

► Strengthening Access to Labour Justice for Women

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Access to justice is a fundamental principle of the rule of law. It ensures that individuals can voice their grievances, claim and exercise their rights, have access to independent and impartial courts, obtain a remedy and hold decision-makers accountable – without discrimination whatsoever, including on ground of sex, directly or indirectly, and regardless of identity, status or circumstance. As such, access to justice is central to the realization of international human rights, including labour rights, for all workers and individuals.

1. What is labour dispute prevention and resolution?

Access to effective labour dispute prevention and resolution (LDPR) mechanisms is an essential component of access to justice. It enables workers and employers to address grievances, enforce labour rights and resolve disputes fairly and efficiently. Robust LDPR systems – including workplace grievance handling mechanisms, labour courts, tribunals, alternative dispute resolution and administrative processes – are necessary to ensure that labour rights are not only recognized in law but also upheld in practice.

Access to labour justice is indispensable for the effective implementation of international labour standards. It constitutes a cornerstone of decent work and is a prerequisite for achieving gender equality (SDG 5), inclusive and sustainable economic growth and employment (SDG 8), reduced inequalities (SDG 10), and peace, justice and strong institutions (SDG 16). The box below presents an overview of the foundational elements of access to labour justice based on international labour standards.¹

► Foundational elements of access to labour justice based on international labour standards

Rule of law Good governance	Typology of labour disputes	Access to judicial and non-judicial avenues including specialized and traditional avenues Role of judiciary	FoACB* The role of the social partners and labour administrations Social dialogue	Prevention based on ADR and workplace cooperation
Voluntary conciliation and mediation Preliminary steps not precluding adjudication	Equality of access and treatment Inclusiveness Time off to participate	Accessible, inexpensive, speedy, simple procedures Effectiveness Formal and informal	Right to defence Legal representation, awareness and understanding of proceedings	Complaint and appeal First and appellate level Impartial and independent body
Protection against victimization and retaliation	Determination of the burden of proof including shifting, where appropriate	Grievance handling not precluding legal procedures	Compliance and enforcement Effective and dissuasive sanctions and penalties	Access to remedies Adequate and effective Wide range and variety of outcomes

*FoACB: Freedom of association and the effective recognition of the right to collective bargaining.

¹ For more information, see [ILO 2025](#).

2. What hinders access to labour justice for women?

Women in the world of work face systemic and intersecting barriers in accessing justice. These include:

- **Legal barriers**, where women may be inadequately protected under existing laws, especially labour and employment laws (e.g. in terms of equal pay, maternity protection or violence and harassment), or sectors where they work predominantly are excluded from labour law coverage altogether (e.g. domestic work);
- **Accessibility barriers**, such as lack of information, limited freedom of association and right to collective bargaining, as well as limited access to affordable legal representation and support;
- **Discriminatory social norms, social stigma and gender stereotypes**, which discourage women from seeking justice and are often reinforced by the attitudes of public officials, including labour inspectors, police and adjudicators;
- **Economic dependency**, fear of retaliation and social stigma, both within and beyond the workplace.

Even when women succeed in filing complaints, labour justice systems frequently fall short in delivering effective redress. Challenges commonly include:

- **Excessive burden of proof**, particularly in cases of discrimination or harassment where evidence is limited or controlled by the employer;
- **Gender-insensitive procedures**, which fail to account for trauma, language barriers, caregiving responsibilities and power imbalances between parties;
- **Ineffective or symbolic remedies**, such as minimal compensation without structural change or measures to ensure that policies or practices are changed;
- **Lack of meaningful sanctions** for perpetrators, including employers and recruiters, contributing to a culture of impunity; and
- **Weak or inconsistent or delayed enforcement**, where even favourable decisions are undermined by protracted procedures, insufficient monitoring or lack of follow-up, leaving violations unremedied in practice.

These challenges are further compounded for women in the informal economy, diverse forms of employment, for migrant workers, and for indigenous women, who may experience intersecting forms of discrimination and additional barriers linked to language, geographic isolation, cultural bias, jurisdictional complexities in cross-border cases and historical marginalization.

Such systemic deficiencies deter women from seeking justice, erode trust in institutions and perpetuate cycles of vulnerability, exploitation, exclusion and inequality. They could impair their economic independency, and keep them trapped in a spiral of exploitation, violence and poverty. Ensuring that labour justice systems are gender-responsive, accessible and capable of enforcing effective remedies is essential to the full implementation of international labour standards, to the promotion and realization of gender equality and decent work for all. As highlighted in the outcomes of the [ILO Tripartite Technical Meeting on Access to Labour Justice for All](#) (2025), ensuring women's timely, affordable and effective access to remedies is not only a legal obligation, but a necessary condition for social cohesion, economic inclusion and human dignity.

