

# Violence and harassment against persons with disabilities in the world of work

In June 2019, at the Centenary Conference of the International Labour Organization (ILO), the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) were adopted. The global community has made it clear that violence and harassment in the world of work will not be tolerated and must end. These landmark instruments were developed by the key world of work actors (representatives of governments, employers and workers), and set out a common framework to prevent and address violence and harassment in the world of work, including gender-based violence and harassment, based on an inclusive, integrated and gender-responsive approach.

The Convention recognizes that everyone has the right to a world of work free from violence and harassment. The Convention defines violence and harassment as “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.” It offers broad protection and applies to the public and private sectors, to the formal and informal economy, and in urban and rural areas.

In the discussions leading up to the adoption of the instruments, discrimination based on disability was identified as an important factor increasing the risk of violence and harassment.<sup>1</sup> Persons with disabilities can experience violence and harassment in unique ways and in a greater proportion than those without disabilities; however, their experience is often overlooked.<sup>2</sup>

## ▶ Persons with disabilities are a large, diverse group

There are an estimated one billion persons, or approximately 15 per cent of the world’s population, with disabilities; at least 785 million of them are of working age.<sup>3</sup>

The United Nations Convention on the Rights of Persons with Disabilities refers to persons “who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”<sup>4</sup> Nevertheless, “disability” is an evolving concept, and definitions vary from country to country.

## ▶ Lack of data on violence and harassment against persons with disabilities

Disaggregated data on work-related violence and harassment against persons with disabilities are scant due to the lack of solid research on the topic as well under-reporting.

Stigma and stereotypes hamper research on disability-related violence and harassment. For example, researchers may overlook persons with disabilities or fail to understand the need to disaggregate data on violence and harassment by disability. Also, researchers may be working from obsolete definitions of disability, and not applying a human rights-based social model of disability; thus, their results can be skewed.<sup>5</sup>

Language commonly used to describe violence and harassment faced by persons with disabilities often downplays their experience and infantilizes them, for example, equating it with bullying of children on a playground.<sup>6</sup>

1 ILO. 2016. Final Report. *Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva, 3-6 October 2016), Appendix, para. 12  
2 Jones, T. et al. 2011. “Workplace Assaults in Britain: Understanding the Influence of Individual and Workplace Characteristics”, in *British Journal of Criminology*, Vol. 51, pp. 159–178.  
3 WHO and The World Bank. 2011. *World Report on Disability* (Geneva).  
4 United Nations Convention on the Rights of Persons with Disabilities, Article 1.  
5 Loeb, M. 2013. “Disability statistics: an integral but missing (and misunderstood) component of development work”, in *Nord J Hum Rights*, 31(3):306-324.  
6 Hollomotz, A. 2013. “Disability and the continuum of violence”, in H. Mason-Bish and A. Roulstone (ed.): *Disability, Hate Crime and Violence* (Oxon, Routledge), p. 53.

Moreover, depending on the nature of their disability, it can also be difficult for persons with disabilities to be aware of what constitute violence and harassment or to share or report incidents of violence and harassment in the world of work. In this regard, proactive outreach to persons with disabilities, as well as awareness raising for all in accessible formats, are necessary to build a supportive environment in which violence and harassment can be reported and dealt with. Furthermore, victims may not file a complaint, out of concern that they may be discriminated against or subjected to further violence and harassment if they disclose their disability.

## ▶ Persons with disabilities experience work-related violence and harassment disproportionately

Research suggests that persons with disabilities are more likely to experience work-related violence and harassment than persons without disabilities.<sup>7</sup> While workers with all types of disabilities may suffer violence and harassment in the world of work, some research notes greater incidence against workers with intellectual and psychosocial disabilities.<sup>8</sup>

Persons with disabilities can also be targeted because of discrimination based on their age, gender, sexual orientation, race, religion, ethnicity, and other factors. These grounds of discrimination, related to other social and cultural norms that may underpin violence and harassment, may further exacerbate violence and harassment based on disability.

**“Where grounds of discrimination intersect, such as gender and race or disability, the risk of violence and harassment is exacerbated.”<sup>9</sup>**



## ▶ Types of violence and harassment experienced by persons with disabilities

Among the different forms of violence and harassment, intimidation and verbal abuse are more often reported by workers with disabilities. These include “jokes”, name-calling, mimicry, innuendo, rumours and sabotage. Instances of sexual harassment and physical violence are also reported. Acts of violence and harassment may come from diverse persons, including colleagues, supervisors or third parties.

