206, and the Accompanying Resolution on Eliminating Violence and Harassment in the World of Work for the Third Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206 (j) and 207 (f) of the National Assembly of Zambia Standing Orders, 2024. Specifically, Standing Order 210 (f) provides that a Portfolio Committee shall consider International Agreements, Conventions and Treaties referred to it by the Speaker or a resolution of the House.

The Committee held ten meetings to consider submissions from stakeholders. In order to acquaint itself with the ramifications of the International Agreement on the International Labour Organisation Convention No. 190 and its Recommendation No. 206, and the Accompanying Resolution on Eliminating Violence and Harassment in the World of Work, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report. The Report is organised in three parts. Part I provides the background and summary of the provisions of the Agreement, Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to the stakeholders who tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the International Agreement on the International Labour Organisation Convention No. 190 and its Recommendation No.206, and the accompanying resolution on Eliminating Violence and Harassment in the World of Work. The Committee's appreciation is further extended to the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.



plp Ms Sibeso K Sefulo, MP
CHAIRPERSON

July, 2024
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Ms Sibeso K Sefulo, MP (Chairperson); Mr Joel Chibuye, MP (Vice-Chairperson); Mr Gift S Sialubalo, MP; Mr Kabwe T Chewe, MP; Mr Davison Mung'andu, MP; Mr Derricky Chilundika, MP; Dr Simon Mwale, MP; Mr Ronald Chitotela, MP; Mr Walusa Mulaliki, MP; and Mr Wesley Kolala, MP.

PART I

2.0 BACKGROUND TO THE INTERNATIONAL LABOUR ORGANISATION CONVENTION NO. 190 AND ITS RECOMMENDATION NO.206 ON ELIMINATING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

On 21st June, 2019, during the 108th International Labour Conference (ILC) of the International Labour Organisation (ILO), the Conference adopted the Convention concerning the Elimination of Violence and Harassment in the World of Work (No. 190), Recommendation (No. 206) and the Accompanying Resolution.

The Conference was attended by over 4,500 delegates from the ILO Member States in a tripartite arrangement of governments, employers and workers' organisations. The adoption process was through voting after a select Committee of the Conference had deliberated and submitted their report and conclusions to the plenary sessions of the Conference.

In this regard, 439 delegates of employers, workers and government representatives voted in favour, while 37 voted against with 30 abstentions.

In the case of the Recommendation No. 206, the Committee was informed that 397 voted in favour, while 12 voted against with 44 abstentions.

Both the Convention No. 190 and the Recommendation No. 206 aimed at providing the right of everyone in the world of work free from violence and harassment including gender-based violence and harassment, which provided an opportunity to shape a future of work based on dignity and respect.

3.0 OBJECTIVES OF THE INTERNATIONAL LABOUR ORGANISATION CONVENTION NO. 190 AND ITS RECOMMENDATION NO. 206 ON ELIMINATING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

The Convention sought, among others, to:

- (a) recognise the right of everyone to a world of work free from violence and harassment, including gender- based violence and harassment;
- (b) provide a common framework to prevent, remedy and eliminate violence and harassment in the world of work;
- (c) define violence and harassment as a range of unacceptable behaviors that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm;
- (d) strengthen the effective participation of the vulnerable groups especially women, youth and persons with disabilities in social, economic and political activities;

- (e) require members to adopt a gender-responsive approach for effectively preventing and eliminating violence and harassment in the world of work; and
- (e) promote decent work, health and safety at work, and gender equality by combating discrimination.

4.0 SALIENT PROVISIONS OF THE AGREEMENT

The salient provisions of the Agreement were as set out hereunder.

Article 1 – Definition of Violence and Harassment

This Article defined violence and harassment as behaviours and practices or threats that aimed at, resulted in, or were likely to result in physical, psychological, sexual or economic harm.

Article 4 – Roles of Governments and Employers in Preventing Violence and Harassment

This Article provided that each Member State would recognise the different and complementary roles and functions of governments, and employers and workers and their respective organisations, considering the varying nature and extent of their respective responsibilities.

Article 7– Development of Laws and Regulations

This Article provided that Member States would adopt laws and regulations that defined and prohibited violence and harassment in the world of work.

Article 8 – Measures to Prevent Violence and Harassment

This Article provided avenues for Member States to take appropriate measures that prevented violence and harassment in the world of work. These included recognising the important role of public authorities in the informal sectors and taking measures that protected workers.

Article 9 – Requirements for Member States

This Article required Member States to adopt laws and regulations that required employers to prevent violence and harassment in the world of work including gender-based violence.

Article 10 – Protection of Victims

This Article provided that Member States would put measures in place to protect victims of violence and harassment in the world of work, provided access to remedies, and ensured confidentiality was upheld for those affected by violence and harassment.

