Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization (ILO): inviting Member States to ratify it

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PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Violence and Harassment Convention, 2019 (No 190) of the International Labour Organisation (ILO).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Union promotes the ratification of international labour conventions classified by the ILO as up to date with a view to promoting decent work for all, health and safety at work and equality between men and women, and combating discrimination.

The #metoo campaign and other similar movements have highlighted the need to strengthen prevention efforts and to protect victims of violence and harassment in the world of work, including gender-based violence and harassment. With this in mind, the International Labour Conference at its 108th Session in 2019 adopted the ILO Convention concerning the Elimination of Violence and Harassment in the World of Work, known as the "Violence and Harassment Convention, 2019 (No. 190)".

Some provisions of the Convention are covered by the Union acquis in the areas of social policy in accordance with Article 153(2), Article 153 (1)(a) and (i) and Article 157(3) of TFEU as regards health and safety at work and equality between men and women in employment and occupation. Some provisions of the Convention are covered by the Union acquis in the field of non-discrimination.

It is in the interest of the EU to promote the implementation of an international instrument to fight violence and harassment in the world of work in line with its internal framework, because the Convention addresses certain areas of Union law and the European Union is not in a position to ratify an ILO Convention, as only States can become parties to such Conventions.

Member States should therefore be allowed, acting jointly in the interests of the Union, to ratify those parts of the Convention which fall within the competence of the Union.

CONTENT: the Commission proposes that the Council should decide to authorise Member States to ratify, as regards the parts falling within the areas of EU competence pursuant to Articles 153(2), 153(1)(a) and (i) and 157(3) TFEU, the Violence and Harassment Convention, 2019 (No 190) of the International Labour Organisation.

The Convention is the first international instrument that sets specific and globally applicable standards to tackle work-related harassment and violence and specifies the measures to be taken by States and other relevant actors.

The Convention:

- recognises the right of everyone to a world of work free from violence and harassment and recognises that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, unacceptable and incompatible with decent work;

- sets a single definition for 'violence and harassment', covering 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;

- protects workers and other persons in the world of work, a term that goes beyond the workplace and includes work-related facilities, communications, travel and social activities, as well as employer-provided accommodation and commuting to and from work.

Ratifying States shall, inter alia:

- adopt an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work, that includes prohibiting in law violence and harassment (Article 4.2);

- ensure that relevant policies address violence and harassment;

- adopt a comprehensive strategy to combat violence and harassment, and ensure access to remedies and support for victims;

- adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment, including for vulnerable groups and groups in situations of vulnerability;

- adopt appropriate measures to prevent violence and harassment in work contexts;

- adopt laws and regulations requiring employers to prevent violence and harassment by, inter alia, assessing the risks of violence and harassment.

The Convention addresses certain areas of Union law, such as health and safety at work, equality and non-discrimination, where the degree of regulation has reached an advanced stage. In addition, certain aspects of the Convention are further related to areas covered by Union law in the fields of judicial cooperation and victims' rights, migration, asylum and freedom of movement.

The proposed Council Decision shall therefore authorise Member States to ratify, in the interest of the EU, those parts of the Convention that fall within EU competence and shall recommend that Member States make efforts to do so by the end of 2022.