3. Key principles concerning access to labour justice particularly for women based on ILO Standards

The ILO began adopting specific international labour standards on LDPR between 1950 and 1970, following the adoption of the fundamental Conventions guaranteeing freedom of association and promoting collective bargaining, namely, Conventions Nos. 87 and 98. Among the standards that address dispute resolution in greater detail are the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92) and the Examination of Grievances Recommendation, 1967 (No. 130), both of which remain important references for effective LDPR systems.

Since 2000, international labour standards have become increasingly explicit in defining the types of remedies to which workers should be entitled. These include compensation, reparation for personal and material damages, legal assistance, and access to courts, tribunals, and other appropriate dispute resolution mechanisms.

Access to remedies is particularly emphasized in the Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation (No. 206), as well as in the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). These instruments mark an evolution in the standard-setting approach by embedding a clear access-to-justice dimension.

Notably, Convention No. 190 is the first international labour standard to require effective, accessible, and gender-responsive complaint and dispute resolution mechanisms. Article 10 of the Convention and paragraphs 14–22 of Recommendation No. 206 set out key principles, including:

- Ensuring easy access to appropriate and effective remedies, including compensation and legal assistance;
- Ensuring easy access to safe, fair, effective and gender-responsive reporting and dispute resolution mechanisms and procedures, including by shifting the burden of proof in proceedings related to gender-based violence and harassment (GBVH) other than criminal proceedings and by ensuring courts with expertise in cases of GBVH as well as timely and efficient processing;
- Protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers;
- Providing legal, social, medical and administrative support measures for complainants and victims;
- Protecting the privacy and confidentiality of those individuals involved;
- Providing for sanctions.

These provisions are particularly relevant in addressing the barriers women face in accessing labour justice and should inform the design and functioning of LDPR systems across contexts. As of 1 September 2025, Convention No. 190 has been ratified by 50 countries and is the fastest ratified Convention of the last decade.

As set out in Annex 1, other relevant standards related to access to justice for women can be found in the following International Labour Standards, both Conventions and Recommendations, related to:

- ▶ Non-Discrimination and Equal Remuneration for Work of Equal Value
- ▶ Occupational Safety and Health
- ▶ Forced Labour
- ▶ Migration
- ▶ Domestic Workers
- ▶ Maternity Protection and Workers with Family Responsibilities
- ▶ Termination of Employment

► Indigenous and Tribal Peoples

Building on ILO standards and comparative law and practice, the ILO has identified 13 guiding ‘principles of effectiveness’ for assessing the performance of LDPR institutions. These principles apply to institutions dealing with both individual and collective labour disputes, across different legal and industrial relations systems. In 2023, these principles were consolidated into the ILO’s [diagnostic tool](#) for self-assessing the effectiveness of LDPR institutions. The tool provides a structured methodology for evaluating performance, using the effectiveness principles as core assessment criteria, with particular attention to inclusiveness, accessibility, gender-responsiveness, and enforcement.

Principles of effectiveness	Application of the principles for effectiveness of LDPR institutions
1. Efficiency	<ul style="list-style-type: none"> Minimizing use of resources (human, financial or technical) while maximizing net benefits for users. Resource minimization may be moderated by other legitimate considerations, such as the complexity and significance of the dispute and the need to facilitate procedural and substantive justice.
2. Speediness	<ul style="list-style-type: none"> Provision of LDPR services without undue delay, through swift, streamlined and unbureaucratic procedures and processes.
3. Accessibility	<ul style="list-style-type: none"> Adoption of measures to reduce or remove barriers for resolving disputes – and proactively addressing factors that may otherwise obstruct or disincentive use.
4. Fairness	<ul style="list-style-type: none"> Ensuring that the outcomes are not only fair but are reached – and seen to be reached – in a fair way.
5. Equality	<ul style="list-style-type: none"> Facilitating fair and equitable redress for disputes.
6. Accountability	<ul style="list-style-type: none"> Promotion of transparency and accountability mechanisms to make the institution and individual ADR practitioners and decision-makers, as well as staff, responsible to society for performance.

7. Independence	<ul style="list-style-type: none"> Performance of functions with reference to the law and merit-based considerations, without inappropriate external influence.
8. Impartiality	<ul style="list-style-type: none"> Provides guarantees against actual or perceived bias in its processes and outcomes, including through the creation of a culture of declaring and managing conflicts of interest.
9. Professionalism	<ul style="list-style-type: none"> Reliance on specialized expertise and staffed by professionals; recruitments based on fair and merit-based processes; opportunity for professional development for staff and decision-makers; internal performance standards; and publicized codes of conduct.
10. Enforcement	<ul style="list-style-type: none"> Mechanisms available to ensure effective compliance with the final resolution.
11. Voluntarism	<ul style="list-style-type: none"> Free choice for parties to select dispute-settlement method and maintain full control over the process and its outcome. Voluntarism is not an absolute principle, as there may be labour disputes that require a specific method for dispute resolution.
12. Confidentiality	<ul style="list-style-type: none"> Confidentiality during proceedings to encourage the trust of parties; non-disclosure of content produced in the dispute-resolution process to non-participants, subject to specified exceptions.
13. Prevention	<ul style="list-style-type: none"> Assistance in conflict de-escalation and strengthening of labour relations.

