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12015/20

SOC 623
EMPL 451
JEUN 99
SAN 363
GENDER 122
ANTIDISCRIM 105
EDUC 367
ILO 4
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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Exchange of Letters on behalf of the EU with the International Labour Organisation
- Authorisation to enter into the exchange of letters

1. On 16 July 2020, the Social Question Working Party received information from the Commission on its intention to enter into an exchange of letters on behalf of the European Union with the International Labour Organisation. This non-binding instrument should provide a general framework and establish principles of cooperation between the European Union and the ILO to continue advancing on multilateralism, sustainable development and development cooperation.
2. On 4 August 2020, delegations received the Commission's note on the intended Exchange of Letters on behalf of the EU with the International Labour Organisation¹.

¹ Document ST 10051/20.

3. On 1 October 2020, the Presidency informally consulted the Social Question Working Party. All delegations expressed their position and nobody opposed to the draft text of the Exchange of Letters on behalf of the EU with the International Labour Organisation².
4. In light of the foregoing, the Permanent Representatives Committee is invited to suggest to the Council to authorise the Commission to enter into an exchange of letters on behalf of the European Union with the International Labour Organisation.

² Document ST 11355/20.

Renewal of the 2001 exchange of letters with the ILO

Exchange of letters between the European Union and the International Labour Organization (ILO)

Letter from the European Commission of xxx 2020

Dear Mr. Director-General,

The International Labour Organization and the European Union have a shared commitment to multilateralism, peace, human rights, democracy, sustainable development, just transition and to promoting employment, rights at work, social protection and social dialogue.

Since the first agreement between the ILO and the European Communities in 1958, a long-standing and mutually beneficial partnership has developed between both organisations to further these aims, which has led to meaningful impact across many policy areas and regions in the world.

Over the past decades, the two organisations have progressively developed their cooperation including through formal exchanges of letters in 1989 and 2001. In 2003, the ILO adhered to a financial and administrative framework agreement (FAFA) governing financial and administrative matters between the United Nations and the European Union. In 2004, a strategic partnership was concluded in the field of development. As from 2002, regular high-level meetings have been held between the two organisations.

The ILO and the European Union, represented by the European Commission, last exchanged letters in 2001. Since then, there have been profound changes in the world of work, driven by technological change and digitalisation, demographic shifts, environmental and climate changes as well as globalisation. Both the ILO and the European Union have significantly reinforced and developed their capacity to harness and respond to these changes. It is therefore timely for us to renew our partnership.

This exchange of letters has neither legal nor financial consequences.

Principles and objectives

The renewed partnership between the ILO and the European Union builds on important advances made since 2001.

Decent work and sustainable development have become a shared agenda. In 2008, the concept of decent work in its four strategic objectives – employment creation, social protection, fundamental principles and rights at work, and social dialogue – was enshrined in the ILO Declaration on Social Justice for a Fair Globalisation adopted with strong European support. All European Union institutions had made an express commitment to decent work for all in 2006 and since then are supporting the promotion of decent work through a wide range of internal and external policies. In 2015, decent work became an integral part of the 2030 Agenda for Sustainable Development. Both organisations are strongly committed to implementation of the 2030 Agenda and the Sustainable Development Goals (SDGs) that integrate the economic, social and environmental dimensions of sustainable development and good governance. The ILO has aligned its policies and programmes with the objectives of the 2030 Agenda, and the EU, in particular with the adoption of the renewed European Consensus for Development, is strongly committed to implement it in all its policies.

Both organisations have reaffirmed their goals and values and renewed their mandate in view of a changing world of work. In 2009, the goals and values of the European Union were clarified in the Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union. These came into force with the aim to make the European Union more democratic, more efficient and better able to address global problems with one voice. With the proclamation of the European Pillar of Social Rights in 2017, the European Union further expressed principles and rights essential to efficient employment and social outcomes as regards equal opportunities and access to the labour market, fair working conditions and social protection and inclusion. In 2019, the ILO celebrated its centenary year, and its tripartite constituents reaffirmed and renewed the ILO's mandate for social justice with the adoption of the ILO Centenary Declaration for the Future of Work. The Declaration is based on a human-centred approach to the future of work, and was adopted with the full support of the European Union and its Member States. The Council of the European Union in its Conclusions “The Future of Work: the European Union promoting the ILO Centenary Declaration” welcomed the Declaration and asked the European Commission and its Member States to take actions in line with the Declaration.

