Promotion of the MNE Declaration in Asia and the Pacific

Perspectives of governments, employers and workers in the Asia Pacific region

This publication corresponds to a chapter of the forthcoming report *Multinational Enterprises, Development and Decent Work: Report on the promotion and application of the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy in Asia and the Pacific* prepared for the 17th Asia Pacific Regional Meeting.
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Perspectives from governments, employers and workers
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Introduction
Introduction

The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) sets out principles in the fields of employment, training, conditions of work and life, and industrial relations, as well as general policies that governments, employers’ and workers’ organizations, and multinational enterprises (MNEs) are recommended to observe on a voluntary basis. As such, it is the only International Labour Organization (ILO) instrument that provides direct guidance to national and multinational enterprises, and is the only global tripartite instrument on social policy that has been elaborated and adopted by governments, employers and workers around the world. First adopted in 1977, the instrument has been amended several times, most recently in March 2017.

The aim of the MNE Declaration is “to encourage the positive contribution which multinational enterprises can make to economic and social progress and the realization of decent work for all; and to minimize and resolve the difficulties to which their various operations may give rise” (paragraph 2). That aim is “furthered by appropriate laws and policies, measures and actions adopted by the governments, including in the fields of labour administration and public labour inspection, and by cooperation among the governments and the employers’ and the workers’ organizations” (paragraph 3). The principles do not aim at introducing or maintaining inequalities of treatment between multinational and national enterprises, and reflect good practice for all enterprises.

The revised MNE Declaration includes two annexes. Annex I provides a list of ILO instruments and guidance documents relevant to the MNE Declaration, and Annex II outlines a series of operational tools to stimulate the uptake of the principles of the MNE Declaration by governments, enterprises, and employers’ and workers’ organizations. The operational tools in Annex II of the MNE Declaration include a regional follow-up mechanism.

As part of this mechanism, a questionnaire is sent to governments and employers’ and workers’ organizations of the member States of the region where an ILO Regional Meeting is taking place. The questionnaire serves to collect country-level experiences on harnessing opportunities and addressing challenges related to foreign direct investment (FDI) and MNE activities for decent work, along the lines of the principles of the MNE Declaration. It also serves to facilitate knowledge-sharing on this topic among the ILO tripartite constituents.

The responses received inform a regional report that is presented during a special session of the Regional Meeting, which provides a tripartite dialogue platform to discuss further promotional activities at the regional level.

This publication provides an overview of the responses to the questionnaire¹ received from governments and employers’ and workers’ organizations in Asia and the Pacific, which corresponds to a chapter of the forthcoming report Multinational Enterprises, Development and Decent Work: Report on the Promotion and Application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in Asia and the Pacific prepared for the 17th Asia and the Pacific Regional Meeting.

¹ The questionnaires that were distributed among governments, employers’ organizations and workers’ organizations can be found in www.ilo.org/mnequestionnaires. The ILO has not verified the accuracy of the information provided, and thus mention of particular laws, policies, measures and initiatives, and other comments by respondents, do not entail an endorsement by the ILO. Likewise, any failure to mention any of the above is not a sign of disapproval.
Overview of responses
Overview of responses

In February 2020, the questionnaire was distributed through various channels to governments and employers’ and workers’ organizations in the 47 member States of Asia and the Pacific participating in the Regional Meeting. The Office accepted replies through August 2020, after extending the initial deadline for receiving submissions.

Of the 47 countries in the region, responses were received from governments in 22 countries, employers’ organizations in 18 countries and workers’ organizations in 12 countries. Workers’ organizations in four countries sent more than one response (two were received from Nepal, five from Sri Lanka, four from Thailand and six from Iraq). Compared with the 2016 regional follow-up (table 1), the response rate by country in 2020 was slightly higher for governments, slightly lower for employers’ organizations and substantially lower for workers’ organizations.

Table 1. Comparison of response rates in 2016 and 2020 (%)

<table>
<thead>
<tr>
<th>Respondents</th>
<th>2016</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governments</td>
<td>38 %</td>
<td>47 %</td>
</tr>
<tr>
<td>Employers’ organizations</td>
<td>43 %</td>
<td>36 %</td>
</tr>
<tr>
<td>Workers’ organizations</td>
<td>51 %</td>
<td>23 %</td>
</tr>
</tbody>
</table>

Note: For each respondents’ group, response rates correspond to the number of countries from which one or more response(s) were received, divided by the total number of countries in the Asia and the Pacific region (47).

