

[Canada ratifies the first-ever global treaty to end workplace violence and harassment](#)



On January 30, 2023, Canada ratified the International Labour Organization's [C190 – Violence and Harassment Convention, 2019 \(No. 190\)](#) (“C190”), which is the first global treaty on ending violence and harassment in the workplace. C190 will come into force in Canada one year after its ratification date, on January 30, 2024. To view the federal government’s statement on this ratification, see the [Government of Canada’s news release](#).

PURPOSE OF THE TREATY

The premise of C190 is that everyone has the right to a world of work free from violence and harassment. The treaty provides a clear framework for governments to prohibit, prevent and address workplace violence and harassment through their laws, policies and collective bargaining. C190 is supplemented by the accompanying [R206 – Violence and Harassment Recommendation, 2019 \(No. 206\)](#) (“Recommendation 206”) which provides guidelines on how C190 should be applied.

APPLICATION OF THE TREATY

C190 defines “violence and harassment” in the world of work as “a range of unacceptable behaviours 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, and includes gender-based violence and harassment.” The treaty “applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work” in the workplace, during work-related trips, through work-related communications, in employer-provided accommodation, and when commuting to and from work.

The “world of work” in C190 is meant to protect “persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.” The treaty “applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.”

OBLIGATIONS OF RATIFYING NATIONS

So far as is reasonably practicable, nations that ratify C190 must adopt laws requiring employers to:

- Take steps to prevent violence and harassment in their world of work;
- Adopt and implement workplace policies on violence and harassment in consultation with workers;
- Identify hazards and take measures to limit their impact;
- Assess the risks of violence and harassment, and take measures to prevent and control them; and
- Provide workers with information on the identified risks, prevention measures and remedies in the event of an incident.

C190 also specifically addresses “gender-based violence and harassment.” The treaty acknowledges that women and other vulnerable groups of workers are disproportionately affected by violence and harassment at work, and it highlights the importance of ensuring the right to equality and non-discrimination in employment. C190 requires ratifying nations to adopt a gender-responsive approach to preventing and eliminating violence and harassment, through prevention, protection and enforcement measures and remedies, as well as guidance, training and awareness-raising.

IS THE TREATY LEGALLY BINDING IN CANADA?

Through the act of ratification, the Government of Canada has agreed to abide by the terms of C190 and it is legally binding in Canada. Consequently, if the federal government does not meet its commitments, various international mechanisms, including United Nations treaty bodies and international courts, may be used to enforce the treaty. While the provinces and territories are not signatories to the treaty, the federal government worked closely with them before ratifying C190 to ensure that each provincial and territorial government could deliver on the specified commitments.

WILL THE RATIFICATION OF C190 AFFECT CANADIAN EMPLOYERS?

The treaty was largely designed to improve working conditions in other nations around the world that have not developed their labour and employment laws in the way that Canada has. The federal, provincial and territorial governments in Canada have already established a labour and employment framework with worker protection laws. They each have existing legislation in place that:

- imposes a statutory duty on employers to prevent and address harassment and violence in the workplace;
- recognizes and promotes the right to collective bargaining; and
- protects employees from discrimination and harassment based upon certain enumerated grounds under human rights law, including gender, sex, race and religion.

As a result, the ratification of C190 is not expected to result in major changes to Canadian labour and employment law.

Before the implementation of C190 on January 30, 2024, the federal, provincial and territorial governments will review their existing workplace violence and harassment laws to ensure that they meet the requirements of the treaty. Although the governments’ plans have not yet been made clear in this regard, it is expected that any changes to the legal framework relating to these issues will be minor.

For specific information on your company's legal obligations relating to workplace violence and harassment prevention, please contact one of Miller Thomson's [Labour & Employment](#) lawyers.

Source: [Miller Thomson](#)

Written By: Arjun Gandhi