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NOTE

From: Presidency

To: Permanent Representatives Committee/Council

Subject: Proposal for a COUNCIL DECISION authorising Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organisation
- Exchange of views

Delegations will find attached a Presidency steering note on the above subject, with a view to the exchange of views at the Council (EPSCO) on 13 March 2023.

Proposal for a Council Decision authorising Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization

Presidency steering note

In June 2019, at its 108th (Centenary) session, the International Labour Conference adopted Convention 190 concerning the Elimination of Violence and Harassment in the World of Work¹ (hereinafter: ILO Convention 190), accompanied by Recommendation 206². ILO Convention 190 is the first international instrument setting out specific, globally applicable standards on tackling work-related violence and harassment. It is imperative to combat all forms of violence and harassment against women and men in the world of work, since such behaviours and practices are a serious human rights concern and a threat to the dignity, health and well-being of individuals. The ILO Convention 190 is a significant step towards achieving this objective.

The EU Member States played a key role for the adoption of the ILO Convention 190, reaffirming their commitment to promote safe and healthy working conditions and non-discrimination in the workplace. Their coordination has always enabled them to speak with one voice, and thus to be a strong negotiator in the ILO. This will continue to be pertinent in the context of future negotiations and will remain key in ensuring the credibility and influence of the EU Member States at the ILO.

On 22 January 2020, the European Commission adopted a proposal for a ‘Council Decision authorising Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization’³ (hereinafter: Council Decision), similarly as for five previous ILO Conventions and one Protocol. Despite the shared objective of combating violence and harassment in the world of work, the Council has been unable to find an agreement in principle and proceed to forwarding the Decision to the European Parliament for its consent.

¹ Convention C190 - Violence and Harassment Convention, 2019 (No. 190) (ilo.org). For the current ratifications of the ILO Convention 190 see: Ratifications of ILO conventions: Ratifications by Convention.

² Recommendation R206 - Violence and Harassment Recommendation, 2019 (No. 206) (ilo.org)

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0024>

One of the main outstanding concerns regarding the adoption of the Council Decision relates to the discussion on the obligation to ratify ILO Convention 190 following its adoption. In this regard, it is worthwhile noting that the legal basis for the adoption of this Council Decision, ensuing from the Treaty of Lisbon, remains the same as for the previous six ILO instruments for which the Council adopted a Decision⁴. In the context of the discussions for ILO Convention 190, it has been clarified that a Council Decision authorising Member States to ratify the ILO Convention 190 in the interest of the Union would entail an obligation for them to ratify the Convention, as it was the case for previous Council Decisions adopted to authorise the ratification of ILO instruments. The Commission, thus far, has not initiated any infringement procedure against any Member State for non-ratification for any of these instruments.

The debate in Council will provide an opportunity to discuss this file at political level and explore possible, ways forward with regards to the proposed Council Decision and the ratification of the ILO Convention No. 190.

⁴ Council Decision of 14 April 2005 authorising Member States to ratify, in the interest of the European Community, the Seafarers' Identity Documents Convention of the International Labour Organization (Convention no 185), OJ L 136/1 of 30.5.2005; Council Decision of 7 June 2007 authorising Member States to ratify, in the interest of the European Community, the Maritime Labour Convention, 2006, of the International Labour Organization, OJ L 161/63 of 22.6.2007; Council Decision of 7 June 2010 authorising Member States to ratify, in the interest of the European Union, the Work in Fishing Convention, 2007, of the International Labour Organization (Convention No 188), OJ 145/12 of 11.6.2010; Council Decision of 28 January 2014 authorising Member States to ratify, in the interest of the European Union, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organization (Convention No 170) (2014/52/EU); Council Decision of 28 January 2014 authorising Member States to ratify, in the interest of the European Union, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organization (Convention No 189) (2014/51/EU); Council Decision (EU) 2015/2071 of 10 November 2015 authorising EU countries to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention (1930), as regards Article 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters, OJ L.301 of 18.11.2015; Council Decision (EU) 2015/2037 of 10 November 2015 authorising EU countries to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention (1930), with regard to matters relating to social policy, OJ L.298 of 14.11.2015.

Against this background, Ministers are invited to focus on the following questions in their contributions:

1. *What avenue would the Member States consider most appropriate for Member States to ratify the convention?*
 2. *What reassurances would Member States consider necessary to be able to support the adoption of the Council Decision?*
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