

Module 4

Freedom of association and labour rights in the context of business and human rights / responsible business conduct



Module 4



Session 12: International Standards and norms on business and human rights



Session 13: Labour and human rights due diligence in supply chains



Session 14: FOA and labour rights in the context of global trade and development financing



Session 12

International standards and norms on business and human rights



International
Labour
Organization

Freedom association and labour rights in the Philippines training manual
Module 4-Session 12: International standards and norms on business and human rights

Funded by the
Government of Canada

Canada



Funded by
the European Union



Session snapshot

Session 12

- Begins with the shift of discussions on the exercise of FOA and related labour and human rights in the context of business and human rights (BHR) or responsible business conduct (RBC).
- Target Audience: for employers and other key private sector actors while remaining useful for other audience groups like government officers, CSO advocates, and trade unions and workers themselves.



Estimated
duration:
90 minutes



Required materials:

- Usual presentation equipment and accessories





Facilitator's guide points

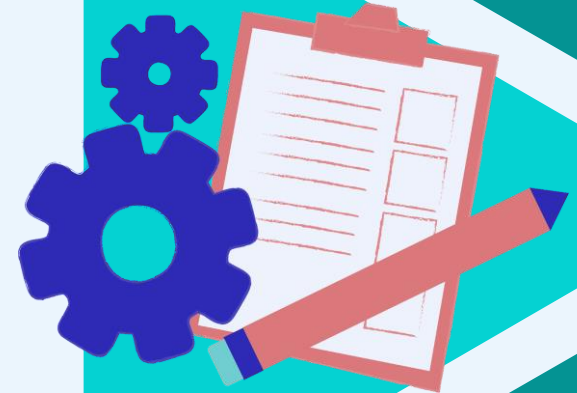
Facilitator's guide points



1. Introduce Session 12 with remarks on the broad theme of the fourth module of this manual. Use the Overview content of this session. Pick few relevant insights from the Power Walk exercise.



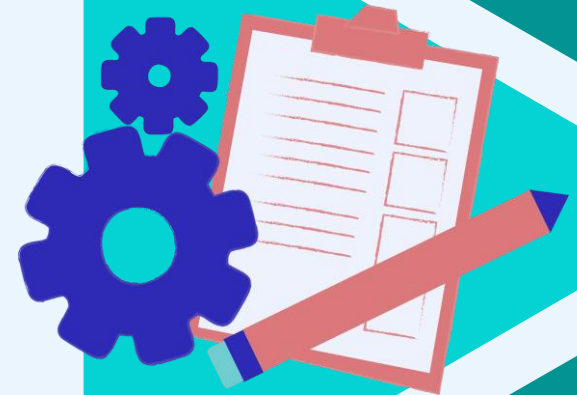
2. Share the specific learning objectives for the further guidance of the participants.





3. Facilitate the other parts of the session using the Discussion Notes as a general guide, with a view to introducing additional or new sub-topics as per your discretion and based on the profile and needs of a given audience group. At the minimum, discuss the following:

- a) The Growing Concern for Human Rights among Businesses
- b) The “Protect-Respect-Remedy” Framework
- c) Responsible Business Conduct
- d) Global Framework Agreements



Facilitator's guide points



4. Be mindful of the Key Learning Points as internal guide on messaging.



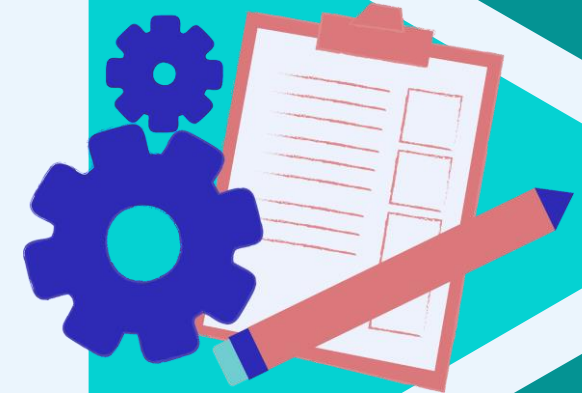
5. Deliver the optional discussion points and/or exercise/s as deemed necessary for the given audience group.



6. Occasionally engage participants through parts of the session heavier on delivery of lecture. Checking whether they have any questions or comments is one handy method of engagement.



7. Conduct the recap exercise at the end of the session.





Learning objectives



Businesses in FOA

Identify the factors that drive businesses and the private sector in general to give greater importance on human rights and labour rights in the context of their operations and business relationships



Protect-Respect-Remedy

Determine the Protect-Respect-Remedy framework elements under the 2011 UN Guiding Principles (UNGP) on Business and Human Rights (BHR)



Business a

Appreciate the extent to which the **agenda of BHR has taken shape through the formulation of National Action Plans (NAPs)** at the national level and of Global Framework Agreements (GFAs)



Key learning points



The UNGPs on BHR serves as the **primary international document guiding the conduct of States and the private sector** in the protection and respect for human rights as well as the remediation of human rights violations and abuses.



Businesses and the private sector share a good deal of **accountability in ensuring that human rights and labour rights** are respected and any violations or abuses are addressed, particularly those that occur within the purview of their **operations and business relationships**.