4. Key recommendations

The following key recommendations are grounded in ILO standards and guidance. By ensuring or strengthening women's access to justice to protect their rights at work, governments can trigger a domino effect on women's economic independence and empowerment.

1. **Ratify and implement ILO instruments:** In consultation with social partners, ratify and implement key International Labour Standards, including those on equality and non-discrimination, migration, protection against violence and harassment, to strengthen and guarantee women's access to justice.
2. **Afford universal legal protection:** Ensure that all women workers are covered by labour laws, have equal and easy access to courts and tribunals and can use fair, safe and effective dispute prevention and resolution mechanisms, both internal and external to the workplace.
3. **Ensure easy access to effective and gender-responsive remedies and monitoring:** Strengthen labour inspection, legal aid and grievance mechanisms, both internal and external to the workplace, with adequate resources and gender-sensitive training. Collect and use disaggregated data, at least by sex, age and migration status, to identify barriers and inform policy and resource allocation.
4. **Promote effective cross-border and workplace mechanisms:** Develop bilateral/multilateral frameworks to address cross-border disputes, and establish or strengthen workplace- and sector-level reporting and dispute resolution systems that are accessible, gender-responsive, confidential and culturally appropriate.
5. **Foster gender equality through dialogue and empowerment:** Promote women's participation in social dialogue mechanisms, including collective bargaining, at all levels to address discrimination, GBVH and work-life balance. Support communities with knowledge on rights and access to redress, and encourage fair recruitment and ethical supply chains.

5. Conclusion

Ensuring effective access to labour justice for women – especially migrant women, those in the informal economy, and from marginalized groups – is essential for achieving gender equality, decent work and sustainable development. Access to justice, including labour justice, is not only a human right; it is also a key driver of women's economic independence. It empowers women to claim their rights, secure fair conditions and break cycles of exploitation and poverty.

As reaffirmed in the 2025 Tripartite Technical Meeting, labour justice must be universal, gender-responsive and effectively enforceable, across all sectors and borders. Achieving this requires urgent and coordinated action by governments, social partners and civil society, grounded in ILO standards and guided by the principles of equality, non-discrimination and effective remedy. The ILO, with its unique tripartite mandate, has a pivotal role to play in driving this agenda forward, ensuring that commitments translate into concrete change and that labour justice becomes a lived reality for every woman, everywhere.

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ANNEX I – Main provisions of international labour standards related to access to labour justice, particularly relevant for women

The table below outlines key provisions of international labour standards (ILS) related to access to labour justice, with particular relevance for women.

For a full list of ILS provisions related to access to labour justice, see: [Annex I – Main provisions of international labour standards related to access to labour justice to the ILO Background Report for the Tripartite Technical Meeting on Access to Labour Justice for All: Prevention and resolution of labour disputes](#).

The list of provisions is not exhaustive.

Foundational elements of access to labour justice	Relevant instruments	Full text of relevant provisions
<p>Rule of law</p> <p>Good governance</p>	<p>Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), Preamble and para. 23 (c).</p>	<p>Preamble: “(...) Emphasizing the need to ensure respect for all human rights and the rule of law, including respect for fundamental principles and rights at work and for international labour standards, in particular those rights and principles relevant to employment and decent work (...)”</p> <p>Paragraph 23: “In recovering from crisis situations, Members should, in consultation with the most representative employers’ and workers’ organizations:</p> <p>(...) (c) establish, re-establish or reinforce, as necessary, the system of labour administration, including labour inspection and other competent institutions (...)”.</p>
	<p>Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), Preamble and para 23.</p>	<p>Preamble: “(...) Recognizing that the high incidence of the informal economy in all its aspects is a major challenge for the rights of workers, including the fundamental principles and rights at work, and for social protection, decent working conditions, inclusive development and the rule of law (...) Acknowledging that informality has multiple causes, including governance and structural issues, and that public policies can speed up the process of transition to the formal economy, in a context of social dialogue(...)”</p> <p>Paragraph 23: “Members should reduce, where appropriate, the barriers to the transition to the formal economy and take measures to promote anti-corruption efforts and good governance.”</p>

