

The slide features a decorative background on the left side consisting of several vertical bars of varying colors: orange, brown, red, light blue, green, yellow, dark blue, olive green, light purple, and pink. A thick dark blue horizontal line crosses the top of the slide, overlapping the vertical bars. The main text is positioned on the right side of the slide.

**The ILO Tripartite
Declaration of
Principles concerning
Multinational
Enterprises and Social
Policy, 2017**

What is the MNE Declaration and why the review?

- **Key points**
- The only global and tripartite-adopted instrument on business behaviour and the world of work
- The only ILO instrument which directly addresses companies
- Guidance to multinational and national enterprises, governments (host and home country) and to social partners

- **Why the review?**
- Many development within and outside of ILO since last update in 2006
- **Re-take a space within the multilateral system**

- **Key role of the ILO for governance (rights based approach)**
- Key role of the MNEs declaration and of its normative and supervisory system



Why the review?

- In light of the many development within and outside of ILO:
 - **Adoption of the Sustainable Development Goals (2015), the UN Guiding Principles on Business and Human Rights (2011) and other important international instruments**
 - **Adoption of many ILO instruments and policy outcomes since the last update in 2006**
- A deadline was set for March 2017, to coincide with the **40th anniversary of the MNE Declaration in November 2017.**



Changes in scope

- Recognizes that MNEs often operate through GSCs with other enterprises as part of their overall production process
- Stresses the importance of effective labour administration and public labour inspection

Contribution to governance of GSCs at the national and global level



New elements based on ILO instruments

The updated text:

- includes the decent work agenda (Declaration on Social Justice for a Fair Globalization)
- calls for governments to create an enabling environment for sustainable enterprises (ILC Conclusions 2007);
- **includes provisions addressing the importance of social protection floors and the progressive expansion of social security (R. 202, C. 102);**
- provides guidance on:
 - **transition to the formal economy (R. 204);**
 - **the elimination of forced or compulsory labour (R. 203 and Protocol to C. 29);**
 - equal pay for work of equal value (C. 100)
 - preventative safety and health culture – including steps to combat violence in the workplace and building safety (C.187)
 - compensation for workers who are victims of occupational accidents or diseases (C. 121)



Recommendations in five areas.

Use of these recommendations for shaping GFAs and voluntary initiatives. Updated global framework for labour relations

General policies

Employment

- Employment promotion
- Social Security
- Forced labour
- Child labour
- Equality
- Security of employment

Training

Conditions of work and life

- wages, benefits and conditions of work
- Occupational safety and health

Industrial relations

- Freedom of association and right to organize
- Collective bargaining
- Consultation
- Access to remedy and examination of grievances
- Settlement of industrial disputes



Strategic issues for workers; Due Diligence and social dialogue. Access to Remedy in a labour context

- Text includes guidance on due diligence as it relates to labour rights:
 - “For the purposes of achieving the aim of the MNE Declaration, the due diligence process should take account of the central role of freedom of association, collective bargaining, industrial relations and social dialogue as ongoing processes” (para 10 (e))
- Builds on the “remedy” pillar of the UNGPs to strengthen guidance on effective mechanisms for settling grievances and industrial disputes, including:
 - “Government measures should ensure effective access to remedy for affected workers within their territory or jurisdiction as well as voluntary conciliation and arbitration machinery” (para 64);
 - “Multinational enterprises should use their leverage to encourage their business partners to provide effective means for enabling remediation of abuses of internationally recognized human rights” (para 65).



New Annex II Operational tools

Promotion

- Governing Body
- Regional and global follow-up (cycle)
- National: tripartite appointed national focal points
- Office
 - Technical assistance
 - Information and guidance – ILO Helpdesk for Business

Company-union dialogue

- When a company and a union voluntarily agree to take advantage of using the dialogue facilities offered by the ILO
- Facilitated and supported by Office

Interpretation procedure

- Governing Body

National Promotion: tripartite appointed national focal points

- Governments, employers and workers are encouraged to appoint national focal points on a tripartite basis (taking guidance from Convention No. 144).
- Proposed promotional activities for national focal points include:
 - Awareness raising
 - Capacity building
 - Information materials in local languages
 - Tripartite-plus dialogue platforms (tripartite constituents and multinational enterprises)
- Where similar tools and processes already exist, governments are encouraged to facilitate involvement of the social partners in them.
- NFPs encouraged to communicate and collaborate with their counterparts in other countries = home-host country dialogue
- Office support to establish NFPs and to develop their promotional and dialogue facilitation activities



Office Promotional Activities

- Technical assistance at the country and regional levels to governments, employers and workers.
 - P&B – CPOs
 - DWCPs
 - Development cooperation, Including PPP with companies
 - Country case studies
- Information and Guidance: ILO Helpdesk for Business on International Labour Standards
 - for companies, trade unions and others seeking information on the application of principles of ILS and the MNE Declaration to company operations
 - free and confidential expert advice service for individual questions
 - dedicated website organized by topic with Q&As, tools and resources, training opportunities, engagement through ILO business platforms - to help them put the principles of the MNE Declaration into practice.
 - www.ilo.org/business and assistance@ilo.org



Company-Union Dialogue

- To provide a neutral ground for MNEs and representatives of workers affected to engage in meaningful dialogue on the application of the principles of the MNE Declaration.
- The dialogue process is:
 - strictly confidential
 - based on consensus of the parties and
 - its content shall not be used for any binding procedure.
- Office role:
 - If requested, provide technical inputs and/or facilitate dialogue.
 - Identify and maintain a list of qualified facilitators.
- Procedure promoted through the ILO Helpdesk for Business, through the secretariats of the Employers' and Workers' groups and through the national focal points or similar tools and processes in the ILO member States.



Next steps

- Development of a communication/capacity development strategy;
 - targetting each constituent
 - Workers & Employers (bipartite)
 - Tripartite dialogue
- Global/regional and national level operations (coherent intervention model developed by the Office and ITC-ILO)

...capacity development at different levels plus training packages delivered with different tools **for GUFs and TU...**



Operationalizing the MNEs Declaration:

- An «industrial relation tool» that can be used as a reference for GFAs and for CSR initiatives
- Company-union dialogue tools, embedded in GFAs, for dealing with grievances and conflict resolution.
- Governance tool in the plan of action of the ILO on GSC
- To engage with enterprises (Enterprise Initiative) and, when appropriate, include it in PPPs (ILO's engagement with public-private partnerships)
- Tripartite appointed national focal points – support to constituents at country-level



Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (adopted by the Governing Body of the International Labour Office at its 204th Session (Geneva, November 1977) and amended at its 279th (November 2000), 295th (March 2006) and 329th **(March 2017)**)

http://www.ilo.org/empent/Publications/WCMS_094386/lang--en/index.htm

Thank you!!!

