

C190 - Violence and Harassment Convention, 2019 (No. 190)

Assessment Table 2022

Assessment of each Article of the Convention to determine any National Legislative changes required to ratify Convention

Article	Comments
I. DEFINITIONS	
Article 1	
1. For the purpose of this Convention:	
<p>(a) the term “violence and harassment” in the world of work refers to 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;</p>	<p><u>Violence</u> “Violence” is regulated through both criminal law (as identified) and civil law (e.g. tortious action), and indirectly through regulatory regimes (e.g. OSH@W and Equality legislation).</p> <p>From the Law Reform Commission's Classified List of Legislation, relevant criminal law relating to violence is as follows: http://revisedacts.lawreform.ie/classlist Section 10 "Criminal Law" - Criminal procedure (victims of crime, extraterritorial offences); Offences against the Person (Homicide, Sexual Offences, Torture, Other Non-fatal Offences including Assault); Public order offences; Offences involving speech.</p> <ul style="list-style-type: none"> • Criminal Justice (Victims of Crime) Act 2017 • Criminal Law (Extraterritorial Jurisdiction) Act 2019 • Offences against the Person Act 1861 • Criminal Justice Act 1964 • Criminal Law (Suicide) Act 1993 • Criminal Law Amendment Act 1885 • Punishment of Incest Act 1908

- Criminal Law Amendment Act 1935
 - Criminal Law (Rape) Act 1981
 - Criminal Law (Rape) (Amendment) Act 1990
 - Criminal Law (Sexual Offences) Act 1993
 - Sexual Offences (Jurisdiction) Act 1996
 - Child Trafficking and Pornography Act 1998
 - Sex Offenders Act 2001
 - Child Trafficking and Pornography (Amendment) Act 2004
 - Criminal Law (Sexual Offences) Act 2006
 - Criminal Law (Sexual Offences) (Amendment) Act 2007
 - Criminal Law (Sexual Offences) Act 2017
 - Criminal Law (Sexual Offences) (Amendment) Act 2019
 - Criminal Justice (United Nations Convention Against Torture) Act 2000
 - Non-Fatal Offences against the Person Act 1997
 - Criminal Justice (Female Genital Mutilation) Act 2012
 - Slave Trade Act 1824
 - Slavery Abolition Act 1833
 - Criminal Law (Human Trafficking) Act 2008
 - Criminal Law (Human Trafficking) (Amendment) Act 2013
 - Criminal Justice (Public Order) Act 1994
 - Criminal Justice (Public Order) Act 2003
 - Criminal Justice (Public Order) Act 2011
 - Prohibition of Incitement to Hatred Act 1989
- Section 17: "Family Law"
- Domestic Violence Act 2018

The Safety Health and Welfare at Work Act 2005 requires employers to identify workplace hazards, assess the risk from the hazards and eliminate

the risks if possible and if not possible to put in place protective measures for the safety, health and welfare of employees. This requirement applies to violence where it is a work-related hazard.

The Health and Safety Authority website provides information and material relating to Violence at Work which advises employers of their responsibilities in this area. A general non-sector specific booklet on Violence at Work provides an outline for employers regarding the following:

1. What is considered violence within the work context and what are its effects;
2. How to check if there is a violence problem at your workplace;
3. What situations can cause violence and/or make violence more likely;
4. How to ensure adequate safeguards - as required by law – for violence hazards and risks.

The booklet defines violence at work as follows:

“Workplace violence occurs where people, in the course of their employment, are aggressively verbally abused, threatened or physically assaulted.”

Section 19 of the Safety, Health and Welfare at Work Act 2005 requires employers to carry out, record and maintain an assessment of the risks of hazards or potential hazards that employees could encounter during the course of their work.

Section 20 of the same Act requires that the results of this assessment of risk are set out in a formal safety statement which must be made available in an understandable format by the employer to his or her employees.

Section 7 of the Safety, Health and Welfare at Work Act 2005 extends the provisions of the legislation to include the self-employed.

Harassment

In criminal law, a specific offence of harassment is provided for in section 10 of the Non-Fatal Offences Against the Person Act 1997.

“Harassment” is addressed in the *Employment Equality Acts 1998-2015*, in the Equal Status Act 2000, and the Intoxicating Liquor Act 2003.

From the Law Reform Commission's Classified List of Legislation, relevant criminal law relating to harassment is as follows
<http://revisedacts.lawreform.ie/classlist>

Section 5 "Citizenship, Equality and Individual Status - Equality; Human Rights and Equality Commission"
Equal Status Act 2000
Equality Act 2004
Equal Status (Amendment) Act 2012
Equality (Miscellaneous Provisions) Act 2015
Human Rights Commission (Amendment) Act 2001
Irish Human Rights and Equality Commission Act 2014

Section 14 "Employment Law - Employment Equality"
Employment Equality Act 1998
Code of Practice on Sexual Harassment and Harassment at Work, made under the Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012, S.I. No. 208 of 2012

Section 24 “Licensed Sale and Advertising of Liquor”
Intoxicating Liquor Act 2003

Section 14A(7) of the *Employment Equality Acts 1998-2015* define “harassment” as any form of unwanted conduct related to any of the 9 discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In both cases it is defined as conduct which has the purpose or effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person and it is prohibited under the Acts.

Section 11 of the Equal Status Acts 2000 to 2008 has a similar provision for harassment and sexual harassment.

Harassment in the form of workplace bullying is also a matter that can be addressed through civil law remedies, i.e. tortious and contractual claims.

Bullying

In Ireland the concept of workplace bullying is addressed in the Health and Safety Authority (HSA) and Workplace Relations Commission (WRC) joint *Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work*

The Code of Practice defines “bullying”, viz:

“Workplace bullying is repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could be reasonably regarded as undermining the individual’s right to dignity at work. An isolated incident of the behaviour

	<p><i>described in this definition may be an affront to dignity at work, but, as a once off incident, is not considered to be bullying”.</i></p> <p>The remit of the Health and Safety Authority covers the employer duty regarding bullying in the workplace.</p>
<p>(b) the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment, and harassment;</p>	<p>Ireland ratified the Council of Europe Convention on preventing and combatting violence against women and domestic violence (the Istanbul Convention) on 8th March 2019 which and it came into force in Ireland on 1st July 2019. The purposes of the Convention are to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.</p> <p>Article 3 of the above Convention - Definitions</p> <p><i>Violence against women</i> is a human rights violation and a form of discrimination against women. “Violence against women” refers to all acts of violence that result in, or are likely to result in physical, sexual, psychological or economic harm or suffering to women, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private spaces. <i>Domestic violence</i> refers to all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.</p> <p><i>Gender</i> is defined as the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. <i>Gender-based violence</i> against women refers to all violence directed against a woman because she is a woman or that affects women disproportionately, <i>Victim</i> is defined as any person subjected to behaviour which constitutes “violence against women” or “domestic violence”.</p> <p>The Convention states that the term “women” also includes girls under the age of 18.</p>

	<p>The introduction of the Criminal Justice (Victims of Crime) Act 2017, Criminal Law (Sexual Offences) Act 2017, Domestic Violence Act 2018 and Criminal Law (Extraterritorial Jurisdiction) Act 2019 were necessary for ratification.</p> <p>Section 10 offence of harassment under the Non-Fatal Offences Against the Person Act 1997 - The offence is gender-neutral but encompasses gender-based violence. This is the same for the other offences in the Non-Fatal Offences Against the Person Act 1997 which involve violence.</p> <p>The Criminal Law (Extraterritorial Jurisdiction) Act 2019 provides that Ireland may exercise extra-territorial jurisdiction over certain offences committed by Irish citizens or residents abroad.</p> <p>As set out in 1.(a) above, the Employment Equality Acts, the Equal Status Acts and the Intoxicating Liquor Acts prohibit harassment on the ground of gender, as well as sexual harassment.</p>
<p>2. Without prejudice to subparagraphs (a) and (b) of paragraph 1 of this Article, definitions in national laws and regulations may provide for a single concept or separate concepts.</p>	<p>This provision was inserted in C190 to address national legal circumstances.</p> <p>This Article specifically allows for different national definitions and, in this regard, it should be noted that harassment and bullying are separately defined and provided for within existing Irish legislation.</p> <p>As outlined above, in the context of occupational safety and health legislation, workplace bullying is defined in the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021. This Code of Practice was made under the Safety, Health and</p>

	Welfare at Work Act 2005. The remit of the Health and Safety Authority covers the employer duty regarding bullying in the workplace.
II. SCOPE	
Article 2	
<p>1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as 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.</p>	<p>Criminal law prohibiting violence and harassment does not distinguish between employees and others, or between locations.</p> <p>In civil law the situations of employees, employers and others, and workplaces are considered as set out below.</p> <p><u>Employees, jobseekers, job applicants, and former employees</u> The <i>Employment Equality Acts</i> address employees and prospective employees (s.8) and membership of regulatory bodies (s.13). The <i>Employment Equality Acts</i> cover former employees (s.2, definition of employee), and agency workers. Workers whose employment has been terminated have recourse to the civil and criminal remedies, including the Unfair Dismissals Act.</p> <p><u>Actions by volunteers and persons exercising the authority of the employer</u> The <i>Equal Status Acts</i> covers access to services provided by volunteer organisations, and vicarious liability for actions by volunteer members/ representatives of a service provider, such as clubs.</p> <p>In any proceedings brought under the Employment Equality Acts, employers are vicariously liable for anything done by a person in the course of his or her employment, and anything done by a person as an agent for the employer (s.15).</p> <p><u>Protection of volunteers</u></p>

The prohibition of harassment and sexual harassment under the Equal Status Acts covers every person, including a volunteer, who has a right to be present in or to avail himself or herself of any facilities, goods or services provided at any place the service provider is responsible for operating that is an educational establishment or at which goods, services or accommodation facilities are offered to the public (s.11(1)).

Criminal law would apply in situations where a volunteer is subjected to violence, harassment or sexual harassment in a place which the service provider is not responsible for operating. The perpetrator would be criminally liable for his or her acts and may also be liable in civil law such as for personal injuries suffered by the volunteer.