	<p>Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189), para. 10 (4) (a).</p>	<p>Paragraph 10 (4) (a): “(...) Members should consider: (...) (4) designing and implementing, with full involvement of the organizations of employers and workers concerned, awareness campaigns to promote: (a) respect for the rule of law and workers' rights, better working conditions, higher productivity and improved quality of goods and services; (...)”</p>
<p>Access to judicial and non-judicial avenues, including specialized and traditional processes</p> <p>The role of the judiciary</p>	<p>Violence and Harassment Convention, 2019 (No. 190), Article 10 (b).</p>	<p>Article 10</p> <p>Each Member shall take appropriate measures to:</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>(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;</p> <p>(ii) dispute resolution mechanisms external to the workplace;</p> <p>(iii) courts or tribunals;</p> <p>(iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and</p> <p>(v) legal, social, medical and administrative support measures for complainants and victims;</p>
	<p>Domestic Workers Convention, 2011 (No. 189), Article 16.</p>	<p>Article 16</p> <p>Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.</p>
	<p>Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 8 (2)</p>	<p>Article 8</p> <p>2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.</p>

	<p>Examination of Grievances Recommendation, 1967 (No. 130), para. 17.</p>	<p>Paragraph 17. Where all efforts to settle the grievance within the undertaking have failed, there should be a possibility, account being taken of the nature of the grievance, for final settlement of such grievance through one or more of the following procedures:</p> <p>(a) procedures provided for by collective agreement, such as joint examination of the case by the employers' and workers' organisations concerned or voluntary arbitration by a person or persons designated with the agreement of the employer and worker concerned or their respective organisations;</p> <p>(b) conciliation or arbitration by the competent public authorities;</p> <p>(c) recourse to a labour court or other judicial authority;</p> <p>(d) any other procedure which may be appropriate under national conditions.</p>
	<p>Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), paras. 1-6.</p>	<p>Paragraph 1. Voluntary conciliation machinery, appropriate to national conditions, should be made available to assist in the prevention and settlement of industrial disputes between employers and workers.</p> <p>Paragraph 2. Where voluntary conciliation machinery is constituted on a joint basis, it should include equal representation of employers and workers.</p> <p>Paragraph 3.</p> <p>(1) The procedure should be free of charge and expeditious; such time limits for the proceedings as may be prescribed by national laws or regulations should be fixed in advance and kept to a minimum.</p> <p>(2) Provision should be made to enable the procedure to be set in motion, either on the initiative of any of the parties to the dispute or ex officio by the voluntary conciliation authority.</p> <p>Paragraph 4. If a dispute has been submitted to conciliation procedure with the consent of all the parties concerned, the latter should be encouraged to abstain from strikes and lockouts while conciliation is in progress.</p> <p>Paragraph 5. All agreements which the parties may reach during conciliation procedure or as a</p>

		<p>result thereof should be drawn up in writing and be regarded as equivalent to agreements concluded in the usual manner.</p> <p>Paragraph 6. If a dispute has been submitted to arbitration for final settlement with the consent of all parties concerned, the latter should be encouraged to abstain from strikes and lockouts while the arbitration is in progress and to accept the arbitration award.</p>
<p>Freedom of association and the effective recognition of the right to collective bargaining</p>	<p>Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</p> <p>Fundamental Convention</p>	<p><i>Full text</i></p>
<p>The role of the social partners and labour administrations</p> <p>Social dialogue</p>	<p>Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</p> <p>Fundamental Convention</p>	<p><i>Full text</i></p>
	<p>Labour Inspection Convention, 1947 (No. 81), Article 3 (1) (c) and (2).</p> <p>Governance Convention</p>	<p>Article 3</p> <p>1. The functions of the system of labour inspection shall be:</p> <p>(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.</p> <p>2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.</p>
	<p>Forced Labour (Supplementary</p>	<p>Paragraph 1. Members should establish or strengthen, as necessary, in consultation with</p>

	<p>Measures) Recommendation, 2014 (No. 203), para 1 (b)</p>	<p>employers' and workers' organizations as well as other groups concerned: (...)</p> <p>(b) competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.</p>
<p>Prevention based on alternative dispute resolution (ADR) and workplace cooperation</p>	<p>Worst Forms of Child Labour Convention, 1999 (No. 182), Article 7 (2)</p> <p>Fundamental Convention</p>	<p>Article 7</p> <p>(...) 2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:</p> <p>(a) prevent the engagement of children in the worst forms of child labour;</p> <p>(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;</p> <p>(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;</p> <p>(d) identify and reach out to children at special risk; and</p> <p>(e) take account of the special situation of girls.</p>
	<p>Protocol of 2014 to the Forced Labour Convention, 1930, Article 1 (1)</p>	<p>Article 1</p> <p>(1). In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour. (...)</p>
<p>Voluntary negotiations, conciliation, mediation and arbitration</p>	<p>Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Article 4.</p> <p>Fundamental Convention</p>	<p>Article 4</p> <p>Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the</p>

<p>as preliminary steps not precluding adjudication</p>		<p>regulation of terms and conditions of employment by means of collective agreements.</p>
	<p>Nursing Personnel Convention, 1977 (No. 149), Article 5 (3).</p>	<p>Article 5</p> <p>(...) 3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.</p>
<p>Equality of access and treatment</p> <p>Inclusiveness</p> <p>Time-off to participate in proceedings</p>	<p>Domestic Workers Convention, 2011 (No. 189), Article 16.</p>	<p>Article 16</p> <p>Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally</p>
	<p>Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 8 (2).</p>	<p>Article 8 (2)</p> <p>These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.</p>
	<p>Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Article 9 (2).</p>	<p>Article 9</p> <p>(...) 2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.</p>

