

Statement by the ETUC Women's Committee on the ratification of ILO C190

Adopted by the ETUC Women's Committee on 24 June 2021

Every worker, no matter who they are or what work they do, deserves the protection of ILO Convention 190 concerning violence and harassment in the world of work.

The ETUC Women's Committee is greatly concerned about the actions of the EU that are preventing Member States from ratifying the Convention. We call on the President of the EU Council, Charles Michel to end this incorrect approach. The aim of the EU should be to support Member States in their ratification of the Convention.

On 25 June 2021, the ILO Violence and Harassment Convention (No. 190) will come into force.

As of 25 June 2021, six states have ratified the ILO Convention 190: Uruguay, Somalia, Namibia, Fiji, Argentina and most recently Ecuador. No EU Member State has yet ratified the Convention, whereas the Italian Parliament has approved ratification of ILO Convention 190 as the first country in Europe in January 2021.

The European trade union movement has repeatedly underscored the importance of a swift ratification of the ILO Convention 190, especially considering the COVID-19 pandemic that has exacerbated violence against women at work and at home.

On 25 November 2020, International Day for the Elimination of Violence against Women, the ETUC called on national governments to ratify C190, highlighting the urgent need for updated laws against workplace harassment to protect women working from home against online abuse made possible by surveillance techniques being used by employers.

On 8 March 2021, International Women's Day, the ETUC repeated its call to ratify C190 whilst providing evidence that employers, legislators and law enforcement bodies were not doing enough to tackle violence and harassment at work.

A survey of European women trade union leaders conducted in January and February has found that

- 84% of respondents said that employers had not updated their policies to address online harassment associated with telework;
- 77% of respondents thought that employers did not do enough to tackle violence and harassment at work, including online;

- 84% of respondents thought their national laws were not strong enough to tackle violence and harassment at work, including online;
- 83% of respondents did not believe their country's laws to tackle violence and harassment at work, including online, were adequately enforced.

A majority of respondents indicated they were concerned or even very concerned about violence and harassment at work, online and offline.

These findings underline the urgent need for action.

Therefore, the ETUC Women's Committee is all the more concerned regarding the creation of legal uncertainty as to EU Member States' ability to ratify ILO Convention 190. We understand the European Commission assessment is that "the EU cannot ratify ILO Conventions because the EU is not a member of the Organisation [ILO], only Member States can ratify such Conventions". In this regard we recall that the EU has ratified the UN Convention on the rights of persons with disabilities. The EU is not a member state of the UN. And further "when the ILO instrument touches on EU competences, a Council decision authorising ratification is required". In this regard we recall that the ratification of ILO Convention 190 falls within sovereignty of Member States. ILO Conventions and EU Directives are minimum standards and Member States are free to put in place more protective measures for workers. In addition we underscore that ratification of ILO C190 is not a matter that would bring Member States into a situation where they would be required to act contrary to the EU Acquis.

The current situation is unacceptable whereby one or two EU Member States are effectively blocking all EU Member States from ratifying the Convention.

On [22 January 2020](#), a proposal for a Council decision has been put forward by the European Commission, that would "allow Member States to take forward the process of ratifying at national level the Convention" but over a year later it is still not adopted.

The ETUC Women's Committee seeks urgent clarification as to the alleged legal foundation for the EU Council's objection to Member states' ratification process of ILO C190. The 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](#) should be adopted as a matter of urgency as a means for the EU to work together to support the ratification of ILO Convention 190 throughout the EU rather than placing unwarranted obstacles in the way of Member States. Workers should not be made to wait any longer.