

Briefing 4.2 – The role of global instruments and frameworks on human rights and labour rights

There are a number of global instruments and frameworks on responsible business that address human rights and labour-related issues. These are described below.

1. ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration)

The ILO recognizes the important role played by multinational enterprises in the economies of most countries and in international economic relations. It also recognizes their enormous potential to contribute to the goal of decent work for all in today's globalized world. To guide and encourage their positive contribution to socio-economic development and minimize negative impacts of their operations, the ILO promotes the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration). It is one of the ILO's key instruments for promoting socially responsible labour practices in the corporate world.

This global declaration, adopted in 1977 and revised in 2006, contains a comprehensive set of guidelines on employment and labour-related issues based on international labour standards (covering general policies, employment promotion and security, equality of opportunity and treatment, training, wages and benefits, minimum wages, occupational safety and health and industrial relations). Adopted by governments, employers' and workers' organizations, it provides specific recommendations on how companies can maximize their positive economic and social impacts and minimize any negative impact.

With regard to gender equality, the revised MNE Declaration incorporates the 1998 ILO Declaration on Fundamental Principles and Rights at Work (that includes the non-discrimination Conventions 100 and 111) in the general principles section, and extends equality of opportunity and treatment in

employment in the employment section. It states that "All governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin."

Further information on the MNE Declaration see: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

2. UN Guiding Principles on Business and Human Rights

In 2011 the UN Human Rights Council adopted the Guiding Principles on Business and Human Rights which contains three distinct but interrelated principles: the state duty to protect against human rights abuses by third parties, including by business; the corporate responsibility to respect human rights through proactive due diligence to avoid infringing on rights of others ('do no harm' principle); and greater access by victims to effective remedy. "Guidance to business enterprises on respecting human rights should indicate expected outcomes and help share best practices. It should advise on appropriate methods, including human rights due diligence, and how to consider effectively issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families."

Specific reference is made to conflict-affected areas and to "providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence. In tracking the effectiveness of implementation, the guidance recommends "using gender-disaggregated data where relevant". The follow-up mechanism includes

the establishment of a working group on business and human rights, whose mandate includes integration of a gender perspective throughout its work and special attention to persons living in vulnerable situations.

The due diligence concept describes a responsibility for companies to proactively identify, prevent, mitigate and account for how they address their impacts on human rights. The introduction of this concept in the UN Guiding Principles and the 2011 OECD Guidelines for Multinational Enterprises may impact on multi-stakeholder initiatives (MSIs) in two different ways. First of all, it may prove to be a useful concept to transcribe in MSI standards and requirements for companies that participate in the MSI. Furthermore, as part of the implementation of due diligence processes, companies may increasingly seek to link up to MSIs.

For further information about the UN Guiding Principles see: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

3. UN Global Compact

The UN Global Compact (UNGC) asks companies to integrate into their business practices and promote within their spheres of influence a set of ten universally accepted principles covering human rights, labour standards, environmental protection and anti-corruption. It is a global network involving UN agencies, companies, governments, employers' organizations, trade unions and NGOs. Companies also commit to issue an annual Communication on Progress (COP) report on how they are implementing the ten principles of the UN Global Compact, and supporting broader UN development goals. Today, over 8000 companies from 170 countries participate in the UNGC to share experiences and engage in dialogue through local networks and thematic working groups.

In 2010, the Women's Empowerment Principles were launched by the UNGC in collaboration with UN Woman. A set of seven principles offer guidance to business on how to empower women in the workplace, marketplace and community and emphasizes the business case for corporate action to promote gender equality and women's empowerment (see box below).

The **Women's Empowerment Principles (WEPs)** – a joint initiative of the UN Global Compact and UN Women – are global principles offering guidance to businesses on empowering women in the workplace, marketplace and community. The WEPs encourage employers to prioritize the safety of their female employees, both in and outside of the workplace. Principle 3: 'Ensure the health, safety and well-being of all women and men workers' highlights the responsibility of employers to support victims of violence and to provide a workplace that is free from violence. Suggestions include offering services for survivors of domestic violence; respecting requests for time off for counselling or medical care; training staff to recognize the signs of violence against women; identifying security issues, including the safe travel of staff to and from work; and establishing a zero-tolerance policy towards violence and harassment at work. Principle 7 also focuses on measuring and publicly reporting on progress to achieve gender equality. DIFD (2015b)

For further information and recommendations on what companies can do in the workplace see: The Labour Principles of the United Nations Global Compact – A Guide for Business. Available at: http://www.ilo.org/empent/Publications/WCMS_101246/lang--en/index.htm

4. OECD Guidelines for Multinational Enterprises 2011

The OECD Guidelines are a set of international standards for responsible business behaviour, based on non-binding principles and standards for responsible business conduct in a global context, in line with internationally recognized standards on decent work, equality and collective bargaining. The guidelines place a responsibility on companies to proactively identify, prevent, mitigate and account for how they address their impacts on human rights. **For further information on the OECD Guidelines see:** <http://www.oecd.org/corporate/mne/oecdguidelinesformultinationalenterprises.htm>