Article 11 – Harmonisation of Policies and Laws

This Article provided that each Member State ensured that violence and harassment in the world of work was addressed in national policies. It also advocated that employers and workers be provided with guidance and training on violence and harassment in the world of work.

PART II

5.0 SUMMARY OF STAKEHOLDERS' SUBMISSIONS

The Committee was informed that the proposal for Zambia to ratify the International Agreement on ILO Convention No. 190 and Recommendation No. 206, and the accompanying Resolution on Eliminating Violence and Harassment in the World of Work was welcome. This was because this international agreement promoted social justice by ensuring protection of all workers, particularly, those in vulnerable situations; upheld human rights and reinforced the commitment to gender equality and non-discrimination; built a positive reputation as employers committed to the welfare and rights of workers; and increased attractiveness to potential employees, clients, and partners who valued ethical practices, among other benefits.

5.1 Merits of the Ratification

The Committee was informed that there were a number of benefits of ratifying the International Agreement on ILO Convention No. 190 and Recommendation No. 206 on Eliminating Violence and Harassment in the World of Work. The stakeholders highlighted the benefits set out below.

- (a) The Convention aimed at protecting workers and other persons in the world of work, including employees as defined by the national law. In addition, the Convention covered all persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment had been terminated, volunteers, job seekers and job applicants, and individuals exercising the authority, duties, or responsibilities of an employer. Further, the Convention was also applicable to both the formal and informal sectors.
- (b) The Convention promoted zero tolerance to violence and harassment and prevented pervasive behaviours and practices in the world of work. It strengthened the effective participation of the vulnerable groups especially women, youth, and persons with disabilities in social, economic, and political activities. In addition, the ratification of the Convention provided a framework for protection of workers' rights and other persons regardless of their contractual status.
- (c) Ratification of the Convention would strengthen Zambia's position on the resolutions of the 54th Plenary Assembly Session of the Southern African Development Community Parliamentary Forum (SADC-PF) held in Port Louis, Mauritius, from 22nd to 26th November, 2023, in respect to sexual harassment in the workplace.
- (d) Ratification of the Convention would also enhance the international profile of the Zambian labour market because it would be consistent with international labour standards, which would provide a safe business environment for foreign direct investment.

5.2 Demerits of the Ratification

Stakeholders submitted that the requirement for employers to develop policies on ending violence and harassment at their workplaces would be costly, especially for informal rural

companies. Further, some entities may develop policies but fail to implement them due to lack of capacity and financial constraints.

Stakeholders also stated that it was not easy to provide evidence that may conclude a case of violence and harassment especially when it came to allegations of sexual harassment. Some people may claim to have been harassed sexually, which may lead to the accused receiving a severe punishment on an allegation that may not be factual.

Further, once ratified, governments would have an obligation to define and prohibit violence and harassment in the world of work in all the sectors and adopt appropriate measures to prevent the violence and harassments of workers. In order to succeed, both human and financial resources would have to be allocated towards the enactment of a law through which the Convention was to be domesticated and its enforcement required human resource such as labour inspectors to ensure compliance of the law by the different employers in the urban and rural areas, and in both formal and informal economy.

Stakeholders stated that enforcement may be achieved in the urban formal economy but it may not be achievable in the rural informal economy. This was because ratifying countries were required by the ILO Constitution to submit reports annually on the implementation of the Convention. Failure to implement the provisions of the Convention would dent Zambia's standing with the ILO. Further, conducting labour inspections to enforce the law and ensure that there were no forms of violence and harassment in both urban and rural based companies may come with a huge cost to the Government.

Lastly, the ILO Convention also required that specialised police units or specially trained officers to support victims needed to be established. It was also a requirement that Member States made efforts to collect and publish statistics on violence and harassment in the world of work, which would be disaggregated by sex, forms of violence and harassment, sector of economic activity, including vulnerable groups. This requirement may also be costly to the Government to implement.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

In supporting the proposal to ratify the International Agreement on the ILO Convention No. 190 and Recommendation No. 206, and the Accompanying Resolution on Eliminating Violence and Harassment in the World of Work, the Committee makes the observations and recommendations below.

i. Victim Support and Protection

The Committee observes that there is limited availability of support services such as counselling, legal aid, and medical care, particularly in rural and remote areas. Additionally, victims fear retaliation or stigma, which will discourage them from reporting any forms of harassment incidents.