Users of services provided by a service provider

The *Equal Status Acts* cover harassment and sexual harassment of all actual/potential service users (under section 11(1), and all persons responsible for the operation of any place that is an educational establishment or at which goods, services or accommodation facilities are offered to the public (section 11(2)). []. Under section 21 of the Equal Status Acts, before seeking redress a person claiming that prohibited conduct has been directed against him or her must notify the respondent in writing within 2 months of the occurrence of that conduct.

The combined prohibitions and remedies provided across common law, civil law including equality & employment law, and criminal law are sufficient to address the situation of harassment and sexual harassment of volunteers in the world of work.

Persons in training, including interns and apprentices The *Employment Equality Acts* cover employment and vocational training (s.12). The *Equal*

Status Acts (s.4, s.7) cover education services generally available to the public.

For the purposes of safety and health legislation, a person who is training for employment or receiving work experience, other than when present at a course of study in a university, school or college, is deemed to be an employee of the person whose undertaking is for the time being the immediate provider to that person of training or work experience.

The protections afforded by occupational safety and health legislation in Ireland are confined to the “place of work” and “employee” as defined and set out set out in Section 2 of the Safety, Health and Welfare at Work Act 2005.

“place of work” includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at, in, upon or near which, work is carried on whether occasionally or otherwise and in particular includes—

(a) in relation to an extractive industry including exploration activity, the whole area intended to house workstations to which employees have access for the purpose of their work relating to the immediate and ancillary activities and installations of, as appropriate—

(i) the surface or, as the case may be, underground extractive industry, including overburden dumps and other tips and any accommodation that is provided and, in the case of the underground extractive industry, any working area,

(ii) the extractive industry through drilling onshore including any accommodation that is provided, and

*(iii) the extractive industry through drilling offshore, including any accommodation that is provided,
(b) a tent, trailer, temporary structure or movable structure, and
(c) a vehicle, vessel or aircraft;*

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a fixed-term employee and a temporary employee and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

Section 2(4) of the Safety, Health and Welfare at Work Act 2005 extends the definition of employee and subsequent protections afforded to employees to workers engaging the services of employment agencies.

(4) For the purposes of the relevant statutory provisions, where an individual agrees with a person who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971 , and is acting in the course of that business to do or perform personally any work or service for another person (whether or not the latter person is a party to the contract and whether or not the latter person pays the wages or salary of the individual in respect of the work or service), then the latter person shall be deemed to be the individual's employer for the purposes of the relevant statutory provisions.

Section 12 of the Safety, Health and Welfare at Work Act 2005, imposes a duty of care on employers to persons other than their employees at a place of work under their control.

12. Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in

	<p><i>the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.</i></p>
<p>2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.</p>	<p>Civil and criminal remedies apply across all sectors.</p> <p>The Health and Safety Authority has no role in the provision of civil remedies. Under Irish occupational safety and health legislation the Health and Safety Authority has jurisdiction relating to the regulation and enforcement of all matters relating to occupational safety and health in all places of work across in all sectors.</p> <p><u>Section 2(4)</u> of the Safety, Health and Welfare at Work Act 2005 extends the definition of employee and subsequent protections afforded to employees to workers engaging the services of employment agencies.</p> <p><i>(4) For the purposes of the relevant statutory provisions, where an individual agrees with a person who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971 , and is acting in the course of that business to do or perform personally any work or service for another person (whether or not the latter person is a party to the contract and whether or not the latter person pays the wages or salary of the individual in respect of the work or service), then the latter person shall be deemed to be the individual's employer for the purposes of the relevant statutory provisions.</i></p> <p><u>Section 12</u> of the Safety, Health and Welfare at Work Act 2005, imposes a duty of care on employers to persons other than their employees at a place of work under their control.</p> <p><i>12. Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of</i></p>

	<i>work (not being his or her employees) are not exposed to risks to their safety, health or welfare.</i>
Article 3	
This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work:	<p>The use of the phrase “linked with or arising out of work” ensures our domestic legislative landscape is in compliance with the Convention. Guidance for employers on the scope of the prohibition on harassment and how they should address it is given in the Code of Practice on Sexual Harassment and Harassment at Work, made under the Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012, S.I. No. 208 of 2012</p> <p>Civil and criminal remedies apply across all sectors</p>
(a) in the workplace, including public and private spaces where they are a place of work;	<p>WRC adjudication decisions and caselaw address a range of employment rights and equality which arise in the course of work, in public and private spaces (including where the employment is located in private homes).</p> <p>S.14A of <i>the Employment Equality Acts</i> provide that discriminatory treatment of an employee includes harassment and sexual harassment of employees in the workplace or during the course of the person's employment by the employer, any other employee of the employer, any person employed at the same place, a client, customer or business contact of the employer - where employer ought reasonably have taken steps to prevent it.</p> <p>S. 11 of the <i>Equal Status Acts</i> prohibit harassment and sexual harassment of a person seeking to avail of goods or services, including education, by the provider. The protection also applies not just to service users or customers, but to "any other person who has a right to be present". Providers, in defence, may prove they took such steps as are reasonably practicable to prevent the harassment.</p>

	<p>S. 19 of the <i>Criminal Justice (Public Order) Act 1994</i> addresses attacks on emergency service personnel, police or peace officers.</p> <p>Occupational safety and health legislation has effect in all places covered by the definition of a “place of work” as defined within <u>Section 2</u> of the Safety, Health and Welfare at Work Act 2005¹</p> <p><i>“place of work” includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at, in, upon or near which, work is carried on whether occasionally or otherwise and in particular includes—</i></p> <ul style="list-style-type: none"> <i>(a) in relation to an extractive industry including exploration activity, the whole area intended to house workstations to which employees have access for the purpose of their work relating to the immediate and ancillary activities and installations of, as appropriate—</i> <ul style="list-style-type: none"> <i>(i) the surface or, as the case may be, underground extractive industry, including overburden dumps and other tips and any accommodation that is provided and, in the case of the underground extractive industry, any working area,</i> <i>(ii) the extractive industry through drilling onshore including any accommodation that is provided, and</i> <i>(iii) the extractive industry through drilling offshore, including any accommodation that is provided,</i> <i>(b) a tent, trailer, temporary structure or movable structure, and</i> <i>(c) a vehicle, vessel or aircraft;</i>
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¹ Irish occupational safety and health legislation addresses workplace bullying, it does not address harassment.

	<p>Section 12 of the Safety, Health and Welfare at Work Act 2005, imposes a duty of care on employers to persons other than their employees at a place of work under their control.</p> <p><i>12. Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.</i></p>
<p>(b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;</p>	<p>S.14A of the <i>Employment Equality Acts</i> provide that discriminatory treatment of an employee includes harassment and sexual harassment of employees in the workplace or during the course of the person's employment by the employer, any other employee of the employer, any person employed at the same place, a client, customer or business contact of the employer - where employer ought reasonably to have taken steps to prevent it.</p> <p>S. 11 of the <i>Equal Status Acts</i> prohibits harassment and sexual harassment of a person seeking to avail of goods or services, including education, by the provider. The protection also applies not just to service users or customers, but to "any other person who has a right to be present". Providers, in defence, may prove they took such steps as are reasonably practicable to prevent the harassment.</p> <p>Occupational safety and health legislation has effect in all places covered by the definition of a "place of work" as defined within <u>Section 2</u> of the Safety, Health and Welfare at Work Act 2005.</p> <p><i>"place of work" includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at,</i></p>

	<p><i>in, upon or near which, work is carried on whether occasionally or otherwise and in particular includes—</i></p> <p><i>(a) in relation to an extractive industry including exploration activity, the whole area intended to house workstations to which employees have access for the purpose of their work relating to the immediate and ancillary activities and installations of, as appropriate—</i></p> <p><i>(i) the surface or, as the case may be, underground extractive industry, including overburden dumps and other tips and any accommodation that is provided and, in the case of the underground extractive industry, any working area,</i></p> <p><i>(ii) the extractive industry through drilling onshore including any accommodation that is provided, and</i></p> <p><i>(iii) the extractive industry through drilling offshore, including any accommodation that is provided,</i></p> <p><i>(b) a tent, trailer, temporary structure or movable structure, and</i></p> <p><i>(c) a vehicle, vessel or aircraft;</i></p> <p>Chapter 1, Part 2 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2020 provides for the availability of accommodation, welfare and sanitary facilities within a place of work.</p>
(c) during work-related trips, travel, training, events or social activities;	<p>S.14A of <i>Employment Equality Acts</i></p> <p>In common law and in employment redress mechanisms (WRC Adjudication and the Labour Court) the principles of employer liability and vicarious liability apply to all activities connected with work.</p> <p><u>Section 2(5)</u> of Safety, Health and Work Act 2005 extends the protections afforded to an employee to a person in training or undertaking work experience.</p>

	<p><i>(5) For the purposes of the relevant statutory provisions, a person who is training for employment or receiving work experience, other than when present at a course of study in a university, school or college, shall be deemed to be an employee of the person whose undertaking (whether carried on by him or her for profit or not) is for the time being the immediate provider to that person of training or work experience, and “employee”, “employer” and cognate words and expressions shall be read accordingly.</i></p> <p><u>Section 8(2)(b)</u> of the Safety, Health and Welfare at Work Act 2005 obligates an employer to ensure that all work activities are managed and conducted in such a way to prevent improper conduct or behaviour likely to put the safety and health of employees at risk.</p> <p>A social event related to an employee’s work can, in principle, be considered as a work activity and, as such, an employer must be cognisant of responsibilities and obligations under occupational safety and health legislation relating to workplace bullying. However, the Health and Safety Authority would consider any allegation of workplace bullying arising from such a social event on a case by case basis.</p> <p>The reference to “<i>conduct or behaviour</i>” is the basis on which the duty of the employer is derived in relation to duty of care in relation to workplace bullying (See footnote 1).</p>
<p>(d) through work-related communications, including those enabled by information and communication technologies;</p>	<p>S.14A of <i>Employment Equality Acts</i></p> <p>As mentioned at 1(a) above, section 10 of the Non-Fatal Offences Against the Person Act 1997 criminalises harassment by any means of communication, which includes through information and communication technologies.</p>

The Harassment, Harmful Communications and Related Offences Act 2020 amended the law relating to harassment; to provide for offences relating to the recording, distribution or publication of intimate images and to provide for the anonymity of victims of those offences; to provide for an offence involving the distribution, publication or sending of threatening or grossly offensive communication; and for those and other purposes to amend the Non-Fatal Offences against the Person Act 1997, the Bail Act 1997 and the Domestic Violence Act 2018; and to provide for related matters.