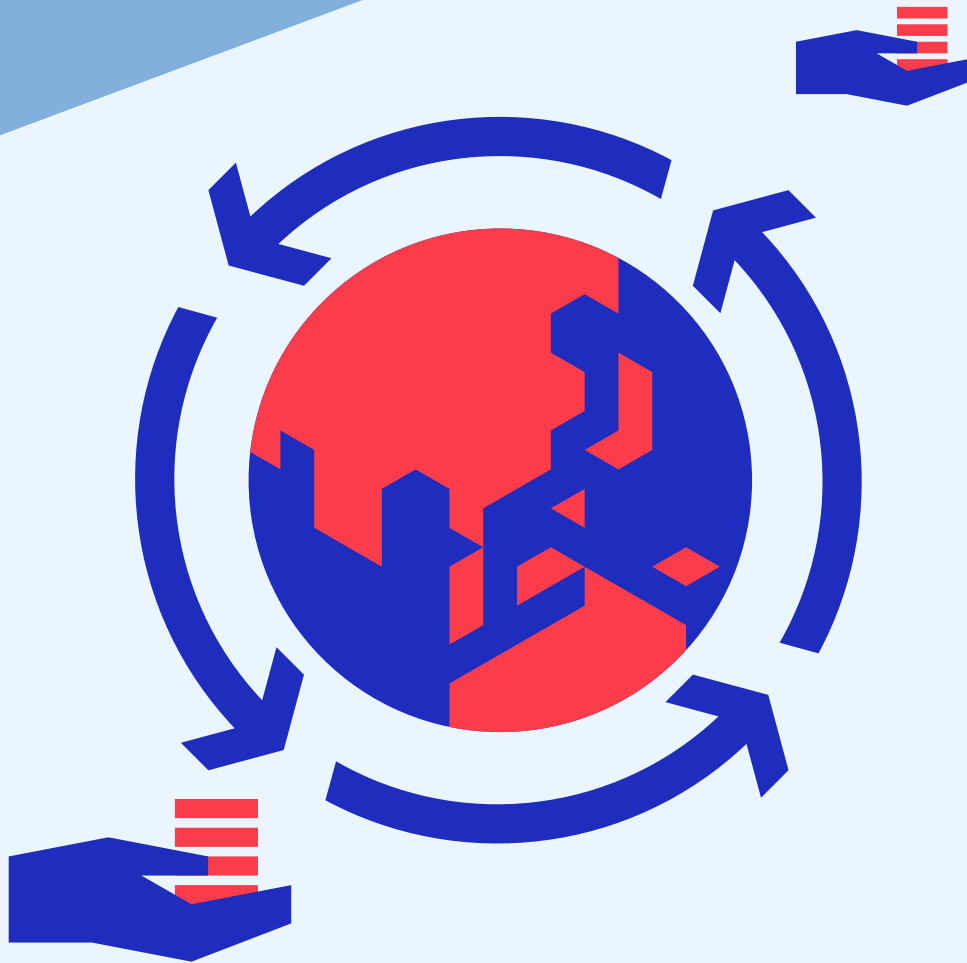
BHR and Responsible Business Conduct or RBC offer a **strategic and practical framework for businesses** and the private sector in aligning their operations and business relationships with the **international commitment for human and labour rights**.



Global Framework Agreements (GFAs) can serve as alternative tools/instruments to promote and help ensure respect for human and labour rights, including FOA and collective bargaining.



Definition of key terms



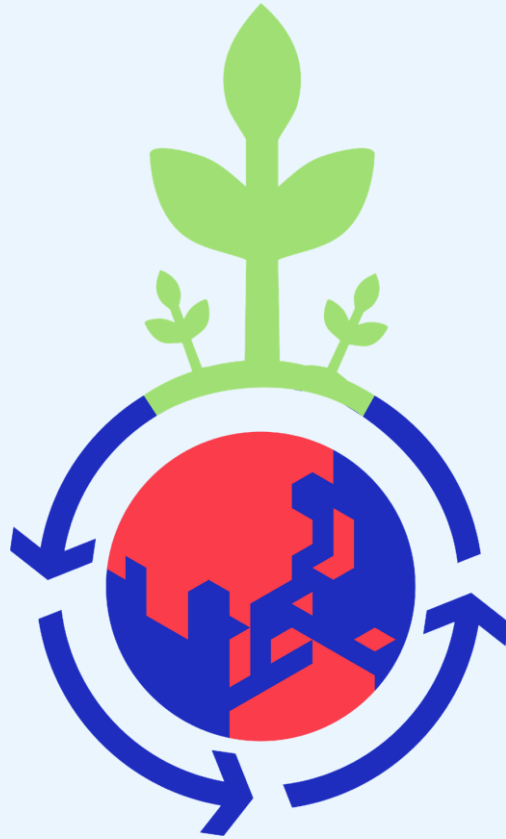
Economic Globalization

Refers to the increasing interdependence of world economies as a result of the growing scale of **cross-border trade** of commodities and services, flow of international capital, and wide and rapid spread of technologies



Multinational Enterprise/ Corporation (MNE/MNC)

An **enterprise producing goods or delivering services in more than one country**, has its management headquarters in one (or rarely more than one) country, the home country, while also operating in other countries, the host countries



Sustainability / Sustainable Development

Meeting the **needs of the present**
without compromising the ability
of future generations to meet their
own needs



Session proper

Session 12



**The Growing Concern for Human Rights
Among Businesses**



**The “Protect, Respect, and Remedy”
Framework**



Responsible Business Conduct



Global Framework Agreements

The growing concern for human rights among businesses

The growing concern for human rights among businesses

Businesses drive economic and social development by creating jobs, innovating, and providing goods and services.