The cooperation between the ILO and the European Union has developed. Since the Memorandum of Understanding in the field of development in 2004, the joint work of both organisations on development and assistance in third countries has deepened and widened in scope, covering many different thematic areas worldwide. The reform of the United Nations Development System offers new opportunities for the ILO and the EU to jointly promote decent work across the UN system. As regards trade policy, the promotion of decent work, ratification and implementation of core labour standards and occupational safety and health have become part of European Union trade agreements with and preferences granted by the European Union to its partner countries and an important area of cooperation between both organisations. The ILO and European Union have also developed cooperation over policy developments affecting employment and social protection in the European Union, in third countries, in the global agenda and through joint research, capacity building and multi-stakeholder initiatives. Topics have included measuring progress towards decent work, frameworks for job creation, growth and investment, youth employment, migration and refugees, skills development and vocational training, fundamental principles and rights at work, gender equality, occupational safety and health, informal economy, labour inspection, social protection, global supply chains, responsible business conduct, and social dialogue. How to shape a human-centred future of work has been a major driver of this cooperation.

Priority areas

Against this background, the European Union considers that it would be of benefit to both organisations to develop their cooperation by focusing as priority areas on the promotion of:

- A human-centred approach to the future of work and a just transition to a future of work that contributes to sustainable development in its economic, social and environmental dimensions, including with regard to climate change, in line with the 2030 Agenda, the ILO Centenary Declaration, and relevant European and international norms;

- Labour standards, both within and outside the European Union, in particular with regard to the Fundamental Principles and Rights at Work;
- Employment, entrepreneurship, skills and lifelong learning, including for youth, older workers and vulnerable workers;
- Social dialogue, including with a view to enhancing social partners' and social dialogue's roles and capacity in the new world of work. mutual sharing of good practices on social dialogue and collective bargaining with other regions of the world;
- Social protection systems and measures for all, including social protection floors;
- A transformative agenda for gender equality and the empowerment of women in the world of work;
- Occupational safety and health and decent working conditions including across global supply chains;
- Promotion of the international labour standards and decent work through all external policy tools including trade policy and through responsible business conduct;
- The social and employment policy aspects of enlargement and neighborhood policy of the EU, notably with regard to social dialogue;
- Development cooperation, notably with a view to strengthening the social dimension of development, while also collaborating at the operational level in the service of sustainable development as set out in the 2004 ILO-EU Memorandum of Understanding in the field of Development or its update.
- The promotion of human rights multilateralism, the decent work agenda and the social pillar of sustainable development within the United Nations System, and at global, regional and country levels.

Practical arrangements

In order to develop cooperation in these and in other areas of mutual interest between the European Union and the ILO, the European Union intends that the following arrangements will continue to apply:

- High-level meetings are held on a regular basis, alternately in Brussels and Geneva, and are co-chaired by the European Commission and the ILO. The high-level meetings review existing cooperation and plan future joint activities.
- The European Commission's Directorate General for Employment, Social affairs and Inclusion is the focal point within the European Union for relations with the ILO, notwithstanding the involvement of the relevant services of the European Commission and the European External Action Service within their respective areas of competence.
- The European Union is regularly invited to meetings of the ILO's International Labour Conference and the Governing Body as well as, as appropriate, to regional, sectoral and technical meetings.
- The European Commission invites, as appropriate, representatives of the International Labour Office to meetings of the European Commission at service level dealing with social and labour matters likely to be of interest to the International Labour Organization.
- The European Commission and the ILO exchange information on developments within the respective organisations, which are likely to have implications for cooperation between the two organisations.
- The appropriate form for the exchange of information or assistance in areas of shared interest can be agreed upon on a case-by-case basis (e.g., visits, joint documents, technical meetings, joint projects).

Moreover, the European Union and the ILO could explore an enhanced participation of the European Union in the work of the ILO, within the latter's constitutional framework, to better reflect developments in the successful partnership between both organisations.

There is no doubt that by sharing our experience, engaging in joint reflection on new approaches to contemporary social issues and, where appropriate, pooling our expertise, the European Union and the International Labour Organization can both respond even more effectively to the need to promote employment opportunities, maintain and improve living and working conditions worldwide, ensure a human-centred future of work that creates decent work for all, promotes human rights and contributes to ending poverty and to leaving no-one behind.

Yours sincerely,

Nicolas Schmit

Member of the European Commission, Commissioner for Jobs and Social Rights.

Letter from the ILO

Dear Commissioner,

I hereby acknowledge receipt of your letter of dd mm yyyy, the terms of which are as follows:

I agree in full with the terms of this letter, since it is my belief that these arrangements will serve to ensure the continuation of the harmonious collaboration which has existed between our institutions as well as the reinforcement of that collaboration.

Yours faithfully,

Guy Ryder

Director-General of the International Labour Office.