	<p>Examination of Grievances Recommendation, 1967 (No. 130), paras. 14 and 18</p>	<p>Paragraph 14. The worker concerned, or his representative if the latter is employed in the same undertaking, should be allowed sufficient time to participate in the procedure for the examination of the grievance and should not suffer any loss of remuneration because of his absence from work as a result of such participation, account being taken of any rules and practices, including safeguards against abuses, which might be provided for by legislation, collective agreements or other appropriate means.</p> <p>Paragraph 18.</p> <p>(1) The worker should be allowed the time off necessary to take part in the procedures referred to in Paragraph 17 of this Recommendation.</p> <p>(2) Recourse by the worker to any of the procedures provided for in Paragraph 17 should not involve for him any loss of remuneration when his grievance is proved justified in the course of these procedures. Every effort should be made, where possible, for the operation of these procedures outside the working hours of the workers concerned.</p>
<p>Accessible, inexpensive, speedy, simple and effective procedures</p> <p>Formal and informal processes</p>	<p>Violence and Harassment Convention, 2019 (No. 190), Article 10 (b).</p>	<p>Article 10</p> <p>Each Member shall take appropriate measures to:</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>(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level;</p> <p>(ii) dispute resolution mechanisms external to the workplace;</p> <p>(iii) courts or tribunals;</p> <p>(iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and</p> <p>(v) legal, social, medical and administrative support measures for complainants and victims;</p>

	<p>Domestic Workers Convention, 2011 (No. 189), Article 16.</p>	<p>Article 16</p> <p>Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally</p>
	<p>Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), para 11 (s).</p>	<p>Paragraph 11. This integrated policy framework should address: (...)</p> <p>(s) effective access to justice;</p>
	<p>Social Protection Floors Recommendation, 2012 (No. 202), para. 7.</p>	<p>Paragraph 7. Basic social security guarantees should be established by law. National laws and regulations should specify the range, qualifying conditions and levels of the benefits giving effect to these guarantees. Impartial, transparent, effective, simple, rapid, accessible and inexpensive complaint and appeal procedures should also be specified. Access to complaint and appeal procedures should be free of charge to the applicant. Systems should be in place that enhance compliance with national legal frameworks.</p>
	<p>Employment Relationship Recommendation, 2006 (No. 198), para 4 (e).</p>	<p>Paragraph 4. National policy should at least include measures to: (e) provide effective access of those concerned, in particular employers and workers, to appropriate, speedy, inexpensive, fair and efficient procedures and mechanisms for settling disputes regarding the existence and terms of an employment relationship;</p>
	<p>Examination of Grievances Recommendation, 1967 (No. 130), para. 12.</p>	<p>Paragraph 12. Grievance procedures should be as uncomplicated and as rapid as possible, and appropriate time limits may be prescribed if necessary for this purpose; formality in the application of these procedures should be kept to a minimum.</p>
	<p>Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), para 3 (1).</p>	<p>Paragraph 3. (1) The procedure should be free of charge and expeditious; such time limits for the proceedings as may be prescribed by national laws or regulations should be fixed in advance and kept to a minimum.</p>

<p>Right to defence</p> <p>Legal representation, legal awareness and understanding of proceedings</p>	<p>Domestic Workers Convention, 2011 (No. 189), Article 16.</p>	<p>Article 16</p> <p>Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally</p>
	<p>Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 12.</p>	<p>Article 12</p> <p>The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.</p>
	<p>Termination of Employment Convention, 1982 (No. 158), Article 7.</p>	<p>Article 7</p> <p>The employment of a worker shall not be terminated for reasons related to the worker's conduct or performance before he is provided an opportunity to defend himself against the allegations made, unless the employer cannot reasonably be expected to provide this opportunity.</p>
	<p>Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Article 9 (2).</p>	<p>Article 9</p> <p>(...) 2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.</p>
	<p>Violence and Harassment Recommendation, 2019 (No. 206), para. 16 (c) and (d).</p>	<p>Paragraph 16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:</p> <p>(...) (c) legal advice and assistance for complainants and victims;</p> <p>(d) guides and other information resources available and accessible in the languages that are widely spoken in the country; and</p>

