Basic information

2014/0259(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol **Subject** 4.10 Social policy, social charter and protocol 4.15.12 Workers protection and rights, labour law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	LE HYARIC Patrick (GUE/NGL)	29/09/2014
	Shadow rapporteur BACH Georges (PPE) BENIFEI Brando (S&D) STEVENS Helga (ECR) HARKIN Marian (ALDE) LAMBERT Jean (Verts/ALE) AGEA Laura (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ANDOR László

Key events

Date	Event	Reference	Summary

11/09/2014	Preparatory document	COM(2014)0563	Summary
10/03/2015	Legislative proposal published	06732/2015	Summary
25/03/2015	Committee referral announced in Parliament		
15/07/2015	Vote in committee		
23/07/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0243/2015	Summary
08/09/2015	Decision by Parliament	T8-0281/2015	Summary
08/09/2015	Results of vote in Parliament		
10/11/2015	Act adopted by Council after consultation of Parliament		
10/11/2015	End of procedure in Parliament		
14/11/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0259(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 153-p1 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/01136

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE537.523	27/05/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0243/2015	23/07/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0281/2015	08/09/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06732/2015	10/03/2015	Summary

European Commission

Document type	Reference	Date	Summary

Preparatory document	COM(2014)0563	11/09/2014	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2015/2037 OJ L 298 14.11.2015, p. 0023	Summary

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 08/09/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 566 votes to 9, with 27 abstentions, a legislative resolution on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to social policy.

In line with the recommendation by the Committee on Employment and Social Affairs, Parliament **gave its consent to the draft Council Decision**.

The Protocol of 2014 seeks to:

- strengthen the international legal framework by establishing obligations to prevent forced labour and to provide victims with protection and access to remedies, such as compensation;
- ensure that governments take measures to better protect workers – particularly migrant workers – from abusive and fraudulent practices during the recruitment process;
- protect human beings against forced work is prevention and remedies.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 10/11/2015 - Final act

PURPOSE: to authorise Member States to ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to social policy.

NON-LEGISLATIVE ACT: Council Decision (EU) 2015/2037 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters relating to social policy.

CONTENT: by this Council Decision, Member States are **authorised to ratify**, for the parts falling within the competence conferred upon the Union under Article 153(2) TFEU, **the Protocol of 2014 to the Forced Labour Convention**, 1930, of the International Labour Organisation.

Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably by 31 December 2016.

To recall, the Union is promoting the ratification of international labour conventions, classified by the International Labour Organisation (ILO) as up to date, to contribute to the Union's efforts to **promote human rights and decent work** for all and to **eradicate trafficking in human beings** both inside and outside the Union.

The Forced Labour Convention, 1930, of the International Labour Organisation, which the Protocol of 2014 supplements, is a fundamental ILO Convention and has a bearing on rules which make reference to core labour standards.

Some of the rules provided for in the Protocol are already covered by Union acquis in the area of social policy and concern, in particular, matters covered by:

- Council Directive 91/533/EEC on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship;
- Directive 2008/104/EC of the European Parliament and of the Council on temporary agency work;
- Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work;
- Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time;
- Council Directive 94/33/EC on the protection of young people at work;
- Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 11/09/2014

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour

Organisation with regard to matters related to social policy.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the **Forced Labour Convention, 1930 (No 29)** of the ILO is one of the ILO's eight fundamental Conventions that make up the core international labour standards, and it is considered a human rights instrument. Yet, more than 80 years later, despite almost universal ratification of the Convention, the practice still exists, albeit in different forms to those that provoked such concern in the early twentieth century. The ILO estimates that at least 20.9 million people globally are victims of forced labour.

In 2014, the International Labour Conference adopted the **Protocol on the forced labour convention** seeks to address gaps in implementation and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The European Union (EU) is committed to **promoting human rights and decent work and to eradicating trafficking in human beings**, both internally and in its external relations. In ratifying ILO Conventions and related Protocols, EU Member States send an important signal on the coherence of the EU's policy in promoting fundamental principles and rights at work and improving working conditions worldwide.

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation**.

The Protocol is a binding international agreement, subject to ratification, and is linked to the Convention. It creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention.

In accordance with case law of the Court of Justice of the European Union (ECJ), and more specifically on concluding and ratifying an ILO Convention, Member States are not able to decide to ratify the Protocol outside the framework of the EU's institutions, as parts of the Protocol fall into areas of EU competence. However, the EU as such cannot ratify an ILO Protocol, because under the ILO rules only States can be parties to such Protocols.

The Protocol's provisions strengthen the international legal framework by establishing obligations to **prevent forced labour** and to provide victims with protection and access to remedies, such as compensation.

The Protocol sets out the **measures that ILO Member States must take to prevent forced labour**, namely:

- educating and informing people, especially those who are particularly vulnerable, and employers;
- making efforts to ensure that the coverage and enforcement of legislation relevant to the prevention of forced labour apply to all workers and all sectors of the economy and that labour inspection services are strengthened;
- protecting people, especially migrant workers, from potentially abusive and fraudulent recruitment and placement practices;
- supporting due diligence by both the public and private sectors; and

- addressing the root causes heightening the risks of forced labour.

