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2020/0011(NLE)**

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**SOC 336  
EMPL 218  
SAN 258  
GENDER 56  
ANTIDISCRIM 55  
FREMP 156  
ILO 5**

#### **'I/A' ITEM NOTE**

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From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8079/1/23 REV 1
No. Cion doc.:	COM(2020) 24 final
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 - <i>Approval</i>

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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (11.07.2023)**

#### **I. INTRODUCTION**

1. The ILO is a United Nation agency, which brings together governments, employers and workers of 187 Member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. On 21 June 2019, the 108<sup>th</sup> International Labour Conference adopted the Convention 190 concerning the Elimination of Violence and Harassment in the World of Work ('ILO Convention 190'),<sup>1</sup> which sets out specific, globally applicable standards on tackling work-related violence and harassment.

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<sup>1</sup> [Convention C190 - Violence and Harassment Convention, 2019 \(No. 190\) \(ilo.org\) accompanied by the Recommendation R206 - Violence and Harassment Recommendation, 2019 \(No. 206\) \(ilo.org\).](#)

2. On 22 January 2020, the European Commission transmitted to the Council 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.’<sup>2</sup>

## II. WORK AT THE COUNCIL

3. On 4 February 2020, the Commission presented its proposal at the Social Question Working Party (‘SQWP’). The proposal was examined at several SQWP meetings throughout seven Presidencies.<sup>3</sup>
4. During those meetings, a number of delegations raised concerns regarding in particular the nature of Union competence involved, and, more generally, the necessity for the adoption of a Council Decision authorising Member States to ratify, in the interest of the European Union, said Convention. As expressed in its explanatory Memorandum, the Commission is of the view that the Convention partially falls under the exclusive competence of the Union, and that as such Member States are not in a position to ratify such Convention alone.
5. **DELETED**
6. In its discussions, the SQWP focused extensively on questions relating to the nature of Union competence and the possibility of exercising the shared competence of the European Union in this specific context.

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<sup>2</sup> Doc. 5442/20.

<sup>3</sup> Social Questions Working Party meetings on 04/02/20, 18/02/20, 04/03/20, 01/02/22 and 31/01/23.

<sup>4</sup> **DELETED**

7. The issue was brought to the attention of the Committee of Permanent Representatives ('Coreper'), which was seized with the question of exercise of the Union competence on several occasions.<sup>5</sup> At each occasion, there was insufficient support in Coreper on the exercise of the Union competence in relation to the ratification of the ILO Convention 190.
8. Consequently, it appeared from the discussions in the Council's preparatory bodies that the required qualified majority for adoption of the proposed Council Decision – if it were to proceed to a vote in the Council – could not be reached. In the following, Coreper prepared an exchange of views on the ILO Convention 190 at the Council (EPSCO) on 13 March 2023.<sup>6</sup>
9. Following the exchange at the level of Council, the matter was brought again to the attention of Coreper. **DELETED**
10. **DELETED**

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<sup>5</sup> Coreper I meetings on 11/03/20 (doc. 6533/20), 09/12/20 (doc. 13610) and 18/12/20 (doc. 13993/20 and doc. 13995).

<sup>6</sup> Doc. 6685/23.

### III. CONCLUSION

11. **DELETED**



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