	<p>Termination of Employment Recommendation, 1982 (No. 166), para 15.</p>	<p>Paragraph 15. Efforts should be made by public authorities, workers' representatives and organisations of workers to ensure that workers are fully informed of the possibilities of appeal at their disposal.</p>
	<p>Examination of Grievances Recommendation, 1967 (No. 130), para. 13.</p>	<p>Paragraph 13.</p> <p>(1) The worker concerned should have the right to participate directly in the grievance procedure and to be assisted or represented during the examinations of his grievance by a representative of a workers' organisation, by a representative of the workers in the undertaking, or by any other person of his own choosing, in conformity with national law or practice.</p> <p>(2) The employer should have the right to be assisted or represented by an employers' organisation.</p> <p>(3) Any person employed in the same undertaking who assists or represents the worker during the examination of his grievance should, on condition that he acts in conformity with the grievance procedure, enjoy the same protection as that enjoyed by the worker under Paragraph 2, clause (a), of this Recommendation.</p>
<p>Right to complaint and appeal to an impartial and independent body at first and appellate levels</p>	<p>Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 4</p> <p>Fundamental Convention</p>	<p>Article 4</p> <p>Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.</p>
	<p>Labour Inspection (Agriculture) Convention, 1969 (No. 129), Article 18 (2)</p> <p>Governance Convention</p>	<p>Article 18</p> <p>2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring--</p> <p>(...) (b) measures with immediate executory force, which can go as far as halting the work, in the event of imminent danger to health or safety.</p>
	<p>Labour Inspection Convention, 1947 (No. 81), Article 13 (2)</p>	<p>Article 13</p> <p>2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of</p>

	Governance Convention	appeal to a judicial or administrative authority which may be provided by law, to make or to have made orders requiring (...)
	Violence and Harassment Convention, 2019 (No. 190) , Article 10 (h)	Article 10 (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.
	Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) , Article 27 (1).	Article 27 1. In the event of refusal, withdrawal, suspension or reduction of benefit or dispute as to its amount, claimants shall have the right to present a complaint to the body administering the benefit scheme and to appeal thereafter to an independent body. They shall be informed in writing of the procedures available, which shall be simple and rapid.
	Termination of Employment Convention, 1982 (No. 158) , Article 8 (1) and (3)	Article 8 1. A worker who considers that his employment has been unjustifiably terminated shall be entitled to appeal against that termination to an impartial body, such as a court, labour tribunal, arbitration committee or arbitrator. (...) 3. A worker may be deemed to have waived his right to appeal against the termination of his employment if he has not exercised that right within a reasonable period of time after termination.
	Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) , para. 29.	Paragraph 29. Members should put in place efficient and accessible complaint and appeal procedures.
	Migrant Workers Recommendation, 1975 (No. 151) , Paras. 32 and 33	Paragraph 32. (1) A migrant worker who has lodged an appeal against the termination of his employment, under such procedures as may be available, should be

		<p>allowed sufficient time to obtain a final decision thereon.</p> <p>(2) If it is established that the termination of employment was not justified, the migrant worker should be entitled, on the same terms as national workers, to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, or to access to a new job with a right to indemnification. If he is not reinstated, he should be allowed sufficient time to find alternative employment.</p> <p>Paragraph 33. A migrant worker who is the object of an expulsion order should have a right of appeal before an administrative or judicial instance, according to conditions laid down in national laws or regulations. This appeal should stay the execution of the expulsion order, subject to the duly substantiated requirements of national security or public order. The migrant worker should have the same right to legal assistance as national workers and have the possibility of being assisted by an interpreter.</p>
	<p>Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111), Para 7.</p>	<p>Paragraph 7. Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State should not be deemed to be discrimination, provided that the individual concerned has the right to appeal to a competent body established in accordance with national practice.</p>
	<p>Termination of Employment Recommendation, 1982 (No. 166), paras. 14-15.</p>	<p>Paragraph 14. Provision may be made for recourse to a procedure of conciliation before or during appeal proceedings against termination of employment.</p> <p>Paragraph 15. Efforts should be made by public authorities, workers' representatives and organisations of workers to ensure that workers are fully informed of the possibilities of appeal at their disposal.</p>
<p>Protection against victimisation and retaliation</p>	<p>Occupational Safety and Health Convention, 1981 (No. 155), Article 5 (e). Fundamental Convention</p>	<p>Article 5</p> <p>The policy (...) shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment: (...)</p>

		(e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.
	Protocol of 2002 to the Occupational Safety and Health Convention, 1981 , Article 3 (a) (iv).	<p>Article 3</p> <p>The requirements and procedures for recording shall determine:</p> <p>(a) the responsibility of employers:</p> <p>(...) (iv) to refrain from instituting retaliatory or disciplinary measures against a worker for reporting an occupational accident, occupational disease, dangerous occurrence, commuting accident or suspected case of occupational disease;</p>
	Violence and Harassment Convention, 2019 (No. 190) , Article 10 (b) (iv).	<p>Article 10</p> <p>Each Member shall take appropriate measures to:</p> <p>(...)</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>(...) (iv) protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers; and</p>
	Termination of Employment Convention, 1982 (No. 158) , Article 5 (c).	<p>Article 5</p> <p>The following, inter alia, shall not constitute valid reasons for termination: (...)</p> <p>(c) the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;</p>
	Examination of Grievances Recommendation, 1967 (No. 130) , paras. 2 (a) and 13 (3).	<p>Paragraph 2. Any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right --</p> <p>(a) to submit such grievance without suffering any prejudice whatsoever as a result;</p> <p>Paragraph 13 (3) Any person employed in the same undertaking who assists or represents the worker during the examination of his grievance</p>