Acts of violence and harassment against persons with disabilities are often linked to negative stereotypes about their productivity. Commonly-reported practices include harassing performance monitoring procedures, micro-management and over-attribution of mistakes, as well as behaviours “designed to negatively impact the target’s sense of self as a competent person.”<sup>10</sup>

Furthermore, some perpetrators may carry out harassing behaviour to target persons with specific impairments by, for example, putting up barriers to make movement around the office more difficult for wheelchair users, intentionally bumping into visually impaired persons or making fun of the way a worker with a speech impairment talks.<sup>11</sup>

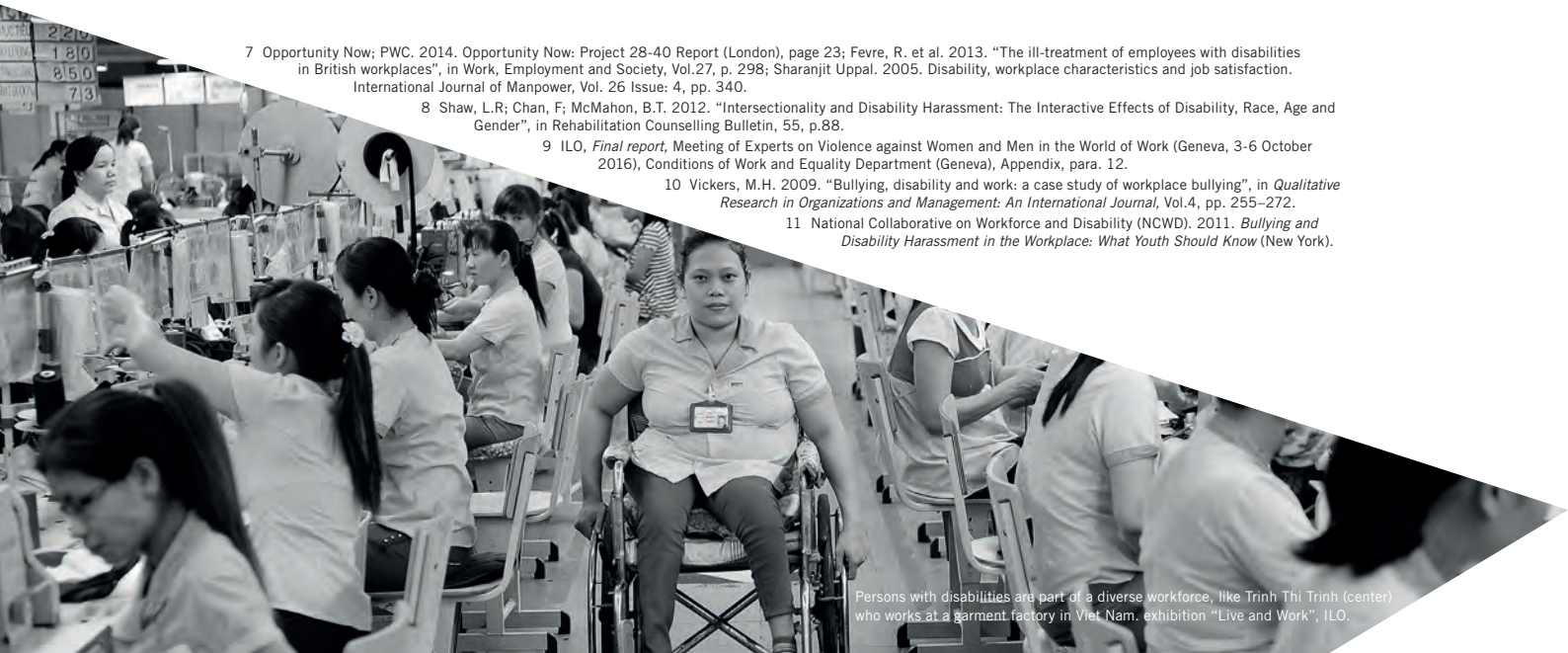
7 Opportunity Now; PWC. 2014. Opportunity Now: Project 28-40 Report (London), page 23; Fevre, R. et al. 2013. “The ill-treatment of employees with disabilities in British workplaces”, in *Work, Employment and Society*, Vol.27, p. 298; Sharanjit Uppal. 2005. Disability, workplace characteristics and job satisfaction. *International Journal of Manpower*, Vol. 26 Issue: 4, pp. 340.