The Protocol addresses areas of EU law that are already subject to an advanced degree of regulation: (i) certain aspects covered by EU social policy, in respect of which EU law sets minimum rules on working conditions; (ii) certain aspects relating to the freedom of movement for workers.

The Commission proposes that the Decision should be based on the one hand on A**rticle 153(2) TFEU,** second subparagraph TFEU, in conjunction with Article 218(6) TFEU, which provides the main legal basis for EU legislation on protecting and improving working conditions, relevant to preventing forced labour. The provisions of the draft Protocol other than the provisions related to social policy will be subject to a Decision adopted in parallel to this Decision.

The Decision recommends that Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably **by 31 December 2016**.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 11/09/2014 - Preparatory document

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour

Organisation with regard to matters related to social policy.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the **Forced Labour Convention, 1930 (No 29)** of the ILO is one of the ILO's eight fundamental Conventions that make up the core international labour standards, and it is considered a human rights instrument. Yet, more than 80 years later, despite almost universal ratification of the Convention, the practice still exists, albeit in different forms to those that provoked such concern in the early twentieth century. The ILO estimates that at least 20.9 million people globally are victims of forced labour.

In 2014, the International Labour Conference adopted the **Protocol on the forced labour convention** seeks to address gaps in implementation and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The European Union (EU) is committed to **promoting human rights and decent work and to eradicating trafficking in human beings**, both internally and in its external relations. In ratifying ILO Conventions and related Protocols, EU Member States send an important signal on the coherence of the EU's policy in promoting fundamental principles and rights at work and improving working conditions worldwide.

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation**.

The Protocol is a binding international agreement, subject to ratification, and is linked to the Convention. It creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention.

In accordance with case law of the Court of Justice of the European Union (ECJ), and more specifically on concluding and ratifying an ILO Convention, Member States are not able to decide to ratify the Protocol outside the framework of the EU's institutions, as parts of the Protocol fall into areas of EU competence. However, the EU as such cannot ratify an ILO Protocol, because under the ILO rules only States can be parties to such Protocols.

The Protocol's provisions strengthen the international legal framework by establishing obligations to **prevent forced labour** and to provide victims with protection and access to remedies, such as compensation.

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- educating and informing people, especially those who are particularly vulnerable, and employers;
- making efforts to ensure that the coverage and enforcement of legislation relevant to the prevention of forced labour apply to all workers and all sectors of the economy and that labour inspection services are strengthened;
- protecting people, especially migrant workers, from potentially abusive and fraudulent recruitment and placement practices;
- supporting due diligence by both the public and private sectors; and
- addressing the root causes heightening the risks of forced labour.

The Protocol addresses areas of EU law that are already subject to an advanced degree of regulation: (i) certain aspects covered by EU social policy, in respect of which EU law sets minimum rules on working conditions; (ii) certain aspects relating to the freedom of movement for workers.

The Commission proposes that the Decision should be based on the one hand on A**rticle 153(2) TFEU,** second subparagraph TFEU, in conjunction with Article 218(6) TFEU, which provides the main legal basis for EU legislation on protecting and improving working conditions, relevant to preventing

forced labour. The provisions of the draft Protocol other than the provisions related to social policy will be subject to a Decision adopted in parallel to this Decision.

The Decision recommends that Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably **by 31 December 2016**.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 10/03/2015 - Legislative proposal

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to social policy.

PROPOSED ACT: Council Decision.

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

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol**, for the parts falling within the competence conferred upon the Union under Article 153(2) TFEU (social policy), to the **Forced Labour Convention, 1930, of the International Labour Organisation (ILO).**

The Forced Labour Convention, 1930, of the International Labour Organisation, which the Protocol of 2014 supplements, is a fundamental ILO Convention and has a bearing on rules which make reference to core labour standards. The Union promotes the ratification of international labour conventions, classified by the International Labour Organisation (ILO) as up to date, to contribute to the Union's efforts to promote human rights and decent work for all and to eradicate trafficking in human beings both inside and outside the Union.

Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably by 31 December 2016.

For details of the main provisions of this Protocol, *please refer to the summary of the Commission's initial legislative proposal dated 11.09.2014*.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to social policy. Authorisation for Member States to ratify the 2014 Protocol

2014/0259(NLE) - 23/07/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted by Patrick Le HYARIC (GUE/NGL, FR) on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters related to social policy.

Members called on the European Parliament to give its consent to the draft Council decision.

They recalled that the Protocol's provisions strengthen the international legal framework by establishing obligations to prevent forced labour and to provide victims with protection and access to remedies, such as compensation.

The protocol calls on governments to take measures to better protect workers – particularly migrant workers – from abusive and fraudulent practices during the recruitment process.

In addition, it intends to protect human beings against forced work is prevention and remedies.

Consequently, Members proposed that Parliament give its consent to the Council's proposal for a decision.