

Labor, Social Security and Immigration Practice Group Newsletter



Publication of ILO Convention 190 on violence and harassment in the workplace

On April 4, 2022, the Decree approving Convention 190 of the International Labor Organization ("ILO") on violence and harassment in the workplace ("Convention 190") was published in the Official Gazette of the Federation.

Convention 190 defines violence and harassment in the workplace as unacceptable behaviors and practices, or threats of such behaviors and practices, regardless of whether they are manifested only once or repeatedly, that are aimed at causing harm, whether physical, psychological, sexual or economic.

Similarly, gender-based violence and harassment are defined as violence or harassment directed against people because of their sex or gender, or that disproportionately affects people of a given sex or gender, including sexual harassment.

The protection of Convention 190 covers the following situations:

1. The workplace, including in public and private spaces when they are a workplace;
2. Places where the worker is paid, where he/she takes his break or where he eats, or where he uses sanitary or toilet facilities and in changing rooms;
3. Work-related travel, social or training events or activities;

4. The framework of communications that are related to work, including those made through information and communication technologies;

5. Employer-provided housing; and

6. Journeys between home and workplace.

Employers in Mexico will have to design policies and processes in order to fulfill with the established in Convention 190, even in public and private spaces where their employees are located, including travel, transportation and communications, considering the complexity of controlling external agents.

The Member States that ratify Convention 190 will be obliged to do the following:

1. Respect, promote and ensure the enjoyment of the right to a workplace free from violence and harassment.
2. Adopt legislation and policies that guarantee the right to equality and non-discrimination in employment and occupation, including for all persons belonging to vulnerable groups or in a situation of vulnerability.
3. Adopt legislation that defines and prohibits violence and harassment in the workplace, including gender-based violence and harassment.

4. Adopt legislation that requires employers to take appropriate measures consistent with their level of control to prevent violence and harassment at work, including gender-based violence and harassment.

Additionally, it is established that provisions of Convention 190 must be applied through Collective Bargaining Agreements or other measures in accordance with national practice, including those that expand or adapt existing occupational health and safety measures to cover violence and harassment, and those that elaborate specific measures when necessary.

Consequently, there may be a request or claim from any union holding a Collective Bargaining Agreement, to include this provisions, regulatory framework and

protection against violence and harassment, so that companies must consider it in labor relations strategy.

Convention 190 will enter into force 12 (twelve) months after the date of registration of its ratification by Mexico.

Sánchez Devanny Labor, Social Security and Immigration Practice Group has the knowledge and experience to assist in complying with the obligations imposed by ILO Convention 190.

This newsletter has been prepared by Alfredo Kupfer Domínguez (akupfer@sanchezdevanny.com), Fermin Lecumberri Cano (flecumberri@sanchezdevanny.com) and Maria Jose Coronel (mjcoronel@sanchezdevanny.com).

Sánchez Devanny is a leading Mexican law firm that provides **full-service legal advice** both to Mexican and international clients.

We build enduring client relationships because we make every effort to understand our clients' businesses and expectations, to serve as an ally, and to provide **complete, accessible and personalized advice**.

Labor, Social Security and Immigration Practice Group

This practice advises clients on compliance with labor and social security laws, and in the design and implementation of labor structures to avoid risk. We assist in processing immigration documentation for top-level executives and their families, with employment agreements, terminations, and fringe benefit planning, and represent clients in employment litigation.

Contact

Alfredo Kupfer-Domínguez
akupfer@sanchezdevanny.com

Sebastian Rosales-Ortega
srosales@sanchezdevanny.com

Fermin Lecumberri-Cano
flecumberri@sanchezdevanny.com

Francisco García-Lerma
fgarcia@sanchezdevanny.com

Mexico City:

Av. Paseo de las Palmas #525 Piso 6
Col. Lomas de Chapultepec, 11000
Ciudad de México
T. +52 (55) 5029 8500

Monterrey:

José Clemente Orozco #335 Piso 4
Despacho 401 Col. Valle Oriente, 66269
San Pedro Garza García N.L.
T. +52 (81) 8153 3900

Queretaro:

Av. Antea #1090, Piso 2 Int 206
Col. Jurica, 76100
Querétaro, Qro.
T. +52 (442) 296 6400



www.sanchezdevanny.com

© Sánchez Devanny ® 2022

Sánchez Devanny refers to SánchezDevanny Eserverri, S.C., a leading Mexican law firm that provides full-service legal advice both to Mexican and international clients.

This publication contains general information only and is just for informative purposes. Sánchez Devanny is not rendering legal advice or services by means of this publication. To obtain legal advice or services and before making any decision or taking any action that may affect your business you should consult a qualified professional advisor.

Sánchez Devanny provides legal services in the areas of Corporate and M&A; Corporate and Project Finance; International Trade and Customs; Real Estate, Infrastructure, and Hospitality; Tax; Labor, Social Security, and Immigration; Corporate Governance and Regulatory Compliance; Energy, Natural Resources and Environmental; Life Sciences; Intellectual Property, Entertainment and Sports Law; Litigation and Alternative Dispute Resolution; Antitrust; Financial Institutions and Services; Private Wealth Management and Estate Planning and Data Privacy and Information Technology to both public and private clients, especially in the automotive, retail, pharmaceutical, manufacturing, real estate, and energy industries.