		should, on condition that he acts in conformity with the grievance procedure, enjoy the same protection as that enjoyed by the worker under Paragraph 2, clause (a), of this Recommendation.
	Minimum Wage Fixing Recommendation, 1970 (No. 135) , para. 14 (f)	Paragraph 14. Measures to ensure the effective application of all provisions relating to minimum wages, as provided for in Article 5 of the Convention, should include the following: (...) (f) adequate protection of workers against victimisation.
Determination of the burden of proof, including shifting where appropriate	Maternity Protection Convention, 2000 (No. 183) , Article 8 (1).	Article 8 1. (...) The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.
	Termination of Employment Convention, 1982 (No. 158) , Article 9 (2).	Article 9 (...) 2. In order for the worker not to have to bear alone the burden of proving that the termination was not justified, the methods of implementation referred to in Article 1 of this Convention shall provide for one or the other or both of the following possibilities: (a) the burden of proving the existence of a valid reason for the termination as defined in Article 4 of this Convention shall rest on the employer; (b) the bodies referred to in Article 8 of this Convention shall be empowered to reach a conclusion on the reason for the termination having regard to the evidence provided by the parties and according to procedures provided for by national law and practice.
	Violence and Harassment Recommendation, 2019 (No. 206) , para. 16 (e).	Paragraph 16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as: (...) (e) shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings.
	Employment Relationship Recommendation, 2006 (No. 198) , para. 11 (b) and (c)	Paragraph 11. For the purpose of facilitating the determination of the existence of an employment relationship, Members should, within the framework of the national policy referred to in this Recommendation, consider the possibility of the following:

		<p>(b) providing for a legal presumption that an employment relationship exists where one or more relevant indicators is present; and</p> <p>(c) determining, following prior consultations with the most representative organizations of employers and workers, that workers with certain characteristics, in general or in a particular sector, must be deemed to be either employed or self-employed.</p>
	<p>Workers' Representatives Recommendation, 1971 (No. 143), para. 6 (2) (e).</p>	<p>Paragraph 6. (2) These might include such measures as the following:</p> <p>(...) (e) provision for laying upon the employer, in the case of any alleged discriminatory dismissal or unfavourable change in the conditions of employment of a workers' representative, the burden of proving that such action was justified;</p>
	<p>Violence and Harassment Convention, 2019 (No. 190), Article 10 (b) (i).</p>	<p>Article 10</p> <p>Each Member shall take appropriate measures to:</p> <p>(...)</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>(i) complaint and investigation procedures, as well as, where appropriate, dispute resolution mechanisms at the workplace level; (...)</p>
	<p>Examination of Grievances Recommendation, 1967 (No. 130)</p>	<p><i>Full text</i></p>
<p>Effective implementation, compliance and enforcement</p> <p>Effective and dissuasive sanctions and penalties</p>	<p>Worst Forms of Child Labour Convention, 1999 (No. 182), Article 7 (1).</p> <p>Fundamental Convention</p>	<p>Article 7</p> <p>1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.</p>
	<p>Protocol of 2014 to the Forced Labour Convention, 1930, Article 1 (1).</p>	<p>Article 1</p> <p>1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to</p>

		<p>provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.</p>
	<p>Labour Inspection Convention, 1947 (No. 81), Article 3 (1). Governance Convention</p>	<p>Article 3</p> <p>1. The functions of the system of labour inspection shall be:</p> <p>(a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;</p> <p>(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions; (...)</p>
	<p>Violence and Harassment Convention, 2019 (No. 190), Article 10 (d) and (h)</p>	<p>Article 10</p> <p>Each Member shall take appropriate measures to: (...)</p> <p>(d) provide for sanctions, where appropriate, in cases of violence and harassment in the world of work; (...)</p> <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>Violence and Harassment Recommendation, 2019 (No. 206), para. 17 (g).</p>	<p>Paragraph 17. The support, services and remedies for victims of gender-based violence and harassment referred to in Article 10 (e) of the Convention should include measures such as:</p> <p>(...) (g) specialized police units or specially trained officers to support victims.</p>