8 Shaw, L.R.; Chan, F.; McMahon, B.T. 2012. “Intersectionality and Disability Harassment: The Interactive Effects of Disability, Race, Age and Gender”, in *Rehabilitation Counselling Bulletin*, 55, p.88.

9 ILO, *Final report, Meeting of Experts on Violence against Women and Men in the World of Work* (Geneva, 3-6 October 2016), Conditions of Work and Equality Department (Geneva), Appendix, para. 12.

10 Vickers, M.H. 2009. “Bullying, disability and work: a case study of workplace bullying”, in *Qualitative Research in Organizations and Management: An International Journal*, Vol.4, pp. 255–272.

11 National Collaborative on Workforce and Disability (NCWD). 2011. *Bullying and Disability Harassment in the Workplace: What Youth Should Know* (New York).



Persons with disabilities are part of a diverse workforce, like Trinh Thi Trinh (center) who works at a garment factory in Viet Nam. exhibition “Live and Work”, ILO.



Persons with disabilities in a protest against violence experienced by women and girls with disabilities ©Samarthyam, Women with Disabilities Forum for Action, India

**Table 1. Examples of violence and harassment by type of disability, as reported by British workers**

Physical disability	Learning/psychological disability	Other disability
<ul style="list-style-type: none"> <li>• Being shouted at or someone losing their temper with you</li> </ul>	<ul style="list-style-type: none"> <li>• Your employer not following proper procedures.</li> <li>• Being treated unfairly compared to others in your workplace.</li> <li>• Gossip and rumours being spread about you or having allegations made against you.</li> <li>• People excluding you from their group.</li> <li>• Being shouted at or someone losing their temper with you.</li> </ul>	<ul style="list-style-type: none"> <li>• Pressure from someone else not to claim something which by right you are entitled to.</li> <li>• Your employer not following proper procedures.</li> <li>• Gossip and rumours being spread about you or having allegations made against you.</li> </ul>

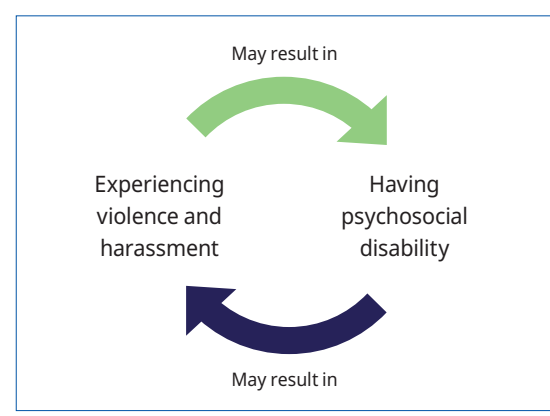
Source: Adapted from Fevre, R. et al. 2013. "The ill-treatment of employees with disabilities in British workplaces", in *Work, Employment and Society*, Vol.27, p. 298.

### ▶ Persons with psychosocial disabilities and the myth of "dangerousness"

There is a widespread myth that persons with psychosocial disabilities<sup>12</sup> are more violent than the general population. This myth draws from stereotypes that demonize persons with psychosocial disabilities, and is perpetuated by biased media reports.<sup>13</sup> This myth carries over to the workplace, where persons with psychosocial disabilities can be misperceived as dangerous, unpredictable and lacking self-control.

Empirical research shows the myth of dangerousness is unfounded. Research concludes that only around 3 per cent of violent acts can be attributed to individuals with psychosocial disabilities.<sup>14</sup> Moreover, adults with psychosocial disabilities are more likely to be *victims* of violence and harassment than perpetrators.<sup>15</sup>

These situations can form a self-perpetuating circle: violence and harassment may cause psychosocial impairments or exacerbate those that previously exist; these resulting disabilities can be used by perpetrators as an excuse to further target victims for violence and harassment.



### ▶ Acquired disabilities and violence and harassment

Acts of violence and harassment carried out against persons without disabilities can lead them to acquire disabilities, particularly psychosocial disabilities, including anxiety, depression and post-traumatic stress disorder.