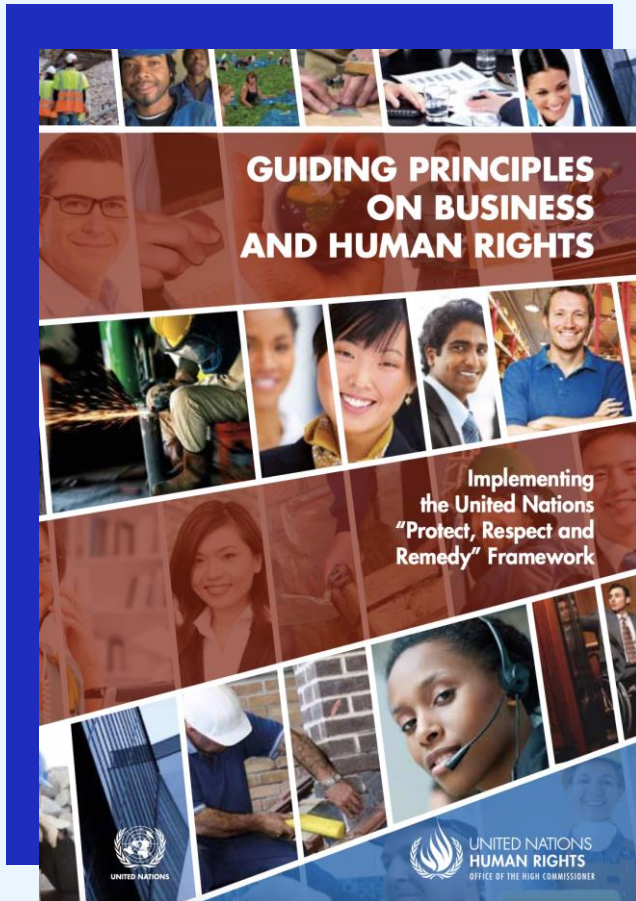


However, globalization and market pressures have also led to human rights concerns affecting workers and communities.

In response, many big brands and multinational corporations are now taking human rights impacts in their operations and supply chains more seriously.

The "protect, respect, and remedy" framework

The "protect, respect, and remedy" framework

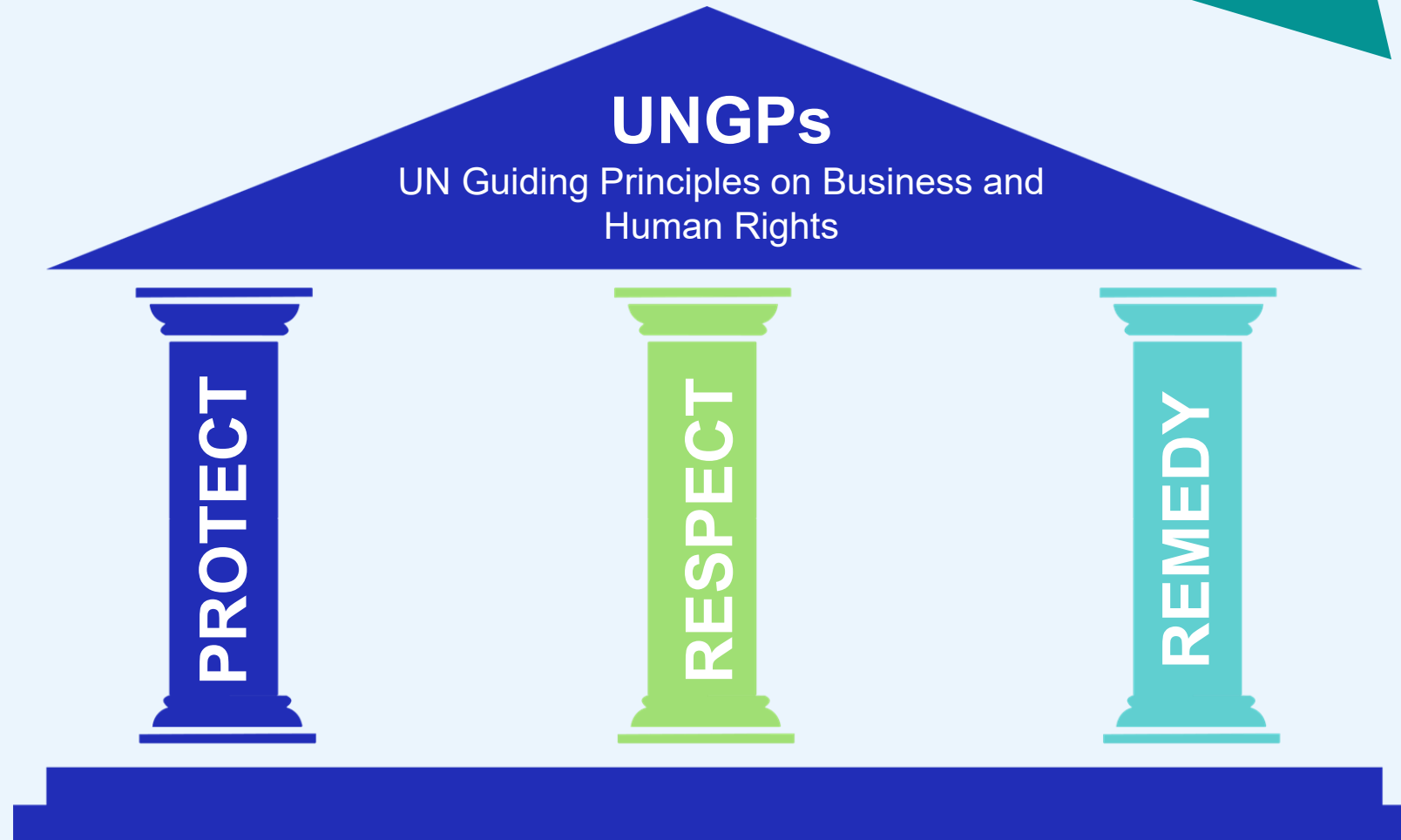


In 2011, the UN Human Rights Council (UNHRC) adopted and endorsed **the UN Guiding Principles on Business and Human Rights (UNGPs)**, the culmination of earlier efforts to develop a framework for human rights in business, including:

- (a) the 1999 UN Global Compact
- (b) the 2003 Draft Norms on Responsibilities of Transnational Corporations and other Business Enterprises, and
- (c) Prof. John Ruggie's appointment leading to the "Protect, Respect, and Remedy" Framework.

