

## **MEXICO RATIFIES CONVENTION 190 OF THE INTERNATIONAL LABOR ORGANIZATION**

On March 15<sup>th</sup>, 2022, Mexico Senate ratified Convention 190 of the International Labor Organization, regarding Violence and Harassment Convention in the work environment (“Convention 190”), which will enter into force, in the case of Mexico, twelve months after the date of registration of its ratification.

The ratification of Convention 190 implies an important step to achieve, at the national level, work environments free of violence and harassment, a work culture based on mutual respect and dignity of the person, among other principles established by the Convention 190.

Convention 190 defines “violence and harassment” in the work environment as “unacceptable behaviors and practices, or threats of such behaviors and practices”, regardless of whether they are manifested only once or repeatedly and are aimed to cause physical, psychological, sexual or economic harm. Likewise, “gender-based violence and harassment” is violence and harassment that are directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately and includes sexual harassment.

The protection of Convention 190 covers the relationships that occur (i) in the workplace, in the place where the worker is paid, takes a rest break or a meal, as well as in the sanitary or care facilities; (iii) journeys, during work related trips, training, events or social activities related to work<sup>1</sup>; (iv) in the context of communications that are related to work; (v) in the accommodation provided by the employer, and (vi) in the journeys between home and workplace.

The main obligations for all Member States that ratify Convention 190 are the following:

- a) Respect, promote and realize the right to a world of work free from violence and harassment.
- b) Adopt an inclusive, integrated and gender-responsive approach to prevent and eliminate violence and harassment at work.
- c) Adopt legislation and policies that guarantee the right to equality and non-discrimination in employment and occupation, including all persons belonging to vulnerable groups or in a situation of vulnerability.
- d) Adopt legislation that defines and prohibits violence and harassment in the world of work, including gender-based violence and harassment.
- e) Adopt legislation that requires employers to take appropriate measures consistent with their degree of control to prevent violence and harassment at work, including gender-based violence and harassment.

Convention 190 implies obligations for companies in terms of guaranteeing a work environment free of violence and harassment, so it is recommended that the employer establish an internal policy that includes the following:

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<sup>1</sup> This point deserves special consideration, since, sometimes, it is considered that the violence or harassment occurred in work trips or social trips related to work, due to the fact that they are carried out outside of the work shift, do not have employment consequences.

- 1) That the adoption of a policy in consultation with workers and their representatives.
- 2) The relationship between violence and harassment with psychosocial risks.
- 3) The evaluation and identification of the violence and harassment risk, adopting measures to prevent and control them.
- 4) Providing information and training about the dangers and risks of violence and harassment.
- 5) Guaranteeing access to mechanisms and procedures for notification and resolutions of conflicts, which must be safe, equitable and effective.
- 6) The protection of the privacy of the people involved, as well as confidentiality, as possible and appropriate.
- 7) Sanctions for cases of violence and harassment.
- 8) Effective access and conflict resolution mechanisms for victims of gender-based violence and harassment.
- 9) Acknowledgment of domestic violence and, as reasonable and feasible, mitigating its impact at work.
- 10) The guarantee that every worker has the right to remove himself from a work situation without suffering retaliation or other undue consequences if he has reasonable grounds to believe that he faces a serious and imminent danger to his life, health, or safety as a result of acts of violence and harassment, as well as the duty to report this situation.

Farell and Yañez, S.C. has analyzed the content of Convention 190 to prepare the internal policies required for each company, taking into account their situation and risk factors, so, if you require additional information on this matter and/or on other legal services in labor, social security and migration, please contact the lawyers Arsenio Farell Martínez and/or Mario Alberto Yañez Cariño at the email [contacto@fyabogados.mx](mailto:contacto@fyabogados.mx)

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