CREEL GARCÍA-CUÉLLAR AIZA Y ENRÍQUEZ

DECREE Promulgating Convention 190 concerning the Elimination of Violence and Harassment in the Workplace, adopted in Geneva in 2019 (the "Convention") of the International Labor Organization ("ILO")

Mexico City, Mexico, June 21, 2023

On June 19, 2023, the Ministry of Foreign Affairs published the decree promulgating the Convention, and with it the 206 ILO Recommendation becomes enforceable, which establishes complementary provisions to the Convention. This is a meaningful advance towards the achievement of the 2030 Agenda for Sustainable Development (namely Goals 5 on Gender Equality and 8 Decent Work and Economic Growth).

Keys to understanding Convention 190 and necessary updating of applicable concepts:

- Violence and harassment constitute a violation of human rights and provides, for the first time, a single comprehensive concept of violence and harassment.
- Introduces innovative concepts such as the concept of victim and restoring mechanisms.
- Requires the adoption of internal policies for the prevention, attention and sanctioning of violence and harassment in the workplace.
- Establishes that violence and harassment can occur outside the workplace: in work-related places or events, as well as through the use of information and communication technologies.

Convention 190 will enter into force on the upcoming July 6, 2023, and although it technically obliges the Government of Mexico to issue regulations on the prevention and attention to cases of violence and harassment in the world of work, with its entry into force, its provisions acquire the force of law.Along with the Convention, ILO Recommendation 206, which establishes complementary provisions in this matter, also comes into force.

The 2019 labor reform established the obligation for all employers to implement a Protocol to prevent discrimination based on gender and to address cases of violence and sexual harassment. Therefore, if your workplace does not have this Protocol, it is urgent that you implement it in agreement with the employees and we recommend that this Protocol contemplates the new international standards on the matter integrated in Convention 190.

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