The "protect, respect, and remedy" framework

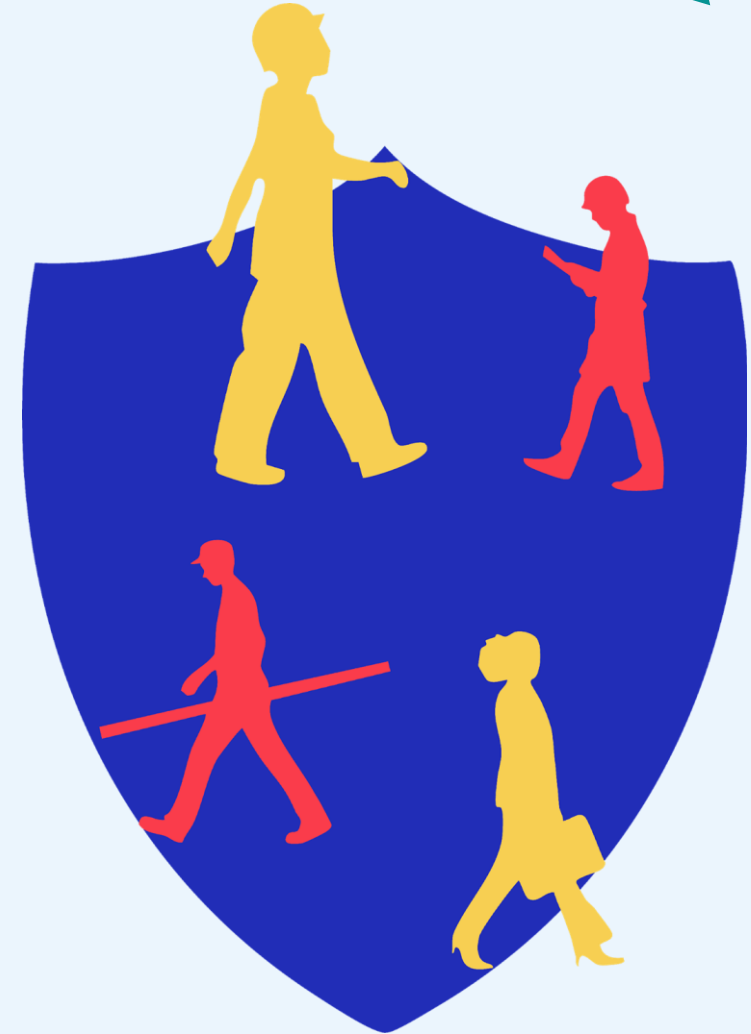
Protect, Respect and Remedy Framework





Protect (Pillar I).

States have a responsibility to safeguard their citizens from human (including labour) rights violations committed by commercial entities (p. 3). Adoption of rules and regulations to stop and address business-related human rights breaches as well as the provision of rehabilitative interventions for victims of business violations are some actions that could be taken in support of this pillar.

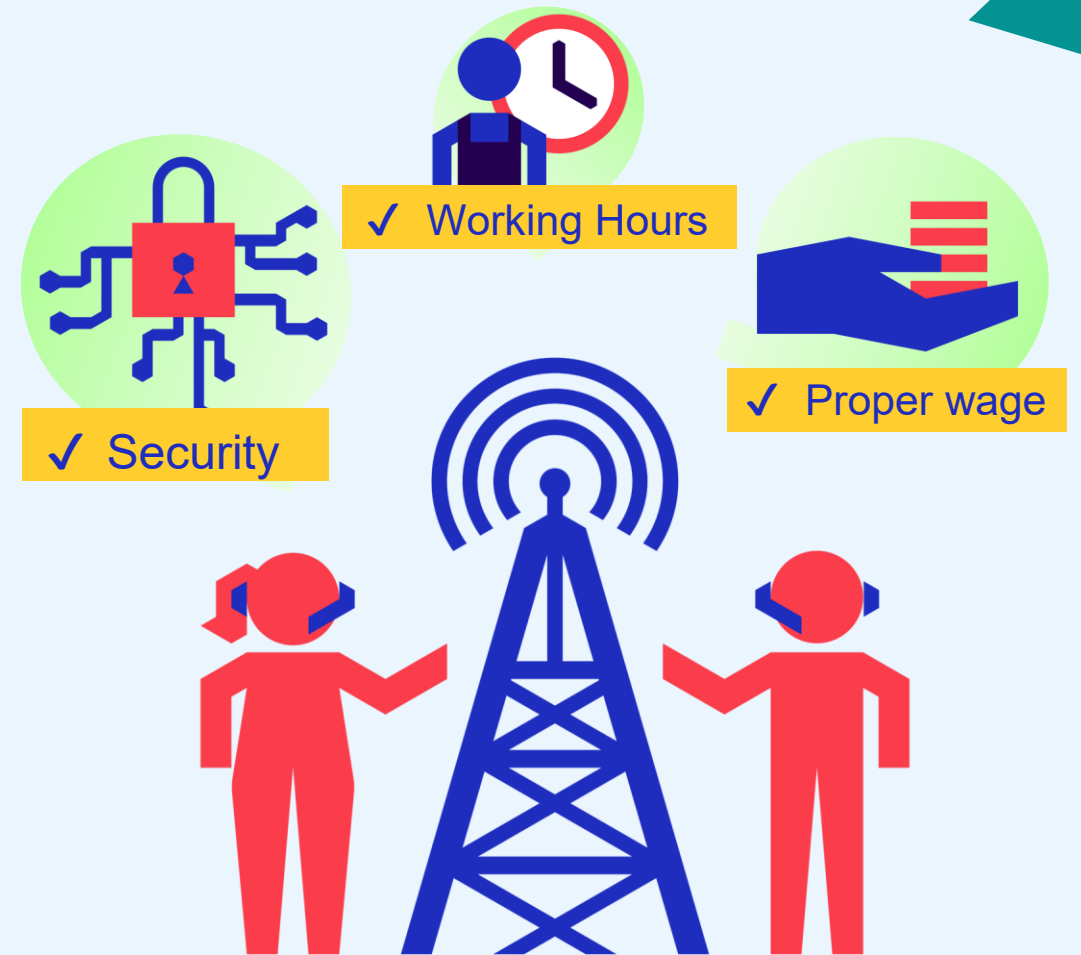


The "protect, respect, and remedy" framework



Respect (Pillar II).