Sections 8(2)(a) and (b) of the Safety, Health and Welfare at Work Act 2005 obliges an employer to ensure that all work activities are managed and conducted in such a way to as to ensure the safety, health or welfare of his or her employees and to prevent improper conduct or behaviour likely to put the safety, health or welfare of employees at risk.

(2) Without prejudice to the generality of subsection (1), the employer's duty extends, in particular, to the following:

- (a) managing and conducting work activities in such a way as to ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees;*
- (b) managing and conducting work activities in such a way as to prevent, so far as is reasonably practicable, any improper conduct or behaviour likely to put the safety, health or welfare at work of his or her employees at risk;*

The reference to “conduct or behaviour” is the basis on which the duty of the employer is derived in relation to duty of care in relation to workplace bullying **(See footnote 1)**

<p>(e) in employer-provided accommodation; and</p>	<p>S.14A of <i>Employment Equality Acts</i></p> <p>An employer’s responsibilities regarding occupational safety and health includes accommodation, welfare and sanitary facilities provided at a place of work.</p> <p>These include rest rooms or rest areas, sanitary and washing facilities, changing or locker rooms as well as fixed living accommodation if provided. Chapter 1, Part 2 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2020 provides for the inclusion of accommodation, welfare and sanitary facilities within a place of work to be considered within the remit of occupational safety and health legislation and therefore the employer’s responsibilities under the legislation have affect in such areas.</p>
<p>(f) when commuting to and from work.</p>	<p>S. 11 of the <i>Equal Status Acts</i> provides:</p> <p>(1) A person shall not sexually harass or harass... another person (“the victim”) where the victim—</p> <p>(a) avails or seeks to avail himself or herself of any service provided by the person or purchases or seeks to purchase any goods being disposed of by the person,</p> <p>(b) is the proposed or actual recipient from the person of any premises or of any accommodation or services or amenities related to accommodation, or</p> <p>(c) is a student at, has applied for admission to or avails or seeks to avail himself or herself of any service offered by, any educational establishment (within the meaning of <i>section 7</i>) at which the person is in a position of authority.</p>

	<p>S. 11 addresses harassment and sexual harassment of commuters using transport services where the harassment is by a provider, or a supplier of the provider, or other clients.</p> <p>Harassment in the public space is a matter addressed by criminal law. The Criminal Justice (Public Order) Act 1994 addresses various public order offences in public places, such as disorderly conduct (s.5(i)), threatening, abusive or insulting behaviour (s.6), wilful obstruction (s.9), riot (s.14), violent disorder (s.15), affray (s.16), assault with intent to cause bodily harm or commit an indictable offence (s.18), attacks on emergency service personnel, police or peace officers (s.19). The Criminal Justice Act 2006 addresses anti-social behaviour, such as harassment, by adults (Part 11) and by children (Part 13).</p> <p>An employer's obligations under occupational safety and health legislation do not extend to an employee's normal commute to and from work.</p>
III. CORE PRINCIPLES	
Article 4	
<p>1. Each Member which ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment.</p>	<p>Ireland has a robust suite of employment rights and occupational safety and health legislation. Criminal and civil remedies provide protections in addition to Constitutional rights. The relevant employment and workplace legislation is enforced by the Workplace Relations Commission and Health and Safety Authority.</p> <p>There are relevant and related Codes of Practice.</p> <ul style="list-style-type: none"> ● Code of Practice for Protecting Persons Employed in Other People's Homes ● Code of Practice on Harassment and Sexual Harassment at Work

- Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work

Ireland has ratified the Istanbul Convention.

All public bodies in Ireland have a responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and others impacted by their policies and plans, under Section 42 of the Irish Human Rights and Equality Commission Act 2014.

The Health and Safety Authority provide information and material relating to Violence at Work on their website to advise employers on what their responsibilities are in this area. A general non-sector specific booklet on Violence at Work provides an outline for employers regarding the following:

1. What is considered violence within the work context and what are its effects;
2. How to check if there is a violence problem at your workplace;
3. What situations can cause violence and/or make violence more likely;
4. How to ensure adequate safeguards - as required by law – for violence hazards and risks.

Other material available is more sector specific relating to the Prevention of Violence in Healthcare.

An Garda Síochána provide guidance to employers in the retail sector regarding security including employee safety relating to exposure to violence in the workplace.

<p>2. Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. Such an approach should take into account violence and harassment involving third parties, where applicable, and includes:</p>	<p>Relevant national policies have been drawn up in consultation with the Social Partners, e.g the Third National Strategy on Domestic, Sexual and Gender-Based Violence, and a set of national equality strategies which include the National Strategy for Women and Girls 2017-2020, the National LGBTI+ Inclusion Strategy 2019-2021 and the National Traveller and Roma Inclusion Strategy 2017-2021.</p> <p>The Workplace Relations Commission, which provides redress options for victims of harassment, has a Board appointed by the Minister and which presently has members from worker, employer, academic and civil society backgrounds. One of the functions of the Board is to prepare and submit to the Minister, in consultation with the Director General, an annual workplan of the activities of the Commission for the coming year.</p> <p>The occupational safety and health regime in Ireland can be regarded as inclusive, integrated and gender-responsive insofar as it applies to all workers, including the self-employed and those affected by work activities, across all sectors of the economy.</p> <p>The Health and Safety Authority is the national statutory body for enforcing workplace health and safety legislation and is governed by a tripartite Board which requires nominations from representative bodies of both employers and employees. In addition, many legislative and policy proposals are the subject of public consultation.</p>
<p>(a) prohibiting in law violence and harassment;</p>	<p>Ireland has an extensive suite of civil and criminal law in place to address violence and harassment. Ireland also has a review mechanism in place to identify and address new forms of violence and harassment. The Law Reform Commission is an independent body established under the Law Reform Commission Act, 1975. Its purpose is to keep the law under</p>

	<p>independent, objective and expert review, to make recommendations for law reform and to make current law accessible to all.</p> <p>The statutory functions of Ireland’s national human rights institution, the Irish Human Rights and Equality Commission, include under Section 10 of the Irish Human Rights and Equality Commission Act 2014, keeping under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality; examining any legislative proposal and report its views on any implications for human rights or equality; and making recommendations to the Government in relation to measures to strengthen, protect and uphold human rights and equality in the State.</p>
(b) ensuring that relevant policies address violence and harassment;	<p>Section 42 of the <i>Irish Human Rights and Equality Commission Act, 2014</i> provides for a "public sector duty". Equality and human rights must be considered by all public bodies in carrying out their functions, including policy development.</p> <p>There are also relevant and related Codes of Practice:</p> <ul style="list-style-type: none"> • Code of Practice for Protecting Persons Employed in Other People's Homes • Code of Practice on Harassment and Sexual Harassment at Work • Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work
(c) adopting a comprehensive strategy in order to implement measures to prevent and combat violence and harassment;	<p>Ireland has in place a range of strategies which provide for measures to prevent and combat violence and harassment. These include the Third National Strategy on Domestic, Sexual and Gender Based Violence 2022-2026, the National Action Plan to Combat Human Trafficking, the National Strategy for Women and Girls 2017-2020, the National LGBTI+ Inclusion</p>

	<p>Strategy 2019-2021 and the National Traveller and Roma Inclusion Strategy 2017-2021</p> <p>The Department of Justice undertook a major public awareness campaign "Your silence feeds the violence", beginning in 2009. This was followed from November 2019 by a 6-year national awareness campaign on domestic, sexual and gender-based violence, under the direction of The Department of Justice and with the support of NGO stakeholders. The first 3 years of the campaign focused on domestic violence, with TV advertising and the website www.whatwouldyoudo.ie. This was followed by a focus on sexual violence in the "No Excuses" national awareness campaign, from November 2019. From April 2020, the #stillhere campaign provided information on supports for those experiencing domestic abuse or violence during the Covid-19 pandemic.</p>
<p>(d) establishing or strengthening enforcement and monitoring mechanisms;</p>	<p>Ireland has the Workplace Relations Commission and Health and Safety Authority. In addition, the Irish Human Rights and Equality Commission monitors the application of the Equal Status Acts and the Employment Equality Acts.</p> <p>In Ireland, the Health and Safety Authority is the national statutory body with responsibility for ensuring that workers (employed and self-employed) and those affected by work activity are protected from work related injury and ill-health. It carries out this responsibility by enforcing occupational health and safety law, promoting accident prevention, and providing information and advice across all sectors.</p> <p>The Health and Safety Authority carries out an extensive suite of workplace inspections during which inspectors can take note of, and request information on, any aspects of occupational safety and health matters concerning the workplace.</p>

e. ensuring access to remedies and support for victims;

Access to remedies is available through the Court system.

Under the Irish Human Rights and Equality Commission Act, 2014, IHREC can support victims of harassment and sexual harassment wishing to take complaints under the Employment Equality Acts or the Equal Status Acts. Its statutory functions include providing practical assistance, including legal assistance, to persons in vindicating their rights.

Civil legal aid and advice is available for civil proceedings in court to those unable to pay for such services from their own resources.

The Victims of Crime legislation also provides for support. Irish law defines a victim of crime as anyone who has suffered physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. The Criminal Justice (Victims of Crime) Act 2017, which transposes EU legislation on the rights of victims of crime into Irish law, sets out the minimum rights, supports and protections for victims of crime.