In this regard, the Committee recommends that the Government should, as a matter of urgency, allocate adequate financial resources to labour departments, enforcement agencies such as the Victim Support Unit, and support services to ensure effective implementation and support to victims of violence and harassment. Additionally, the Government should

systematically improve infrastructure to facilitate access to complaint mechanisms and support services, especially in rural areas, which includes provision of services in multiple local languages. The Government should also ensure that complaint mechanisms are safe, confidential, and user-friendly.

ii. Limited Awareness and Education

The Committee observes that there is a general lack of awareness among employers and workers about their rights and obligations under Convention No. 190 and Recommendation No. 206. There is also insufficient training and education on the prevention and handling of workplace violence and harassment.

In this regard, the Committee recommends that the Government, through the Ministry of Labour and Social Security, in collaboration with other Ministries and Government Agencies should embark on a comprehensive national campaign to raise awareness about workplace violence and harassment, targeting both employers and workers. Additionally, the Government should consider integrating information on violence and harassment into the educational curricula and vocational training programmes.

iii. Monitoring and Evaluation

The Committee observes that there are inadequate systems for collecting and analysing data on workplace violence and harassment. The Committee also notes that there are weak monitoring and enforcement mechanisms to ensure compliance with laws and policies.

In this regard, the Committee recommends that the Government should strengthen monitoring and evaluation mechanisms through the development of robust data collection systems to track incidents of violence and harassment and assess the effectiveness of interventions.

Additionally, the Government should establish strong monitoring and enforcement mechanisms to ensure that there is compliance with the Convention 190 and Recommendation 206, including regular audits and inspections and regularly review and update policies based on feedback.

Further the Government should allocate adequate funding towards activities pertaining to monitoring and evaluation.

iv. Cultural and Social Norms

The Committee observes that in some communities, cultural norms may condone or overlook certain forms of violence and harassment, particularly gender-based violence. Persistent gender inequality and traditional gender roles can perpetuate violence and harassment against women.

In this regard, the Committee recommends that the Government should consider addressing certain cultural and social norms through community engagement. There is also a need to conduct community sensitisation programmes to challenge and change cultural norms that condone violence and harassment as well as implement initiatives to promote gender equality and address gender-based discrimination and stereotypes.

v. Protection of the Identity of Both the Complainant and the Accused

The Committee observes the difficulty in providing evidence to substantiate cases of violence and harassment, particularly in instances of sexual harassment. Some individuals may allege

sexual harassment, which could result in the accused facing severe consequences based on claims that might not be factual.

In this regard, the Committee recommends that the Government should establish confidential and secure reporting channels that protect the identity of both the complainant and the accused to encourage the reporting of incidents while maintaining fairness.

Additionally, there is need to implement strong whistle-blower protection policies to safeguard those who report harassment from retaliation and develop and enforce standardised procedures for conducting investigations to ensure consistency, fairness, and thoroughness.

7.0 CONCLUSION

In conclusion, the Committee acknowledges that violence and harassment in the world of work can happen anywhere and to anyone, be it employer or employee. It can happen online, in transit to or from work, and any other space in the physical workplace. The Convention is the first international standard that aims at putting an end to violence and harassment in the world of work. It recognises that everyone has the right to a world of work free from violence and harassment.

In addition, ILO Convention No. 190 and Recommendation No. 206 represent a significant step towards a safer and more respectful world of work. Therefore, effective implementation requires a holistic approach involving legal reforms, institutional support, awareness campaigns, and active participation from all stakeholders. By adhering to these guidelines and recommendations, Member States can create a work environment that upholds the dignity and rights of all workers. The Committee hopes that the costs and any challenges that may be faced in the domestication and application of the Convention and its accompanying recommendations will not outweigh the expected benefits to be derived in the country such as creating a world of work that is free from violence and harassment of workers.

In conclusion, the Committee is in support of the ratification of the International Agreement on the International Labour Organisation Convention No. 190 and its Recommendation No.206 on Eliminating Violence and Harassment in the world of work.

We have the honour to be, Madam Speaker, the Committee on National Economy, Trade and Labour Matters, mandated to consider the ratification of the International Agreement on the International Labour Organisation Convention No. 190 and its Recommendation No.206 on Eliminating Violence and Harassment in the world of work.


Ms Sibeso K Sefulo, MP
CHAIRPERSON

July, 2024
LUSAKA

APPENDIX I - National Assembly Officials

Mr Stephen Chiwota, Director – Financial Committees
Mrs Angela M Banda, Deputy Director – Financial Committees
Ms Chitalu R Mulenga, Senior Committee Clerk – FC2
Mr Emmanuel Bwalya, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Acting Senior Committee Assistant
Mr Muyembi Kantumoya, Acting Committee Assistant

APPENDIX II - List of Witnesses

Ministry of Justice

Ministry of Community Development and Social Services

National Prosecution Authority

Human Rights Commission

Zambia Federation of Employers

Non-Governmental Gender Organisations Coordinating Council (NGOCC)

Gender Division

Ministry of Labour and Social Security