Regardless of their sector and location, businesses of all sizes have a duty to respect human rights. To do this, it is necessary for companies to perform human rights due diligence in their company operations and systems. This can be done **through foreseeing the potential effects of the whole commercial operations down to engagement with suppliers and other external business partners** in order to avoid all forms of abuses.





Remedy (Pillar III).

- **Focuses on ensuring victims of business-related human rights abuses can access effective remedies**
 - Includes state-based grievance mechanisms & courts, plus non-state options:
 - Company-managed grievance systems
 - Industry or multisectoral mechanisms
 - CSO/NGO-led processes
- **Remedies should be accessible, equitable, transparent, and rights-based**
- **Emphasizes social dialogue to develop meaningful solutions for victims**



Box 1.

Countries that have NAPs on BHR or BHR Chapters in their HR NAPs

Countries that have NAPs on BHR or BHR chapters in their HR NAPs

States that have produced NAPs



United Kingdom

Launched September 2013,
Updated May 2016



The Netherlands

Launched December 2013,
Updated July 22



Denmark

Launched April 2014



Finland

Launched October 2014



Lithuania

Launched February 2015



Sweden

Launched August 2015



Norway

Launched October 2015



Colombia

Launched December 2015

Countries that have NAPs on BHR or BHR Chapters in their HR NAPs

States that have produced NAPs



Switzerland

Launched December 2016,
**French I English Revised
Action Plan 2020-2023**
Launched January 2020



Poland

Launched May 2017
Second Edition Polish
National Action Plan for
the Implementation of the
UNGPs 2021-2024
English



France

Launched April 2017
Action Plan
(French I English)
Action Plan Proposals
(French I English)



USA

Launched December 2016



Spain

Launched July 2017
English I Spanish



Belgium

Launched July 2017

Countries that have NAPs on BHR or BHR Chapters in their HR NAPs

States that have produced NAPs



Italy

Launched December 2016,
Italian I English



Germany

Launched December 2016



Chile

Launched July 2017



Luxembourg

National Action Plan on
Business and Human Rights
2020-2022

Launched in 2020

Only available in French



Czech Republic

Launched October 2017



Ireland

Launched November 2017



Republic of Slovenia

Launched November 2018

English I Slovenian



Kenya

Launched August 2019

States that have produced NAPs



Thailand

Launched October 2019
English | Thai



Japan

Launched October 2020
English | Japanese



Uganda

Launched August 2021



Pakistan

Launched October 2021

States that have included a 'Business and Human Rights' Chapter in their Human Rights NAPs



China

Read the Business and Human Rights Chapter within China's Human Rights Action Plan of China (2021-2025)



Georgia

Read the Business and Human Rights Chapter within Georgia's Human Rights NAP (English)



South Korea



Mexico

Read the Business and Human Rights Chapter within Mexico's Human Rights NAP (2020-2024) (only in Spanish)

Responsible Business Conduct (RBC)

Responsible business conduct or RBC is simply a concept that mirrors terms like **Corporate Social Responsibility** (one of the earliest forms of references used in describing business interaction with society) or Business and Human Rights as referred to under UNGPs.



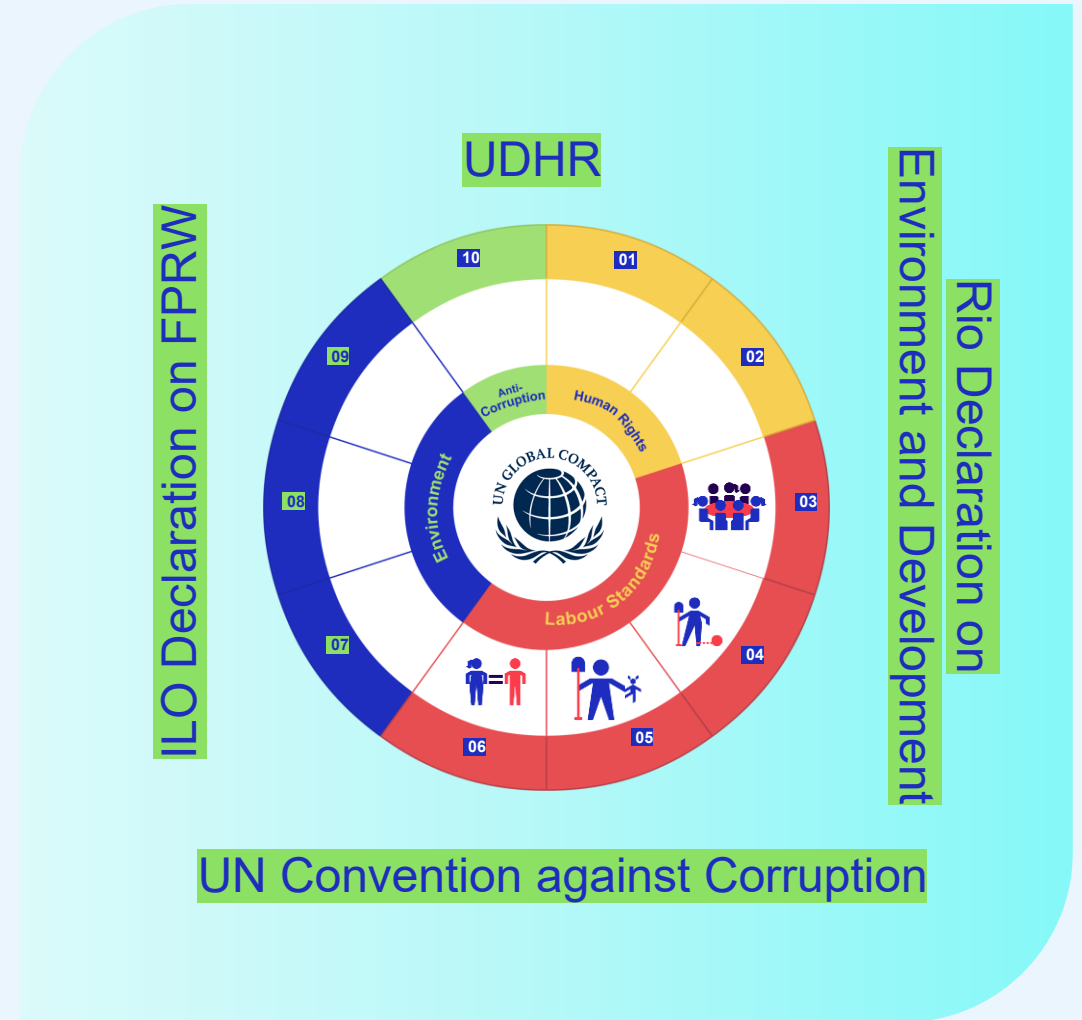
RBC constitutes three key components:



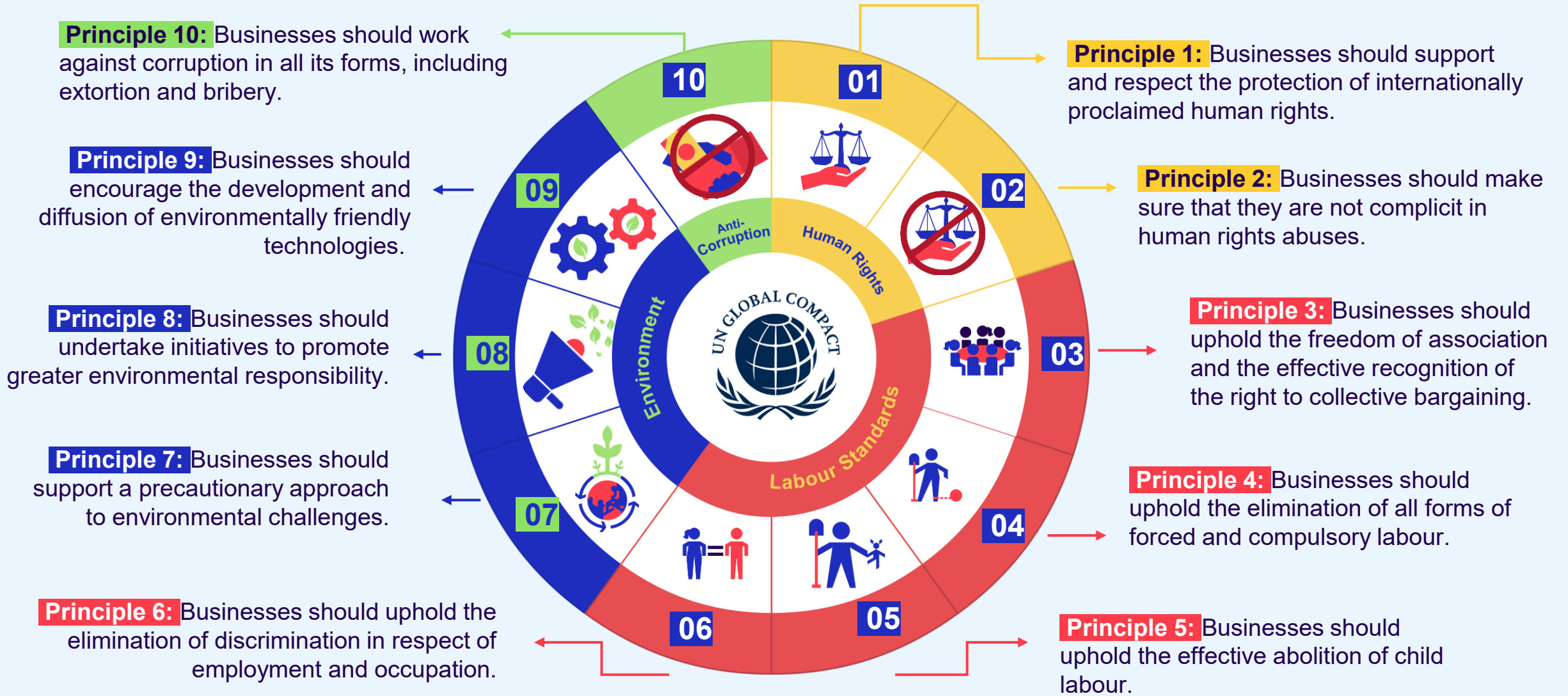
UN Global Compact and Corporate Sustainability

The **United Nations Global Compact** is a voluntary initiative based on CEO commitments to **implement universal sustainability principles** and to take steps to support the **UN SDGs**.

The UN Global Compact is **guided by ten key principles** derived from various international standards and norms such as the UDHR, the ILO Declaration on FPRW, the Rio Declaration on Environment and Development, and the UN Convention against Corruption.



10 Principles of UN Global Compact



Box 2.
**Other international
instruments settings norms
on RBC / BHR aside from
UNGPs**

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

- Offers guidance to boost companies' positive economic impact and operations.
- Provides policy advice to governments, employers, and workers' organizations.
- Based on 1998 international labour principles and rights; updated in 2017 to include new standards, policy outcomes, and references to the UN Guiding Principles and the 2030 Agenda.