	<p>Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), paras.22, 26, 29 and 30.</p>	<p>Paragraph 22. Members should take appropriate measures, including through a combination of preventive measures, law enforcement and effective sanctions, to address tax evasion and avoidance of social contributions, labour laws and regulations. Any incentives should be linked to facilitating the effective and timely transition from the informal to the formal economy.</p> <p>Paragraph 26. Members should put in place appropriate mechanisms or review existing mechanisms with a view to ensuring compliance with national laws and regulations, including but not limited to ensuring recognition and enforcement of employment relationships, so as to facilitate the transition to the formal economy.</p> <p>Paragraph 29. Members should put in place efficient and accessible complaint and appeal procedures.</p> <p>Paragraph 30. Members should provide for preventive and appropriate corrective measures to facilitate the transition to the formal economy, and ensure that the administrative, civil or penal sanctions provided for by national laws for non-compliance are adequate and strictly enforced.</p>
	<p>Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), para. 13.</p>	<p>Paragraph 13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:</p> <ul style="list-style-type: none"> (a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour; (b) providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations; (c) ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above; and (d) strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers,

		immigration officers, public prosecutors, employers, employers' and workers' organizations, non-governmental organizations and other relevant actors.
<p>Access to appropriate and effective remedies</p> <p>Wide range of remedies and variety of outcomes</p>	<p>Protocol of 2014 to the Forced Labour Convention, 1930, Article 1 (1) and 4 (1).</p>	<p>Article 1</p> <p>1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour. (...)</p> <p>Article 4</p> <p>1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation. (...)</p>
	<p>Violence and Harassment Convention, 2019 (No. 190), Article 10 (b).</p>	<p>Article 10</p> <p>Each Member shall take appropriate measures to:</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>Termination of Employment Convention, 1982 (No. 158), Article 10.</p>	<p>Article 10</p> <p>If the bodies referred to in Article 8 of this Convention find that termination is unjustified and if they are not empowered or do not find it practicable, in accordance with national law and practice, to declare the termination invalid and/or order or propose reinstatement of the worker, they shall be empowered to order payment of adequate compensation or such other relief as may be deemed appropriate.</p>
	<p>Protection of Wages Convention, 1949 (No. 95), Article 15 (c)</p>	<p>Article 15</p> <p>The laws or regulations giving effect to the provisions of this Convention shall--</p> <p>(...) (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;</p>

	<p>Violence and Harassment Recommendation, 2019 (No. 206), paras. 14-19.</p>	<p>Paragraph 14. The remedies referred to in Article 10(b) of the Convention could include:</p> <ul style="list-style-type: none"> (a) the right to resign with compensation; (b) reinstatement; (c) appropriate compensation for damages; (d) orders requiring measures with immediate executory force to be taken to ensure that certain conduct is stopped or that policies or practices are changed; and (e) legal fees and costs according to national law and practice. <p>Paragraph 15. Victims of violence and harassment in the world of work should have access to compensation in cases of psychosocial, physical or any other injury or illness which results in incapacity to work.</p> <p>Paragraph 16. The complaint and dispute resolution mechanisms for gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:</p> <ul style="list-style-type: none"> (a) courts with expertise in cases of gender-based violence and harassment; (b) timely and efficient processing; (c) legal advice and assistance for complainants and victims; (d) guides and other information resources available and accessible in the languages that are widely spoken in the country; and (e) shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings. <p>Paragraph 17. The support, services and remedies for victims of gender-based violence and harassment referred to in Article 10(e) of the Convention should include measures such as:</p> <ul style="list-style-type: none"> (a) support to help victims re-enter the labour market; (b) counselling and information services, in an accessible manner as appropriate; (c) 24-hour hotlines; (d) emergency services;
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		<p>(e) medical care and treatment and psychological support;</p> <p>(f) crisis centres, including shelters; and</p> <p>(g) specialized police units or specially trained officers to support victims.</p> <p>Paragraph 18. Appropriate measures to mitigate the impacts of domestic violence in the world of work referred to in Article 10(f) of the Convention could include:</p> <p>(a) leave for victims of domestic violence;</p> <p>(b) flexible work arrangements and protection for victims of domestic violence;</p> <p>(c) temporary protection against dismissal for victims of domestic violence, as appropriate, except on grounds unrelated to domestic violence and its consequences;</p> <p>(d) the inclusion of domestic violence in workplace risk assessments;</p> <p>(e) a referral system to public mitigation measures for domestic violence, where they exist; and</p> <p>(f) awareness-raising about the effects of domestic violence.</p> <p>Paragraph 19. Perpetrators of violence and harassment in the world of work should be held accountable and provided counselling or other measures, where appropriate, with a view to preventing the reoccurrence of violence and harassment, and facilitating their reintegration into work, where appropriate.</p>
	<p>Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), para. 12.</p>	<p>Paragraph 12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:</p> <p>(a) ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;</p> <p>(b) providing that victims can pursue compensation and damages from perpetrators,</p>

		<p>including unpaid wages and statutory contributions for social security benefits;</p> <p>(c) ensuring access to appropriate existing compensation schemes;</p> <p>(d) providing information and advice regarding victims' legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and</p> <p>(e) providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.</p>
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