In general, in relation to occupational safety and health legislation Sections 27, 28 and 29 of the Safety, Health and Welfare at Work 2005 deal with protection against dismissal and penalisation and make provision for the bringing of complaints to Third Parties.

Section 28 provides for access by an employee to an adjudication officer of the Work Place Relations Commission in respect of a contravention of the provisions of Section 27 which deals with penalisation while Section 29 provides an appeal mechanism to a complainant through the Labour Courts in respect to a decision by an adjudication officer of the Workplace Relations Commission.

	<p>In addition, the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021, is relevant here. This Code of Practice was made under the Safety, Health and Welfare at Work Act 2005.</p> <p>The Workplace Relations Commission has an inspectorate which carries out inspections and enforce sanctions (including criminal prosecutions) to ensure compliance with employment law. The Adjudication service of the Workplace Relations Commission provides a forum for redress for complainants on a range of legislation, including employment rights and the Employment Equality Acts – which deal with claims of harassment. Complainants do not have to pay a fee to make a complaint and can be self-represented or represented by a trade union official, an official of an employers’ body, a practising barrister or practising solicitor, or any other person, permitted by the adjudication office. Successful complainants may also apply to have a decision of an adjudication officer enforced in the Courts by the WRC.</p>
(f) providing for sanctions;	<p>Criminal law provides for sanctions. A range of criminal offences address specific forms of violence and harassment, including when effected against the “workers and other persons”, and in the “world of work”. Additionally, the Irish Human Rights and Equality Commission and the Law Reform Commission have processes in place for keeping the law under review to ensure it is appropriate and relevant to changing circumstances.</p>
(g) developing tools, guidance, education and training, and raising awareness, in accessible formats as appropriate; and	<p>The WRC and the HSA have a range of tools which provide guidance education and training in accessible formats.</p> <p>In addition to key information documents on employment rights being available in 13 languages, the WRC website (www.workplacerelements.ie), which includes information on redress mechanisms, is fully translatable into 94 languages.</p>

	<p>The Health and Safety Authority has various information and guidance documents available for both employers and employees affected by violence in the workplace. Some of this material is sector specific.</p> <p><i>HSA <u>Violence at Work</u> information booklet</i> <i>HSA Information Sheet on <u>Violence in the Healthcare Sector</u></i></p> <p>The Health and Safety Authority also provides advice to employers on implementation of the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work.</p> <p>Under the Irish Human Rights and Equality Commission Act, 2014, IHREC has broad powers in this area. The statutory functions of IHREC include providing information to the public in relation to human rights and equality, providing or assisting in the provision of education and training on human rights and equality issues.</p>
<p>(h) ensuring effective means of inspection and investigation of cases of violence and harassment, including through labour inspectorates or other competent bodies.</p>	<p>Ireland has the Workplace Relations Commission and Health and Safety Authority.</p> <p>As a part of a workplace inspection a Health and Safety Authority inspector may request an employer (or a person in charge of a place of work) to provide a copy of the Safety Statement. A review of this document will show the inspector what risks and hazards have been identified by the employer and what preventions or controls have been put in place. Such risks and hazards should include any potential instances of violence towards employees. Similarly, an inspector can ask the employer to provide evidence of appropriate protocols in place to deal with instances of workplace bullying.</p>

	Cases of violence and harassment may be investigated by An Garda Síochána.
3. In adopting and implementing the approach referred to in paragraph 2 of this Article, each Member shall recognize the different and complementary roles and functions of governments, and employers and workers and their respective organizations, taking into account the varying nature and extent of their respective responsibilities.	Both the Health and Safety Authority and Workplace Relations Commission have tripartite boards. Policies are circulated to all stakeholders.
Article 5	
With a view to preventing and eliminating violence and harassment in the world of work, each Member shall respect, promote and realize the fundamental principles and rights at work, namely freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation, as well as promote decent work.	Ireland has ratified eight ILO fundamental Conventions.
Article 6	
Each Member shall adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable groups or groups in situations of vulnerability that are disproportionately affected by violence and harassment in the world of work.	<p>The <i>Employment Equality Acts</i> and Equal Status Acts addresses this requirement.</p> <p>National policies are also set out in the framework of national equality strategies, including the National Strategy for Women and Girls 2017-2020, the National LGBTI+ Inclusion Strategy 2019-2021, the National Traveller and Roma Inclusion Strategy 2017-2021.</p> <p>Consideration of the specific needs of groups at risk of marginalisation are mainstreamed in national equality policy, such as the Action Plan for Jobs,</p>

	<p>the Action Plan for Rural Development, and the Roadmap for Social Inclusion.</p> <p>Ireland has transposed all EU occupational safety and health legislation, including matters relating to pregnant workers and workers who have recently given birth or are breastfeeding and also the protection of young persons at work. All identified sensitive risk groups should be identified in an employer’s risk assessment and be made aware of the employer’s protocol in respect to dealing with any instances of bullying within the workplace.</p>
IV. PROTECTION AND PREVENTION	
Article 7	
<p>Without prejudice to and consistent with Article 1, each Member shall adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment.</p>	<p>“Violence” is regulated in our society through both criminal law (as identified) and civil law (e.g. tortious action), and indirectly through regulatory regimes (e.g. Occupational Safety and Health, and Equality legislation).</p> <p>See list of relevant legislation under Article 1.</p> <p>Under the <i>Employment Equality Acts 1998-2015</i>, sexual harassment and harassment of an employee (including agency workers and trainees) in the workplace are prohibited by law. This includes sexual harassment and harassment by:</p> <ul style="list-style-type: none"> • co-workers • the employer • clients, customers or other business contacts of the employer, including anyone the employer could reasonably expect the worker to come into contact with.

The *Employment Equality Acts 1998-2015* define harassment as unwanted conduct which is related to any of the 9 discriminatory grounds. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In both cases it is defined as conduct which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person and it is prohibited under the Acts.

Harassment is defined in section 14A(7) of the Acts as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

A similar definition is included in the Equal Status Acts 2000-2008, at section 11.

Occupational safety and health legislation (Safety, Health and Welfare at Work Act 2005) does not define harassment and the remit of the Health and Safety Authority does not include harassment.

However, workplace bullying is defined in the Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021. This Code of Practice was made under the Safety, Health and Welfare at Work Act 2005. The remit of the Health and Safety Authority includes bullying in the workplace. Bullying at work is defined as 'repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could

	<p>reasonably be regarded as undermining the individual’s right to dignity at work.”</p> <p>The Health and Safety Authority provides information and material relating to <u>Violence at Work</u> on their website to advise employers on what their responsibilities are in this area. A general non-sector specific booklet on <u>Violence at Work</u> provides an outline for employers regarding the following:</p> <ol style="list-style-type: none"> 1. What is considered violence within the work context and what are its effects; 2. How to check if there is a violence problem at your workplace; 3. What situations can cause violence and/or make violence more likely; 4. How to ensure adequate safeguards - as required by law – for violence hazards and risks. <p>The booklet defines violence at work as follows: <i>“Workplace violence occurs where people, in the course of their employment, are aggressively verbally abused, threatened or physically assaulted.”</i></p>
<p>Article 8</p>	
<p>Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:</p>	<p>Ireland has a robust suite of employment rights and occupational safety and health legislation. Oversight is provided by WRC & HSA – including providing information as well as certain enforcement functions.</p> <p><u>Section 12</u> of the Safety, Health and Welfare at Work Act 2005, imposes a duty of care on employers to persons other than their employees at a place of work under their control.</p> <p><i>12. Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in</i></p>

	<p><i>the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.</i></p> <p>The WRC has a number of instruments and strategies which aim to achieve compliance with employment law without resort to enforcement or sanctions. A comprehensive and proactive information service provides information on rights and obligations through a call centre, a multi lingual website, information publications, training, presentations and social media. The inspection service of the WRC operates on a compliance model, i.e. the aim is to bring the employer into compliance with their obligations rather than impose sanctions. The WRC also provides four methods of voluntary disputes resolution: conciliation, facilitation, pre-adjudication mediation and workplace mediation.</p>
<p>(a) recognizing the important role of public authorities in the case of informal economy workers;</p>	<p>Irish employment law applies equally to all employees who are defined as employees by virtue of employment law.</p> <p>Under Irish occupational safety and health legislation the <u>Health and Safety Authority</u> has a statutory remit for the regulation and enforcement of all matters relating to occupational safety and health in all places of work across all sectors of the economy.</p> <p><u>Section 2(4)</u> of the Safety, Health and Welfare at Work Act 2005 extends the definition of employee and subsequent protections afforded to employees to workers engaging the services of employment agencies.</p> <p><i>(4) For the purposes of the relevant statutory provisions, where an individual agrees with a person who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971 , and is acting in the course of that business to do or perform personally any work or service for another person (whether or not the</i></p>

	<p><i>latter person is a party to the contract and whether or not the latter person pays the wages or salary of the individual in respect of the work or service), then the latter person shall be deemed to be the individual's employer for the purposes of the relevant statutory provisions.</i></p> <p><u>Section 12</u> of the Safety, Health and Welfare at Work Act 2005, imposes a duty of care on employers to persons other than their employees at a place of work under their control.</p> <p><i>12. Every employer shall manage and conduct his or her undertaking in such a way as to ensure, so far as is reasonably practicable, that in the course of the work being carried on, individuals at the place of work (not being his or her employees) are not exposed to risks to their safety, health or welfare.</i></p> <p>The Employment (Misc.) Provisions Act, 2018 introduced a range of changes to employment law to particularly assist vulnerable workers. These include a statement of core terms of employment after 5 days, severe restrictions of 'zero hours' contacts, Introduction of 'Banded Hours', enhanced Protection against penalization and changes to young person's pay and the abolition of training rates</p>
<p>(b) identifying, in consultation with the employers' and workers' organizations concerned and through other means, the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and</p>	<p>The WRC works closely with employers and workers, as well as relevant NGO's to ensure that vulnerable workers receive information and protection regarding their employment rights.</p> <p>The statutory functions of the Irish Human Rights and Equality Commission include encouraging the development of a culture of respect for human rights, equality, and intercultural understanding in the State, promoting understanding and awareness of the importance of human rights and equality in the State, encouraging good practice in intercultural relations, to promote tolerance and acceptance of diversity in the State and respect</p>

