

LEGAL NEWS

ILO Convention 190 on violence and harassment at work enters into force in Spain

On May 25th, 2023, ILO Convention 190 on the elimination of violence and harassment in the world of work entered into force in Spain. Spain acceded to the aforementioned Convention in June 2022, expressly stating that it would enter into force on May 25th, 2023, in accordance with the provisions of Article 14 of the Convention itself.

The Convention, which is accompanied by Recommendation No. 206, contains the following points of interest:

Who is protected: employees, persons working irrespective of their contractual status, persons in training (including interns and apprentices), persons whose employment has been terminated, volunteers, jobseekers and job applicants, as well as persons exercising the authority, duties or responsibilities of an employer.

Where they are protected:

- In the workplace.
- In places where payment is made to the worker, rest or meal areas, toilets, washing and changing facilities.
- During work-related trips, travel, events, social or training activities.
- Through work-related communications.
- In employer-provided accommodations.
- When commuting to and from work.





How they should be protected: Member States shall adopt legislation requiring employers to take measures to prevent violence and harassment, in particular:

- Adopt and implement, **in consultation with workers and their representatives**, a workplace policy on violence and harassment, which in Spain is already regulated through the obligation to draw up a sexual harassment protocol negotiated within the framework of the Equality Plan.
- Take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health.
- Identify hazards and assess risks of violence and harassment, **with the participation of workers and their representatives**, and take measures to prevent and control them.
- Provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures.

In addition, the Convention requires Member States to take measures to monitor and control the implementation of national legislation on violence and harassment, ensure access to remedies, protect privacy and confidentiality, and provide for sanctions where appropriate.

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