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'A' ITEM NOTE

From:	Permanent Representatives Committee (Part 1)
To:	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 Organization - General approach

1. 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, accompanied by Recommendation 206². Convention 190 is the first international instrument setting out specific, globally applicable standards on tackling work-related violence and harassment.

¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

² https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

2. On 22 January 2020, the European Commission presented 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", concerning the parts of the Convention the Commission assessed to fall within Union competences pursuant to Article 3(2) TFEU.
3. Following the discussions in the Social Questions Working Party, on 11 March 2020, the Committee of Permanent Representatives agreed on the draft Decision with the deletion of Article 2, as set out in the Annex to this Report, and agreed to forward it to the Council for the adoption of a general approach.
4. The following delegations maintained reservations or signalled the issuance of statements:
 - BG and SK have maintained their general reservations;
 - DK and PL have maintained parliamentary scrutiny reservations;
 - HU will issue a statement to be attached to the minutes of the Council.
5. Following the cancellation of the Council (EPSCO) session on 19 March due to the outbreak of COVID-19, the adoption of the general approach will be added to the agenda of an upcoming Council session as an "A" item.
6. The Council is invited to adopt, as an "A" item, a general approach on the draft Decision as set out in the Annex to this Report.

Compared to the last version (ST 6533/20), following the meeting of the Committee of Permanent Representatives on 11 March 2020, Article 2 has been removed.

Draft

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2) in conjunction with points (a) and (i) of Article 153 (1) and 218 (6) (a) (v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In 2019, in its 108th session the International Labour Conference adopted the International Labour Organization's Convention concerning the elimination on violence and harassment in the world of work, which may be cited as the Violence and Harassment Convention, 2019 (No. 190), ("the Convention").
- (2) The Union promotes the ratification of international labour conventions that have been classified by the International Labour Organization as up to date in order to promote decent work for all, health and safety at work and gender equality as well as to combat discrimination.
- (3) Some provisions of the Convention are covered by the Union competence in the areas of social policy in accordance with Article 153 (2) and Article 153 (1) (a) and (i) of TFEU as regards health and safety at work and equality between men and women in employment and occupation.

- (4) Parts of the Convention fall within the competence of the Union.
- (5) The Union cannot ratify the Convention, as only States can be parties thereto.
- (6) In this situation, Member States should be authorised to ratify, acting jointly in the interest of the Union, the parts of the Convention falling under Union competence,

HAS ADOPTED THIS DECISION:

Article 1

Member States are authorised to ratify, for the parts falling under the competence conferred upon the European Union in Article 153 (2) and 153 (1) (a) and (i) TFEU, the Violence and Harassment Convention, 2019 (No.190) of the International Labour Organization.

[...]

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council

The President