	<p>for the freedom and dignity of each person, and working towards the elimination of human rights abuses, discrimination and prohibited conduct. To this aim, IHREC may undertake, sponsor, commission or provide financial or other assistance for programmes of activities and projects for the promotion of integration of migrants and other minorities, equality (including gender equality) and respect for diversity and cultural difference.</p> <p>The Health and Safety Authority carries out stakeholder and general public <u>consultation</u> in respect of certain strategic and legislative policy proposals which come under its remit, in advance of scrutiny by its tripartite Board before making any formal decisions.</p> <p>The Health and Safety Authority is governed by a Board appointed under the terms of <u>Section 37</u> of the Safety, Health and Welfare at Work Act 2005, which requires nominations from representative bodies of both employers and employees.</p>
(c) taking measures to effectively protect such persons.	<p>The WRC is an independent statutory body tasked with overseeing and investigating breaches of employment law in Ireland. Every breach is followed up by the WRC and appropriate action taken to ensure workers' rights are protected.</p> <p>To assist in addressing Informal employment for foreign nationals, the Employment Permits (Amendment) Act of 2014 provides a defence to the charge of having being without an employment permit and allows the Minister may take a civil action on the foreign national's behalf for compensation for work done.</p> <p>Ireland has transposed all EU occupational safety and health legislation, including matters relating to pregnant workers and workers who have</p>

recently given birth or are breastfeeding and, also, relating to the protection of young persons at work. All sensitive risk groups should be identified in an employer's risk assessment. An employer would also be expected to consider the potential for workplace bullying and exposure to violence in any risk assessment and to put appropriate protocols in place such as "Dignity at Work Policy" that outlines the procedures to address bullying at work.

In relation to supporting small and medium enterprises to achieve compliance with risk assessment requirements the Health and Safety Authority has developed a free to use online risk assessment tool "BeSMART" which assists in the compilation of a safety statement.

Section 20(3) of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to make the relevant sections of the safety statement available to the affected employees in a language and format that is understandable to the employees.

(3) Every employer shall bring the safety statement, in a form, manner and, as appropriate, language that is reasonably likely to be understood, to the attention of—

- (a) his or her employees, at least annually and, at any other time, following its amendment in accordance with this section,*
- (b) newly-recruited employees upon commencement of employment,*
- and*
- (c) other persons at the place of work who may be exposed to any specific risk to which the safety statement applies.*

The Health and Safety Authority has produced documents in association with the National Adult Literacy Agency (NALA) .

	<p>The Workpositive CI confidential psychosocial risk management process provides employers and employees with a mechanism to identify psychosocial risks, including violence, that could occur within their workplace. Home Work Positive</p>
<p>Article 9</p>	
<p>Each Member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender-based violence and harassment, and in particular, so far as is reasonably practicable, to:</p>	<p>Under the <i>Employment Equality Acts 1998-2015 14A</i> - employers are obliged to act in a preventative and remedial way in respect to harassment in the workplace. In defending a complaint of harassment or sexual harassment, an employer may refer to having taken such steps as are reasonably practicable to prevent persons from harassing or sexually harassing the victim or any class of persons that includes the victim. A similar provision is included at s.11 of the Equal Status Acts, in respect of service providers.</p> <p>Section 8(1) of the <i>Safety Health and Welfare at Work Act</i> obliges employers are at work of their employees.</p> <p style="padding-left: 40px;"><i>8. — (1) Every employer shall ensure, so far as is reasonably practicable, the safety, health and welfare at work of his or her employees.</i></p> <p>The Equality Authority 2002 document <i>Code of Practice on Sexual Harassment and Harassment at Work</i> gives guidance on such policies.</p>
<p>(a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;</p>	<p>Section 8(2)(g) of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to share information relating to occupational safety and health matters, with their employees,</p> <p style="padding-left: 40px;"><i>(g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;</i></p>

Section 9 of the Safety, Health and Welfare at Work Act 2005 requires employers to provide any information to their employees in a manner that is easily understandable to the employees.

9. — (1) Without prejudice to the generality of section 8, every employer shall, when providing information to his or her employees under that section on matters relating to their safety, health and welfare at work ensure that the information—

(a) is given in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employees concerned, and

(b) includes the following information—

(i) the hazards to safety, health and welfare at work and the risks identified by the risk assessment,

(ii) the protective and preventive measures to be taken concerning safety, health and welfare at work under the relevant statutory provisions in respect of the place of work and each specific task to be performed at the place of work, and

(iii) the names of persons designated under section 11 and of safety representatives selected under section 25, if any.

(2) Where an employee of another undertaking is engaged in work activities in an employer's undertaking, that employer shall take measures to ensure that the employee's employer receives adequate information concerning the matters referred to in subsection (1).

(3) Every employer shall ensure that employees appointed under section 18 and safety representatives, if any, have access, for the purposes of performing their functions relating to the safety, health and welfare of employees, to—

(a) the risk assessment carried out under section 19,

	<p>(b) information relating to accidents and dangerous occurrences required to be reported to the Authority or a person prescribed under section 33 under the relevant statutory provisions, and</p> <p>(c) any information arising from protective and preventive measures taken under the relevant statutory provisions or provided by the Authority, a person prescribed under section 33, or a person referred to in section 34 (2).</p> <p>(4) (a) Where an employer proposes to use the services of a fixed-term employee or a temporary employee, the employer shall, prior to commencement of employment, give information to the employee relating to—</p> <p>(i) any potential risks to the safety, health and welfare of the employee at work,</p> <p>(ii) health surveillance,</p> <p>(iii) any special occupational qualifications or skills required in the place of work, and</p> <p>(iv) any increased specific risks which the work may involve.</p> <p>(b) Where an employer proposes to use the services of a temporary employee, the employer shall—</p> <p>The Health and Safety Authority provides information and material relating to <u>Violence at Work</u> on their website to advise employers on what their responsibilities are in this area.</p> <p>(i) specify to the temporary employment business concerned the occupational qualifications necessary for and the specific features of the work for which such an employee is required, and</p> <p>(ii) ensure that the temporary employment business gives the information referred to in paragraph (a) to the employee.</p> <p>(5) The temporary employment business referred to in subsection (4)(b) shall give to the employee the information referred to in subsection (4)(b)(i).</p>
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	<p>The Health and Safety Authority has produced documents in association with <u>NALA</u> (National Adult Literacy Agency).</p> <p>The Health and Safety Authority provides information and material relating to <u>Violence at Work</u> on their website to advise employers on what their responsibilities are in this area.</p> <p>The <u>Workpositive CI</u> confidential psychosocial risk management process provides employers and employees with a mechanism to identify psychosocial risks, including violence, that could occur within their workplace.</p>
<p>(b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;</p>	<p><u>Section 19</u> of the Safety, Health and Welfare at Work Act 2005 requires employers to carry out, record and maintain an assessment of the risks of hazards that employees could encounter during the course of their work.</p> <p><u>Section 20</u> of the same Act requires that the results of this assessment of risk are set out in a formal safety statement which must be made available in an understandable format by the employer to his or her employees. The identification of psychosocial risks and hazards should be included in any risk assessment carried out by an employer under section 19.</p> <p>BeSMART, the free online risk assessment developed by the Health and Safety Authority, will automatically identify a risk relating to violence in the workplace and advise the employer of a range of potential controls to be introduced. The responsibility for the implementation of any such controls remains with the employer.</p> <p>The <u>Workpositive CI</u> confidential psychosocial risk management process provides employers and employees with a mechanism to identify</p>

	<p>psychosocial risks, including violence, that could occur within their workplace.</p>
<p>(c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and</p>	<p>The Code of Practice on Sexual Harassment and Harassment at Work advises that “It is essential that employers have in place accessible and effective policies and procedures to deal with sexual harassment and harassment. These measures should be agreed by the employers with the relevant trade union or employee representatives. In so far as practicable, clients, customers and business contacts should also be consulted”.</p> <p>Section 8(2)(g) of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to share information relating to occupational safety and health matters, with their employees,</p> <p style="padding-left: 40px;"><i>(g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;</i></p> <p><u>Section 9</u> of the Safety, Health and Welfare at Work Act 2005 requires employers to provide any information to their employees in a manner that is easily understandable to the employees.</p> <p><u>Section 19</u> of the Safety, Health and Welfare at Work Act 2005 requires employers to carry out, record and maintain an assessment of the risks of hazards that employees could encounter during the course of their work.</p> <p><u>Section 20</u> of the same Act requires that the results of this assessment of risk are set out in a formal safety statement which must be made available in an understandable format by the employer to his or her employees. The identification of psychosocial risks and hazards should be included in any risk assessment carried out by an employer under section 19.</p>

	<p><u>Section 20(3)</u> of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to make the relevant sections of the safety statement available to the affected employees in a language and format that is understandable to the employees.</p> <p><u>Section 25</u> of the Safety, Health and Welfare at Work Act 2005 provides for the selection of Safety Representatives by employees from within their own ranks to represent the views of the employees at the place of work in consultation with the employer on matters relating to occupational safety and health at work, including violence and bullying at work.</p>
<p>(d) 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, including on the rights and responsibilities of workers and other persons concerned in relation to the policy referred to in subparagraph (a) of this Article.</p>	<p>The Code of Practice on Harassment and Sexual Harassment at Work advises that the employer establishes a complaints procedure which should “provide for a competent named person to be available to assist in the resolution of any problems through informal means and to provide information to both employees and non-employees on the procedure and on the policy in general.”</p> <p>Section 8(2)(g) of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to share information relating to occupational safety and health matters with their employees;</p> <p style="padding-left: 40px;"><i>(g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;</i></p> <p><u>Section 9</u> of the Safety, Health and Welfare at Work Act 2005 requires employers to provide any information to their employees in a manner that is easily understandable to the employees.</p> <p><i>9. — (1) Without prejudice to the generality of section 8, every employer shall, when providing information to his or her employees under that</i></p>