Source: ILO, OHCHR, and OEDC (2019). "Responsible Business: Key Messages from International Instruments, p.3

OECD Guidelines from Multinational Enterprises (OECD MNE Guidelines)

- Government recommendations for responsible business conduct across labour rights, human rights, environmental rights, disclosure, bribery, consumer rights, science & tech, competition, and taxation.
- Updated in 2011 to add an industrial relations chapter aligned with ILO standards.
- Features unique non-judicial grievance mechanisms (NCPs).
- Unites governments committed to implementing the OECD MNE Guidelines and RBC policies.

Relevant provisions of the Philippine labor and employment plan 2023-2028 for promoting and ensuring responsible business conduct

Philippine Labor and Employment Plan (PLEP) 2023-2028

- **Adopted by the Philippine Government in August 2023** anchored in the Philippine Development Plan (PDP) 2023-2028.
- **Incorporated targets in pursuit of the country's international commitments** by virtue of ratified conventions and agreements as well as other adopted instruments such as the UN Guiding Principles on Business and Human Rights and the FOA-oriented ILO Convention 87 and Convention 98.

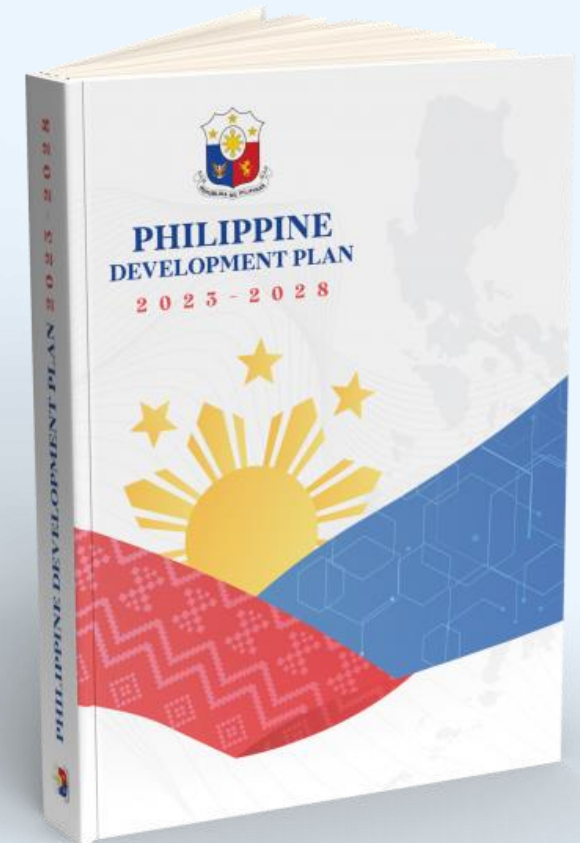


Image Source: <https://depdev.gov.ph/pdp-2023-2028-results-matrices/>

Philippine Labor and Employment Plan (PLEP) 2023-2028

- The PLEP 2023-2028 **also builds upon the Decent Work Country Program (DWCP) 2020-2024**, an outcome of a tripartite supported by the ILO Country Office in Manila.

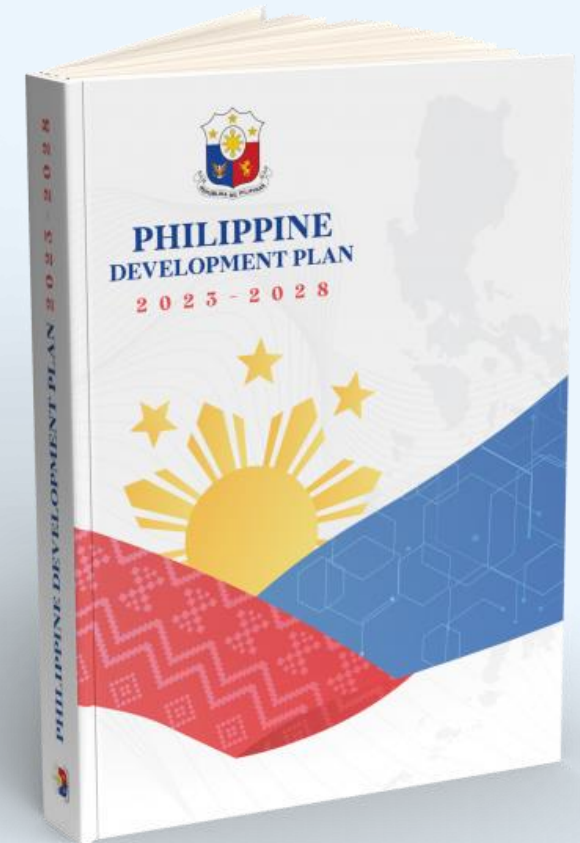
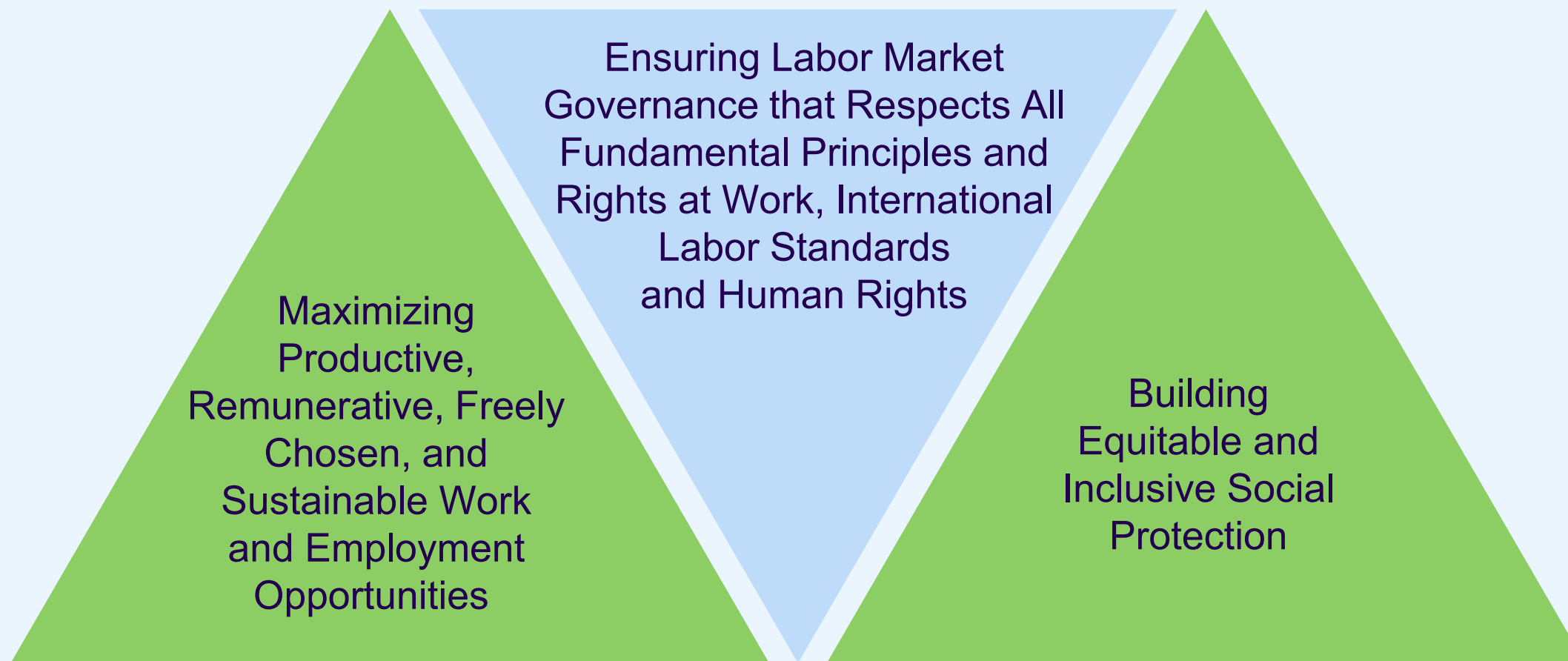