### ▶ Requests for reasonable accommodation can trigger violence and harassment

Providing reasonable accommodation (also referred to as reasonable adjustments) to persons with disabilities who need them is a core element of decent work. They allow them to participate in the labour force on an equal basis with others and

12 A number of expressions commonly used to refer to a psychosocial disability can be stigmatizing, including "mental illness", "mental disorder" and "ill mental health". As such, the inclusive, non-judgmental terminology "psychosocial disability" is used in this brief.

13 McGinty, Emma E. et al. 2016. "Trends In News Media Coverage Of Mental Illness In The United States: 1995–2014" in *Health affairs (Project Hope)*, Vol. 35(6), pp. 1121–1129.

14 See: U.S. Department of Health and Human Services. "Mental Health Myths and Facts". Available at: <https://www.mentalhealth.gov/basics/mental-health-myths-facts> [16 April 2018]. See also: Stuart HL, Arboleda-Flórez JE. 2001. "A public health perspective on violent offenses among persons with mental illness" in *Psychiatric services*. Vol. 52(5), pp. 654–659.

15 See: Teplin LA, McClelland GM, Abram KM, Weiner DA. Crime victimization in adults with severe mental illness: comparison with the national crime victimization survey. *Arch Gen Psychiatry*. 2005; 62(8):911–921.



can increase the performance and competitiveness of the enterprise. According to the United Nations Convention on the Rights of Persons with Disabilities, denial of reasonable accommodation constitutes an act of discrimination.<sup>16</sup>

Where there is a lack of basic understanding of the rights of persons with disabilities, employers and co-workers can mistakenly view reasonable accommodation as excessive or as acts of favouritism. In these cases, requests for reasonable accommodation can be met with violence and harassment by co-workers and employers.<sup>17</sup> This places workers with disabilities in a very difficult position: either they demand their right to reasonable accommodation (and thus risk violence and harassment) or they forgo reasonable accommodation and are, therefore, unable to compete on an equal playing field with other workers.

### Reasonable accommodation

Reasonable accommodation, also referred to as reasonable adjustments, consists of “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”.<sup>18</sup> States are obliged to take all appropriate steps to ensure that reasonable accommodation is provided.<sup>19</sup>

Examples of reasonable accommodation include providing flexible working time, quiet spaces, telework and screen reading software. Oftentimes, these adjustments can be made with little or no cost to the employer.

## ► Violence and harassment against persons with disabilities and ILO Convention No. 190 and Recommendation No. 206

Legal protections against violence and harassment need to be applied to workers with disabilities while addressing their particular experience with violence and harassment.<sup>20</sup> In this context, Convention No. 190 and Recommendation No. 206 provide a comprehensive framework for action capable of taking into account such specificities through prevention, protection, enforcement and remedial measures.



Requesting reasonable adjustments, like the use of a braille writing slate shown above, is a fundamental right. Photo exhibition “Live and Work”, ILO.

Persons with disabilities may be disproportionately affected by violence and harassment in the world of work. As such, according to the Convention, their right to equality and non-discrimination in employment and occupation must be ensured (Art. 6). The promotion of an inclusive workplace culture, including regarding the right to reasonable accommodation, is essential to ensure equality of opportunities and treatment, to protect against discrimination and to prevent violence and harassment. In addition, the identification of hazards and assessment of risks of violence and harassment foreseen in the Convention can also constitute a channel to address concerns that may be specific to persons with disabilities (Art. 9).

Accessibility is also a core element that needs to be considered in order to facilitate awareness-raising, enforcement and redress. The Convention requires that tools, guidance, education and training are provided in accessible formats, which are essential for widespread and inclusive awareness-raising (Art. 11(b)). Information and training on hazards and risks of violence and harassment, as well as regarding associated prevention and protection measures, also need to be in accessible formats (Art. 9(d)). Regarding enforcement, the Convention requires Members to ensure easy access to reporting and dispute resolution mechanisms and to remedies (Art. 10(b)). This would include ensuring that processes are accessible to all workers on an equal basis, which would facilitate redress in cases of violence and harassment against persons with disabilities.

16 United Nations Convention on the Rights of Persons with Disabilities, Article 2.  
17 Pampel, F. n.d. Bullying and disability: An Overview of the Research Literature (Denver, OMNI Institute), p. 5.  
18 United Nations Convention on the Rights of Persons with Disabilities, Article 2.  
19 United Nations Convention on the Rights of Persons with Disabilities, Article 5.  
20 See also: United Nations Convention on the Rights of Persons with Disabilities, Article 16 and 27.