	<p><i>section on matters relating to their safety, health and welfare at work ensure that the information—</i></p> <ul style="list-style-type: none"> <i>(a) is given in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employees concerned, and</i> <i>(b) includes the following information—</i> <ul style="list-style-type: none"> <i>(i) the hazards to safety, health and welfare at work and the risks identified by the risk assessment,</i> <i>(ii) the protective and preventive measures to be taken concerning safety, health and welfare at work under the relevant statutory provisions in respect of the place of work and each specific task to be performed at the place of work, and</i> <i>(iii) the names of persons designated under section 11 and of safety representatives selected under section 25, if any.</i> <p><i>(2) Where an employee of another undertaking is engaged in work activities in an employer's undertaking, that employer shall take measures to ensure that the employee's employer receives adequate information concerning the matters referred to in subsection (1).</i></p> <p><i>(3) Every employer shall ensure that employees appointed under section 18 and safety representatives, if any, have access, for the purposes of performing their functions relating to the safety, health and welfare of employees, to—</i></p> <ul style="list-style-type: none"> <i>(a) the risk assessment carried out under section 19,</i> <i>(b) information relating to accidents and dangerous occurrences required to be reported to the Authority or a person prescribed under section 33 under the relevant statutory provisions, and</i> <i>(c) any information arising from protective and preventive measures taken under the relevant statutory provisions or provided by the Authority, a person prescribed under section 33, or a person referred to in section 34 (2).</i>
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	<p>(4) (a) Where an employer proposes to use the services of a fixed-term employee or a temporary employee, the employer shall, prior to commencement of employment, give information to the employee relating to—</p> <ul style="list-style-type: none"> (i) any potential risks to the safety, health and welfare of the employee at work, (ii) health surveillance, (iii) any special occupational qualifications or skills required in the place of work, and (iv) any increased specific risks which the work may involve. <p>(b) Where an employer proposes to use the services of a temporary employee, the employer shall—</p> <ul style="list-style-type: none"> (i) specify to the temporary employment business concerned the occupational qualifications necessary for and the specific features of the work for which such an employee is required, and (ii) ensure that the temporary employment business gives the information referred to in paragraph (a) to the employee. <p>(5) The temporary employment business referred to in subsection (4)(b) shall give to the employee the information referred to in subsection (4)(b)(i).</p> <p>The Health and Safety Authority has produced documents in association with the National Adult Literacy Agency (NALA).</p>
V. ENFORCEMENT AND REMEDIES	
Article 10	
Each Member shall take appropriate measures to:	

(a) monitor and enforce national laws and regulations regarding violence and harassment in the world of work;

Ireland has a robust suite of employment rights and occupational safety and health legislation. The relevant legislation is enforced by a Workplace Relations Commission and Health and Safety Authority.

All national legislation relating to occupational safety and health, including violence and bullying in the workplace, is kept under review by the Health and Safety Authority, in as much as those matters fall within the remit of the Authority.

Ireland is represented at all technical levels in EU discussions relating to occupational safety and health matters.

The Irish Human Rights and Equality Commission's statutory functions include keeping under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality and to make recommendations to the Government in relation to measures to strengthen, protect and uphold human rights and equality in the State (Section 10, Irish Human Rights and Equality Commission Act 2014).

WRC legislation for which a complaint may be made to an Adjudication Officer:

Section 4 (2) or 5 of the Minimum Notice and Terms of Employment Act 1973

Section 9 or 10 of the Protection of Employment Act 1977

Section 5 of the Payment of Wages Act 1991

Section 3, 4, 5 or 6 of the Terms of Employment (Information) Act 1994

Section 13 or 17 of the Protection of Young Persons (Employment) Act 1996

	<p>Section 17 of the Transnational Information and Consultation of Employees Act 1996</p> <p>A relevant provision within the meaning of section 27 of the Organisation of Working Time Act 1997</p> <p>Section 4 (1) of the Protections for Persons Reporting Child Abuse Act 1998</p> <p>Section 8A(5) of the Prevention of Corruption (Amendment) Act 2001</p> <p>Section 9 or 15 of the Protection of Employees (Part-Time Work) Act 2001</p> <p>Section 50 (3) of the Competition Act 2002</p> <p>Protection of Employees (Fixed-Term Work) Act 2003</p> <p>Section 8 of the Industrial Relations (Miscellaneous Provisions) Act 2004</p> <p>Section 55M(1) of the Health Act 2004</p> <p>Section 27 of the Safety, Health and Welfare at Work Act 2005</p> <p>Section 26 (3) of the Employment Permits Act 2006</p> <p>Section 13 of the Employees (Provision of Information and Consultation) Act 2006</p> <p>Section 87 (3) of the Consumer Protection Act 2007</p> <p>Section 26 (1) of the Chemicals Act 2008</p> <p>Section 62 (1) of the Charities Act 2009</p> <p>Section 223 (3) of the National Asset Management Agency Act 2009</p> <p>Section 38 (1) of the Inland Fisheries Act 2010</p> <p>Section 20 (1) of the Criminal Justice Act 2011</p> <p>Section 67 (5) of the Property Services (Regulation) Act 2011</p> <p>Section 6 , 13 (1) or 23 of the Protection of Employees (Temporary Agency Work) Act 2012</p> <p>Section 35 (1) of the Further Education and Training Act 2013</p> <p>Section 41 (1) of the Central Bank (Supervision and Enforcement) Act 2013</p> <p>Section 12 (1) of the Protected Disclosures Act 2014</p>
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	<p>European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003) (other than Regulation 4(4) (a))</p> <p>Regulation 5, 6, 7, 8, 9 or 10 of the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004 (S.I. No. 494 of 2004)</p> <p>European Communities (Organisation of Working Time) (Mobile Staff in Civil Aviation) Regulations 2006 (S.I. No. 507 of 2006)</p> <p>Regulation 19 of the European Communities (European Public Limited - Liability Company) (Employee Involvement) Regulations 2006 (S.I. No. 623 of 2006)</p> <p>Regulation 20(1) of the European Communities (European Cooperative Society) (Employee Involvement) Regulations 2007 (S.I. No. 259 of 2007)</p> <p>Regulation 9(4) of the European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)</p> <p>Regulation 39(1) of the European Communities (Cross-Border Mergers) Regulations 2008 (S.I. No. 157 of 2008)</p> <p>European Communities (Working Conditions of Mobile Workers engaged in Interoperable Cross-border Services in the Railway Sector) Regulations 2009 (S.I. No. 377 of 2009)</p> <p>Regulation 5, 8, 9, 10, 11 or 12 of the European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012 (S.I. No. 36 of 2012)</p> <p>An employment regulation order under section 42C (inserted by section 12 of the Industrial Relations (Amendment) Act 2012) of the Industrial Relations Act 1946</p> <p>Parts II, III and IV of the Maternity Protection Act 1994</p> <p>Adoptive Leave Act 1995</p> <p>Parental Leave Act 1998</p> <p>National Minimum Wage Act 2000</p>
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	<p>Carer’s Leave Act 2001(other than a dispute to which paragraph (a), (b) or (c) of section 17(1) of that Act applies</p> <p>Legislation which may be examined during a WRC Inspection</p> <p>Payment of Wages Act 1991 Adoptive Leave Act 1995 Protection of Young Persons (Employment) Act 1996 Transnational Information and Consultation of Employees Act 1996 Organisation of Working Time Act 1997 Parental Leave Act 1998 National Minimum Wage Act 2000 Carer’s Leave Act 2001 Protection of Employees (Part-Time Work) Act 2001 Protection of Employees (Fixed-Term Work) Act 2003 Maternity Protection Acts 1994 and 2004 Minimum Notice and Terms of Employment Acts 1973 to 2000 Employees (Provision of Information and Consultation) Act 2006 Unfair Dismissals Acts 1977 to 2007</p> <p>Employment Equality Acts 1998 to 2011</p> <p>Protection of Employees (Employers’ Insolvency) Acts 1984 to 2012 Protection of Employees (Temporary Agency Work) Act 2012 Redundancy Payments Acts 1967 to 2014 Protection of Employment Acts 1977 to 2014 Terms of Employment (Information) Acts 1994 to 2014</p>
<p>(b) ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work, such as:</p>	<p>Access to the WRC and Labour Court does not involve any fees and complainants may be self-represented. Information on these redress options is available in multiple languages.</p>

	<p>Irish employment law and equality law also provides protections for complainants, to prevent penalisation/victimisation (section 74 of the Employment Equality Acts refer).</p> <p>In 2015, <u>Sections 28 and 29</u> of the Safety, Health and Welfare at Work Act 2005 was amended to allow a complaint regarding dismissal or any other penalisation due to any complaint on occupational and health grounds be dealt with within the industrial relational mechanism of the State through the Workplace Relations Commission and the Labour Court.</p>
<p>(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;</p>	<p>Under the Industrial Relations Act 1990 there is a Code of Practice on Grievance and Disciplinary Procedures (Declaration) Order 2000 which sets out to provide guidance to Employers, Employees and their representatives on the general principles in relation to the operation of grievance & disciplinary practices.</p> <p>The Code of Practice on Harassment and Sexual Harassment at Work advises employers that procedures for resolving issues informally in the workplace could provide for mediation.</p> <p>There is a requirement on employers to have a protocol in place for dealing with instances of bullying in the workplace and to be able to show evidence of these protocols when requested by a Health and Safety Authority inspector. The Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, 2021, provides guidance on establishing and maintaining such protocols.</p>
<p>(ii) dispute resolution mechanisms external to the workplace;</p>	<p>The Workplace Relations Commission provides workplace mediation and conciliation services which deal with workplace disputes and practices.</p>

	Mediation is provided for in the remedies available in complaints of harassment and sexual harassment under the Employment Equality and the Equal Status Acts (section 78 of the Employment Equality Act refers).
(iii) courts or tribunals;	Ireland has an extensive system of redress including quasi-judicial bodies (WRC adjudication and Labour Court) and the Civil and Criminal Courts.
(iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and	<p>Protections against Victimisation:</p> <p>Employment Equality A person who has brought a claim or given evidence in proceedings under the Employment Equality Acts 1998-2015 or the Equal Status Acts is protected against victimisation. If an employee considers they have been victimised they can bring a claim to the WRC.</p> <p>Health & Safety</p> <p><u>Section 27(3)</u> of the Safety, Health and Welfare at Work Act 2005 states that an employer shall not penalise or threaten to penalise any employee making a complaint in regard to violence or bullying/harassment at work, in a much as these matters fall within the remit of the Health and Safety Authority.</p> <p><u>Section 27(2)</u> of the Safety, Health and Welfare at Work Act 2005 identifies penalisation as including the following:</p> <ul style="list-style-type: none"> <i>(a) suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2001), or the threat of suspension, lay-off or dismissal,</i> <i>(b) demotion or loss of opportunity for promotion,</i> <i>(c) transfer of duties, change of location of place of work, reduction in wages or change in working hours,</i>

(d) imposition of any discipline, reprimand or other penalty (including a financial penalty), and

(e) coercion or intimidation.