For six member States – China, Iraq, Japan, the Republic of Korea, Sri Lanka and Thailand – replies were received from all three groups, whereas for 19 member States no responses were received from any of the constituents.

Responses came from all three subregions (South Asia, East and South-East Asia and the Pacific, and the Arab States). The majority of government responses and employer responses were received from the East and South-East Asia and the Pacific subregion. In the case of workers’ organizations, the responses were distributed more evenly over the three subregions. For the complete list of respondents by country, see Appendix II.

The Government of Australia, the Ceylon Federation of Trade Unions of Sri Lanka and the General Federation of Trade Unions and Employees of Iraq responded to the questionnaire through a letter without submitting the questionnaire itself; therefore, the report took into account their detailed response in the qualitative analysis but not in the quantitative analysis on the responses to the questionnaire. Three workers’ organization respondents from Iraq (from the Federation of Workers’ Councils and Unions in Iraq) included checklists from the “Tools for Action: Realising the Potential of the MNE Declaration”, from The ILO MNE Declaration: What’s in it for Workers? (2018). Where relevant, information from their answers to these checklists was included in the overview.
2.1 Awareness of the principles of the MNE Declaration

Taking into account the political and economic situation in your country, which areas of the MNE Declaration are relevant when it comes to operations of multinational enterprises?

The areas covered by the MNE Declaration are shown in table 2.

<table>
<thead>
<tr>
<th>Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>General policies</td>
</tr>
<tr>
<td>Obey national laws and regulations</td>
</tr>
<tr>
<td>Promotion of respect for human rights and fundamental principles and rights at work</td>
</tr>
<tr>
<td>Promotion of good social practice in accordance with this Declaration</td>
</tr>
<tr>
<td>Employment</td>
</tr>
<tr>
<td>Employment promotion</td>
</tr>
<tr>
<td>Social security</td>
</tr>
<tr>
<td>Elimination of forced or compulsory labour</td>
</tr>
<tr>
<td>Effective abolition of child labour: minimum age and worst forms</td>
</tr>
<tr>
<td>Equality of opportunity and treatment</td>
</tr>
<tr>
<td>Security of employment</td>
</tr>
<tr>
<td>Training</td>
</tr>
<tr>
<td>Training</td>
</tr>
<tr>
<td>Conditions of work and life</td>
</tr>
<tr>
<td>Wages, benefits and conditions of work</td>
</tr>
<tr>
<td>Safety and health</td>
</tr>
<tr>
<td>Industrial relations</td>
</tr>
<tr>
<td>Freedom of association and the right to organize</td>
</tr>
<tr>
<td>Collective bargaining</td>
</tr>
<tr>
<td>Consultation</td>
</tr>
<tr>
<td>Access to remedy and examination of grievances</td>
</tr>
<tr>
<td>Settlement of industrial disputes</td>
</tr>
</tbody>
</table>

All of government respondents indicated the relevance of obeying national laws and regulations, while 95 per cent of them cited employment promotion and wages, benefits and conditions of work as relevant. Other areas frequently cited (90 per cent) included promotion of respect for human rights and fundamental principles and rights at work, security of employment, training and access to remedy and examination of grievances. The areas that received fewest mentions were promotion of good social practice in accordance with the Declaration (67 per cent) and collective bargaining (71 per cent).

All employer respondents indicated the relevance of obeying national laws and regulations. Training was the second area most mentioned (94 per cent), while 89 per cent
noted the areas of employment promotion, wages, benefits and conditions of work, safety and health, and settlement of industrial disputes as relevant. Promotion of good social practices in accordance with the Declaration was also cited by a high number of respondents from this group (83 per cent). The areas that the employers noted less frequently (67 per cent) were elimination of forced and compulsory labour and effective elimination of child labour.

The area most cited by worker respondents was training (87 per cent), followed by the two areas (83 per cent) of obeying national laws and regulations and wages, benefits and conditions of work. Safety and health and freedom of association and the right to organize were also highlighted as important areas (78 per cent). The areas less often mentioned were effective elimination of child labour (35 per cent), elimination of forced or compulsory labour (43 per cent) and access to remedy and examination of grievances (52 per cent).

Table 3 presents a summary of the results, while figure 1 highlights similarities and differences among the responses provided by governments and employers' and workers' organizations.