Image Source: <https://depdev.gov.ph/pdp-2023-2028-results-matrices/>

Three priority outcomes



Three priority outcomes

01 Maximizing Productive, Remunerative, Freely Chosen, and Sustainable Work and Employment Opportunities

- Increased employability
- Equal access to employment and work opportunities
- Shared labor market governance
- Enhanced enabling environment to promote the development of sustainable and resilient enterprises, particularly for MSMEs

Three priority outcomes

02 Ensuring Labor Market Governance that Respects All Fundamental Principles and Rights at Work, International Labor Standards and Human Rights

- Improving labor administration capacity
- Strengthening capacities of government and social partners
- Modern and balanced policy, legal and institutional frameworks on labor protection for all

Three priority outcomes

03 Building Equitable and Inclusive Social Protection

- Enhanced and inclusive implementation of social protection
- Strengthen policy, legal and institutional framework

Global framework agreements



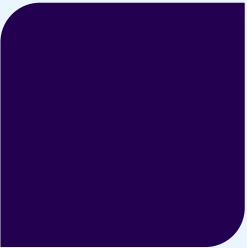
Global Framework Agreements (GFAs)

- GFAs are negotiated between multinational enterprises and Global Union Federations (GUFs) to ensure respect for international labour standards across global operations and supply chains.
- They help establish common working conditions and protect rights in supply chains, covering workers of suppliers and contractors.

Key features:



Global in scope and include a reference to the supply chain;



Involved **GUFs as signatories**; and



Explicitly **make references and recognition of the rights reflected by the ILO** in its fundamental Conventions at a minimum.

ILO Conventions

- Forced Labour Convention, 1930 (No. 29)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- ILO review (2009–2015):
 - Convention No. 87 – 86%
 - Convention No. 98 – 84%
 - Convention No. 105 – 84%
 - Convention No. 138 – 82%
 - Convention No. 100 – 80%
 - Convention No. 111 – 80%
 - Convention No. 182 – 80%



Recap exercises

1. This is the primary international document aiming to guide States and businesses in protecting and respecting human and labour rights and in providing remedial mechanisms for any violations or abuses thereof.

- a) UN Global Compact
- b) UN Guiding Principles on Business and Human Rights
- c) Universal Declaration of Human Rights

2. The Business and Human Rights framework has three pillars. Which among the following is not one of them?

- a) Protect
- b) Remedy
- c) Promote

TRUE OR FALSE

3. The Philippines has a National Action Plan (NAP) operationalizing its strategies to implement the UN Guiding Principles on Business and Human Rights.

4. These refer to instruments negotiated between an MNE and a GUF in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all the countries where it operates.

- a) Global Coordination Accords
- b) Global Framework Agreements
- c) International Cooperation Arrangements

5. Fill in the blanks:

The responsibility of businesses to respect human and labour rights cover two major areas: business operations/activities and

_____.



Recap exercises

Answer keys

1. This is the primary international document aiming to guide States and businesses in protecting and respecting human and labour rights and in providing remedial mechanisms for any violations or abuses thereof.

a) UN Global Compact

b) UN Guiding Principles on Business and Human Rights

c) Universal Declaration of Human Rights

1. The Business and Human Rights framework has three pillars. Which among the following is not one of them?

- a) Protect
- b) Remedy

c) Promote

TRUE OR **FALSE**

3. The Philippines has a National Action Plan (NAP) operationalizing its strategies to implement the UN Guiding Principles on Business and Human Rights.

4. These refer to instruments negotiated between an MNE and a GUF in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all the countries where it operates.

a) Global Coordination Accords

b) Global Framework Agreements

c) International Cooperation Arrangements

5. Fill in the blanks:

The responsibility of businesses to respect human and labour rights cover two major areas: business operations/activities and

business relationships/partnerships