Whistleblowers

Under the *Protected Disclosures Act 2014*, employees who make disclosures about wrongdoing which comes to their attention in the workplace are protected against penalisation. This Act applies to all employees, contractors, agency workers, members of the Garda Síochána and the Defence Forces.

Under the *Criminal Justice Act 2011* if an employee discloses information to the Gardaí or give evidence about relevant offences, their employer is prohibited from penalising or dismissing them for this. Relevant offences are those relating to white collar crime in areas such as banking, company law, fraud and corruption.

The Health and Safety Authority operates a Workplace Contact Unit that deals with all matters relating to reporting and complaints. All complaints received through the Workplace Contacts Unit are dealt with in a confidential manner and identities are protected. All complainants are advised that all correspondence is confidential but that anonymous complaints cannot be dealt with in order to avoid frivolous or vindictive complaints being lodged.

Employment Legislation

Irish employment legislation (including the Organisation of Working Time Act, National Minimum Wage Act, Terms of Employment (Information) Act, etc) includes provisions protecting workers from being penalised as a result of vindicating their rights.

(v) legal, social, medical and administrative support measures for complainants and victims;

Victims of Crime

Irish law defines a victim of crime as anyone who has suffered physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. The Criminal Justice (Victims of Crime) Act 2017, which transposes EU legislation on the rights of victims of crime into Irish law, sets out the minimum rights, supports and protections for victims of crime.

The Criminal Justice (Victims of Crime) Act 2017 was enacted on 5 November, 2017. The Act transposes into Irish law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. This Act introduces a number of statutory rights for victims of crime including:

- The right to comprehensive information on the criminal justice system;
- The right to information on victim support services;
- The right to be kept informed on the progress of the investigation and any court proceedings;
- The right to an individual assessment of their protection needs and measures to safeguard them from further victimisation and intimidation;
- The right to be informed of a decision not to institute a prosecution and the right to request a review of that decision; and
- The right to receive information in clear and concise language and to interpretation and translation where necessary.

IHREC also has a statutory function in providing practical assistance, including legal assistance, to persons in vindicating their rights (Section 10 of the Irish Human Rights and Equality Commission Act 2014).

	<p>The National Strategy for Domestic, Sexual and Gender-based Violence has as one of its main aims to provide supports for victims of such violence and harassment.</p> <p>The Health and Safety Authority operates a <u>Workplace Contact Unit</u> that deals with all matters relating to reporting and complaints. All complaints received through the Workplace Contacts Unit are dealt with in a confidential manner and identities are protected. All complainants are advised that all correspondence is confidential but that anonymous complaints cannot be dealt with in order to avoid frivolous or vindictive complaints being lodged.</p>
<p>(c) protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused;</p>	<p>Following a Supreme Court judgment in April 2021, WRC adjudication hearings are now held in public and decisions are published including the names of the parties, except where the Adjudication Officer deems there are ‘special circumstances’, or the hearing relates to a dispute under the Industrial Relations Acts.</p> <p>Proceedings before the Courts are held in public. Some criminal proceedings are held other than in public e.g. proceedings in relation to some sexual offences. Bona fide representatives of the press are permitted to attend proceedings but there must be no identification of victims of sexual offences or of persons accused of sexual until conviction unless such identification would also tend to identify the victim. Separately, in criminal proceedings involving children there is a prohibition on the identification of children.</p> <p>The Health and Safety Authority operates a <u>Workplace Contact Unit</u> that deals with all matters relating to reporting and complaints. All complaints</p>

	<p>received through the Workplace Contacts Unit are dealt with in a confidential manner and identities are protected. All complainants are advised that all correspondence is confidential but that anonymous complaints cannot be dealt with in order to avoid frivolous or vindictive complaints being lodged.</p> <p>Complaints made to inspectors of the Workplace Relations Commission are treated as confidential and the names of complainants are only revealed with the complainant's permission.</p> <p>The Workplace Relations Commission (WRC) can hear claims for penalisation in the workplace: Protection of Young Persons (Employment) Act, 1996. Parental Leave Act, 1998. Organisation of Working Time act, 1997. National Minimum Wage Act, 2000. Carer's leave act, 2001 prohibits penalisation. Employees (Provision of Information and Consultation) Act 2006 Employment Permits Act, 2006 Employees (Fixed Term Work) Act, 2003</p>
<p>(d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work;</p>	<p>The redress which may be ordered under the Employment Equality Acts and the Equal Status Acts, as appropriate to the circumstances of the particular case, includes orders for compensation for the effects of the acts of discrimination or victimisation.</p> <p>Criminal penalties for violent behaviour under the legislative provisions outlined at 1(a) vary depending on the nature and severity of the violence concerned. The range includes anything from a fine to life imprisonment depending on the offence. In relation to harassment under the Non-Fatal Offences Against the Person Act 1997, the maximum penalty for</p>

	conviction on indictment is an unlimited fine and/or 7 years imprisonment.
(e) provide that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies;	<p>The pillars of the Third National Strategy for Domestic, Sexual and Gender-based Violence include focusing on <i>actions designed to protect the safety and meet the support needs of adults and children who have experienced DSGBV and to support effective law enforcement and judicial proceedings that enable victims/survivors access the justice they deserve.</i></p> <p>Complaints of harassment and sexual harassment may be referred under the Employment Equality and the Equal Status Acts to the Workplace Relations Commission or to the Circuit Court in the first instance in complaints on the gender ground.</p> <p>In Ireland any protections afforded to employees under occupational safety and health legislation is equally afforded to all genders.</p>
(f) recognize the effects of domestic violence and, so far as is reasonably practicable, mitigate its impact in the world of work;	The National Strategy for Domestic, Sexual and Gender-based Violence has as its three main aims to change societal attitudes in relation to domestic or sexual violence; to provide supports for victims of such violence and harassment and to hold perpetrators to account; and data gathering, monitoring and research in support of these goals. The Strategy acknowledges that violence can compromise a victim's ability to perform tasks in paid employment.
(g) ensure that workers have the right to remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to life, health or safety due to violence and harassment, without suffering retaliation or other undue consequences, and the duty to inform management; and	<p>Sections 11(2)(b) and (c) of the Safety Health and Welfare at Work Act 2005 respectively impose duties on an employer in respect to their employee that:</p> <p>(i.) in the case or a serious or imminent danger to refrain from requiring an employee to continue to carry out or resume work practices while the serious or imminent danger continues; and</p>

	<p>(ii.) they will take whatever actions and provide whatever instruction are required to enable the employees to stop work or leave their place of work in order to find a place of safety, and that the employee shall not be penalised in such circumstances.</p> <p><u>Section 11(5)</u> lists a number of instances where an exemption to the right to remove yourself from imminent danger does not have effect. The exemptions listed are as follows:</p> <ul style="list-style-type: none"> (a) members of the Defence Forces; (b) members of the Garda Síochána; (c) employees of a fire authority (within the meaning of the Fire Services Act 1981); or (d) persons engaged in the activities of civil protection or civil defence.
<p>(h) ensure that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work, including by issuing orders requiring measures with immediate executory force, and orders to stop work in cases of an imminent danger to life, health or safety, subject to any right of appeal to a judicial or administrative authority which may be provided by law.</p>	<p>The redress that may be ordered under the Employment Equality Acts and the Equal Status Acts, as appropriate to the circumstances of the particular case, includes orders that a person or persons specified in the order take a course of action which is so specified (section 82 of the Employment Equality Acts, and section 27 of the Equal Status Acts refer).</p> <p><u>Section 64</u> of the Safety, Health and Welfare at Work Act 2005 sets out the powers bestowed upon inspectors of the Health and Safety Authority to enable them to enforce the relevant legislation relating to occupational safety and health regarding violence and bullying in the workplace in as much as those matters fall within the remit of the Health and Safety Authority.</p> <p>In addition to the powers listed in section 64, an inspector of the Health and Safety Authority a number of instruments and actions are available to</p>

an inspector to enforce the provisions of the Safety, Health and Welfare at Work Act 2005, as follows:

- (i.) under Section 66 serve an Improvement Notice on a duty-holder stating the inspector's opinion that the duty holder has contravened a provision of an Act or Regulation, and requiring that the contravention be addressed within a certain time period of not less than 14 days;
- (ii.) under Section 67 serve a Prohibition Notice where an inspector is of the opinion that an activity is likely to involve a risk of serious personal injury to any person. This notice takes effect immediately from when the person, on whom the notice is served, receives the notice;
- (iii.) under Section 72 issue an Information Notice requiring a person to present to the Authority any information specified by the notice;
- (iv.) take summary proceedings in the District Court in relation to an offence under any of the relevant statutory provisions;
- (v.) gather evidence and prepare a report on an investigation so that the Director of Public Prosecutions can initiate proceedings on indictment for hearing in the Circuit Court in relation to an offence of the relevant statutory provisions;
- (vi.) apply 'ex-parte' to the High Court to seek an interlocutory Order under Section 71 of the Safety, Health and Welfare at Work Act 2005 to restrict or prohibit work activities at part or all of a workplace.