<table>
<thead>
<tr>
<th>Areas</th>
<th>Governments</th>
<th>Employers’ organizations</th>
<th>Workers’ organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>General policies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obey national laws and regulations</td>
<td>100</td>
<td>100</td>
<td>83</td>
</tr>
<tr>
<td>Promotion of respect for human rights and fundamental principles and rights at work</td>
<td>90</td>
<td>72</td>
<td>70</td>
</tr>
<tr>
<td>Promotion of good social practice in accordance with this Declaration</td>
<td>67</td>
<td>83</td>
<td>57</td>
</tr>
<tr>
<td>Employment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment promotion</td>
<td>95</td>
<td>89</td>
<td>61</td>
</tr>
<tr>
<td>Social security</td>
<td>86</td>
<td>72</td>
<td>65</td>
</tr>
<tr>
<td>Elimination of forced or compulsory labour</td>
<td>86</td>
<td>67</td>
<td>43</td>
</tr>
<tr>
<td>Effective abolition of child labour: minimum age and worst forms</td>
<td>81</td>
<td>67</td>
<td>35</td>
</tr>
<tr>
<td>Equality of opportunity and treatment</td>
<td>86</td>
<td>78</td>
<td>57</td>
</tr>
<tr>
<td>Security of employment</td>
<td>90</td>
<td>72</td>
<td>65</td>
</tr>
<tr>
<td>Training</td>
<td>90</td>
<td>94</td>
<td>87</td>
</tr>
<tr>
<td>Conditions of work and life</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages, benefits and conditions of work</td>
<td>95</td>
<td>89</td>
<td>83</td>
</tr>
<tr>
<td>Safety and health</td>
<td>86</td>
<td>89</td>
<td>78</td>
</tr>
<tr>
<td>Industrial relations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom of association and the right to organize</td>
<td>76</td>
<td>72</td>
<td>78</td>
</tr>
<tr>
<td>Collective bargaining</td>
<td>71</td>
<td>72</td>
<td>61</td>
</tr>
<tr>
<td>Consultation</td>
<td>76</td>
<td>78</td>
<td>57</td>
</tr>
<tr>
<td>Access to remedy and examination of grievances</td>
<td>90</td>
<td>72</td>
<td>52</td>
</tr>
<tr>
<td>Settlement of industrial disputes</td>
<td>86</td>
<td>89</td>
<td>61</td>
</tr>
<tr>
<td>None</td>
<td>None</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Others</td>
<td>10</td>
<td>6</td>
<td>17</td>
</tr>
</tbody>
</table>
In terms of similarities between the constituents, obeying national laws and regulations received the highest score of relevance by all three groups (100 per cent for governments, 100 per cent for employers’ organizations and 87 per cent for workers’ organizations). Other areas receiving high scores of relevance by all three groups were training (90 per cent for governments, 94 per cent for employers’ organizations and 87 per cent for workers’ organizations), wages, benefits and conditions of work (95 per cent for governments, 89 per cent for employers’ organizations and 83 per cent for workers’ organizations) and safety and health (86 per cent for governments, 89 per cent for employers’ organization and 78 per cent for workers’ organizations).

Discrepancies in the assessment of relevance among the different constituents were noted, particularly concerning elimination of forced or compulsory labour, effective abolition of child labour, employment promotion and access to remedy and examination of grievances. A very high number of governments considered the elimination of forced or

**Figure 1. Relevance attributed to areas of the MNE Declaration by governments, employers’ organizations and workers’ organizations (%)**

Note: Percentages have been calculated by dividing the total marks by area per constituent by the number of responses by constituent group, being 21, 18 and 23 for governments, employers’ organizations and workers’ organizations respectively. For the purposes of the quantitative analysis, not all the responses received could be taken into account (please see introduction of section 2). This explains the discrepancy between the total number of questionnaires received and the number of questionnaires included in the sections below.
compulsory labour and the abolition of child labour as relevant in the MNE Declaration (86 per cent and 81 per cent respectively), a majority of employers’ organizations (67 per cent and 67 per cent), and a minority of workers’ organizations (43 per cent and 35 per cent). Respondents from both governments (95 per cent) and employers’ organizations (89 per cent) coincided in the high appreciation of employment promotion as relevant, compared to 61 per cent of workers’ organizations. The appreciation of access to remedy and examination of grievances differed greatly between the three respondent groups, with 90 per cent of government responses indicating this area as relevant, compared to 72 per cent of employers’ organizations’ responses and 52 per cent of workers’ organizations’ responses, although overall still more than half of the respondents considered this as a relevant area of the instrument.

Seven respondents (two from governments, one from the employers’ organizations and four from the workers’ organizations) also replied to the question on other areas of relevance (see section 2.2.6 for details).