All of these instruments and actions can be used in respect of enforcement of the provisions of occupational safety and health legislation, including violence and bullying at work, in as much of those matters fall within the remit of the Health and Safety Authority.

	<p>The Workplace Relations Act 2015 assigns powers to Labour Inspectors of the Commission to investigate employment law breaches and issue Compliance Notices and Fixed Penalty Notices for contraventions of employment law. The Commission can also prosecute offences in legislation which falls under the remit of the Commission.</p>
VI. GUIDANCE, TRAINING AND AWARENESS-RAISING	
Article 11	
<p>Each Member, in consultation with representative employers’ and workers’ organizations, shall seek to ensure that:</p>	<p>The Health and Safety Authority undertakes stakeholder and general public <u>consultations</u> including with employer and employee representative bodies on many of its strategic and legislative policy proposals. In addition, further scrutiny may also be carried out by its tripartite governing Board before making any formal decisions.</p> <p>The Health and Safety Authority is governed by a Board appointed under the terms of <u>Section 37</u> of the Safety, Health and Welfare at Work Act 2005, which requires nominations from representative bodies of both employers and employees.</p>
<p>(a) violence and harassment in the world of work is addressed in relevant national policies, such as those concerning occupational safety and health, equality and non-discrimination, and migration;</p>	<p>Measures to address violence and harassment are included in national policy frameworks set out in the Third National Strategy for Domestic, Sexual and Gender-based Violence, the National Strategy for Women and Girls, the National LGBTI+ Inclusion Strategy, and the National Traveller and Roma Inclusion Strategy.</p> <p>The protections afforded by occupational safety and health legislation in Ireland is limited to the specifically defined “place of work” and “employee” as set out in <u>Section 2</u> of the Safety, Health and Welfare at Work Act 2005.</p> <p><i>“place of work” includes any, or any part of any, place (whether or not within or forming part of a building or structure), land or other location at,</i></p>

in, upon or near which, work is carried on whether occasionally or otherwise and in particular includes—

(a) in relation to an extractive industry including exploration activity, the whole area intended to house workstations to which employees have access for the purpose of their work relating to the immediate and ancillary activities and installations of, as appropriate—

(i) the surface or, as the case may be, underground extractive industry, including overburden dumps and other tips and any accommodation that is provided and, in the case of the underground extractive industry, any working area,

(ii) the extractive industry through drilling onshore including any accommodation that is provided, and

(iii) the extractive industry through drilling offshore, including any accommodation that is provided,

(b) a tent, trailer, temporary structure or movable structure, and

(c) a vehicle, vessel or aircraft;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a fixed-term employee and a temporary employee and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

Under Irish occupational safety and health legislation the Health and Safety Authority has jurisdiction relating to the regulation and enforcement of all matters relating to occupational safety and health in all places of work across all economic sectors.

	<p>Section 2(4) of the Safety, Health and Welfare at Work Act 2005 extends the definition of employee and subsequent protections afforded to employees to workers engaging the services of employment agencies.</p> <p><i>(4) For the purposes of the relevant statutory provisions, where an individual agrees with a person who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business to do or perform</i></p>
<p>(b) employers and workers and their organizations, and relevant authorities, are provided with guidance, resources, training or other tools, in accessible formats as appropriate, on violence and harassment in the world of work, including on gender-based violence and harassment; and</p>	<p>Guidance for employees, employers and service providers on addressing harassment and sexual harassment under the scope of equality legislation is provided by the Irish Human Rights and Equality Commission www.ihrec.ie.</p> <p>The Citizens Information Service www.citizensinformation.ie also directs members of the public and employers to relevant information provided by State bodies.</p> <p>The Department of Children, Equality, Disability, Integration and Youth provides information on addressing gender-based and domestic violence through its agency Tusla, the Child and Family Agency ServicesTusla - Child and Family Agency. Information relating to human trafficking is provided by the Department of Justice via the website www.blueblindfold.gov.ie.</p> <p>Section 8(2)(g) of the Safety, Health and Welfare at Work Act 2005 imposes an obligation on employers to share information relating to occupational safety and health matters, with their employees,</p> <p><i>(g) providing the information, instruction, training and supervision necessary to ensure, so far as is reasonably practicable, the safety, health, and welfare at work of his or her employees;</i></p>

Section 9 of the Safety, Health and Welfare at Work Act 2005 requires employers to provide any information to their employees in a manner that is easily understandable to the employees.

9. — (1) Without prejudice to the generality of section 8, every employer shall, when providing information to his or her employees under that section on matters relating to their safety, health and welfare at work ensure that the information—

(a) is given in a form, manner and, as appropriate, language that is reasonably likely to be understood by the employees concerned, and

(b) includes the following information—

(i) the hazards to safety, health and welfare at work and the risks identified by the risk assessment,

(ii) the protective and preventive measures to be taken concerning safety, health and welfare at work under the relevant statutory provisions in respect of the place of work and each specific task to be performed at the place of work, and

(iii) the names of persons designated under section 11 and of safety representatives selected under section 25, if any.

(2) Where an employee of another undertaking is engaged in work activities in an employer's undertaking, that employer shall take measures to ensure that the employee's employer receives adequate information concerning the matters referred to in subsection (1).

(3) Every employer shall ensure that employees appointed under section 18 and safety representatives, if any, have access, for the purposes of performing their functions relating to the safety, health and welfare of employees, to—

(a) the risk assessment carried out under section 19,

- (b) information relating to accidents and dangerous occurrences required to be reported to the Authority or a person prescribed under section 33 under the relevant statutory provisions, and*
- (c) any information arising from protective and preventive measures taken under the relevant statutory provisions or provided by the Authority, a person prescribed under section 33, or a person referred to in section 34 (2).*
- (4) (a) Where an employer proposes to use the services of a fixed-term employee or a temporary employee, the employer shall, prior to commencement of employment, give information to the employee relating to—*
- (i) any potential risks to the safety, health and welfare of the employee at work,*
 - (ii) health surveillance,*
 - (iii) any special occupational qualifications or skills required in the place of work, and*
 - (iv) any increased specific risks which the work may involve.*
- (b) Where an employer proposes to use the services of a temporary employee, the employer shall—*
- (i) specify to the temporary employment business concerned the occupational qualifications necessary for and the specific features of the work for which such an employee is required, and*
 - (ii) ensure that the temporary employment business gives the information referred to in paragraph (a) to the employee.*
- (5) The temporary employment business referred to in subsection (4)(b) shall give to the employee the information referred to in subsection (4)(b)(i).*

The Health and Safety Authority has produced documents in association with [NALA](#) (National Adult Literacy Agency).

(c) initiatives, including awareness-raising campaigns, are undertaken.

The Government's Third National Strategy on tackling domestic, sexual and gender-based violence 2022-2026 provides for an awareness raising campaign to change societal attitudes to domestic or sexual violence.

In May 2019 the Minister for Justice and Equality launched a major national awareness campaign on sexual harassment and sexual violence. '**No Excuses**' is a high impact media campaign which reaches a national audience by way of TV, cinema, radio, outdoor, social and digital advertising. One of the scenarios featured is the workplace.

The WRC regularly undertakes information campaigns highlighting particular employment rights issues and redress options for workers, this includes groups vulnerable to discrimination.

The HSA provides information and material relating to Violence at Work on their website to advise employers on what their responsibilities are in this area. Other material available is more sector specific relating to the Prevention of Violence in Healthcare.

Other public documents available include;

Crisis, Concern and Complacency a study by Social Care Ireland of the extent, impact and management of workplace violence experienced by Social Care Workers.

The Irish Workplace Behaviour Survey, published by Health Promotion Research Centre at NUI Galway was commissioned by Institution of Occupational Safety and Health (IOSH), the study was carried out by researchers from NUI Galway, along with the universities of Limerick and

	<p><i>Plymouth. The survey of 1,500 people, interviewed in their own homes, is the first study of its kind in Ireland. The study revealed that more than two in five people claim to have experienced a form of ill-treatment at work, while one in twelve claim to have experienced and/or witnessed physical violence.</i></p> <p>In 2010 the EU established a policy initiative, the European multidisciplinary platform against criminal threats (EMPACT), to create a greater measure of continuity and co-ordination for the fight against serious international and organised crime. This involved law enforcement, EU agencies and local actors (such as the WRC Inspectorate). Under the co-ordination of EUROPOL, the WRC inspectorate and Garda, supported by officials of Revenue and the Department of Employment and Social Protection, have been involved in actions aimed at combatting labour exploitation since 2016. Sectors targeted in the annual campaigns include car washes, nail bars, agriculture and horticulture.</p>
VII. METHODS OF APPLICATION	
Article 12	
<p>The provisions of this Convention shall be applied by means of national laws and regulations, as well as through collective agreements or other measures consistent with national practice, including by extending or adapting existing occupational safety and health measures to cover violence and harassment and developing specific measures where necessary.</p>	<p>All provisions of occupational safety and health are applied through the <u>Safety, Health and Welfare at Work Act 2005</u> (as amended) and regulated and enforced by the Health and Safety Authority.</p>
VIII. FINAL PROVISIONS	
Article 13	
	Administrative provision.

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.	
Article 14	
1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.	Administrative provision.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.	Administrative provision.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.	Administrative provision.
Article 15	
1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.	Administrative provision.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of	Administrative provision.

denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.	
Article 16	
1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.	Administrative provision.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.	Administrative provision.
Article 17	
The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered in accordance with the provisions of the preceding Articles.	Administrative provision.
Article 18	
At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the	Administrative provision.

desirability of placing on the agenda of the Conference the question of its revision in whole or in part.	
Article 19	
1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:	Administrative provision.
(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;	Administrative provision.
(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.	Administrative provision.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.	Administrative provision.
Article 20	
The English and French versions of the text of this Convention are equally authoritative.	Administrative provision.