2.2. Most relevant areas of the MNE Declaration and key initiatives by constituents in Asia and the Pacific

Building on the first question, constituents were invited to provide more information about the areas of the MNE Declaration that they regarded as the most relevant, including their opportunities and challenges, and to describe initiatives taken to address these.

The subsections below present an overview of the responses received, organized in accordance with the five areas of the MNE Declaration. In some cases, excerpts of the responses received have been selected to show a prevailing view among different responding groups; in other cases, they highlight issues that respondents indicated as important in regard to opportunities and challenges posed by the operations of MNEs in the region.

2.2.1 General policies

The chapter of the MNE Declaration on general policies asserts that the activities of MNEs should be consistent with national law and in harmony with development priorities of host countries; and that all parties should contribute to the realization of the fundamental principles and rights at work. A very high percentage of all three groups cited this area of the MNE Declaration ("obey national laws and regulations") as relevant. In terms of opportunities, three employers’ organizations emphasized the role that MNEs can play as champions of decent work by upholding principles of the MNE Declaration.
MNEs in Korea are usually known for their large capacity to offer decent jobs. In other words, MNEs usually abide by national laws very well and are quite open to various requests made by labour. (Korea Enterprises Federation, Republic of Korea)

Multinational companies are known to broadly follow the [MNE Declaration] principles in their operations and the same are ingrained in their policy manuals and organizational handouts. (Employers’ Federation of Pakistan, Pakistan)

MNEs operating in Sri Lanka are considered as brand ambassadors of good corporate governance and promoters of sustainable enterprises. (Employers’ Federation of Ceylon, Sri Lanka)

Representatives from the three groups noted the relevance of the MNE Declaration principles, with one government noting its relevance for all parties, including for trading partners.

It is important that not only MNEs but also the trading partners and workers of the host countries enhance their recognition of the principles of the MNE Declaration and ILO, so that MNEs fulfil the responsibility in supply chains. (Ministry of Health, Labour and Welfare, Japan)

Respondents also emphasized the role of the regulatory environment at national level to ensure good governance of the world of work.

The Government of Indonesia constantly supports the efforts to encourage economic and social development as well as to realize decent work for all. Hereof, the policies of the MNE Declaration shall become a recommendation for the government to establish regulation in the fields of employment, training, conditions of work and life, as well as industrial relations regarding multinational companies. (Ministry of Manpower, Indonesia)


Respondents from three groups highlighted efforts to review and amend legislation to comply with international standards on decent work. These include implementing policies to create an enabling environment for business in line with international labour standards, as mentioned by the Government of the Islamic Republic of Iran, and engaging in the amendment of legislation, as highlighted by an employers’ organization in the case of Viet Nam and by a workers’ organization in the case of Oman.

A number of governments and employers’ organizations provided examples of legislation and emphasized the importance of MNEs complying with existing national laws, on the same footing as national enterprises. Workers’ organizations in some countries also highlighted challenges regarding the capacity and resources of governments to ensure compliance of MNEs with national law and international labour standards, and the challenges posed by the influence of MNEs in the economy of certain countries.

Thailand welcomes foreign direct investment as a mean to stimulate employment and the economy, while ensuring that MNEs comply with national laws and regulations. ... All public and private sectors operating in Thailand, whether national or multinational, must follow national laws and regulations. ... In labour aspects, the Ministry of Labour promotes the fundamental principles and rights at work and monitors compliance of MNEs’ activities with relevant labour legislations through effective labour inspections. (Ministry of Labour, Thailand)

Obey national laws and regulation is paramount. ... MEF works with international bodies to get better understanding on the ILO Conventions to ensure that MNEs implement the right policies. (Malaysian Employers Federation, Malaysia)

Insufficient capability and resources of governments to ensure MNEs comply with legally binding rules, including internationally recognized standards, and to regulate problematic business
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conducted of some enterprises. It is probably because their influence on the country’s economy has been growing hugely. (Konfederasi Serikat Buruh Seluruh, Indonesia)

Two governments discussed efforts to strengthen labour inspection within the country and to support labour inspectorates in developing countries as part of its overseas development assistance.

A web-based inspection scheme to allocate random inspections by centralized computer system has been introduced. The inspection scheme envisages assigning a unique number to an inspector cum facilitator, to each establishment, each inspection to bring accountability and transparency. (Ministry of Labour and Employment, India)

The government has been providing continuous support to promote compliance of MNEs. ... Also, workplaces that caused social controversy or workplaces with alleged complaints of unfair labour practices are to be subject to a regular labour inspection. ... In addition, the government should put more effort to improve the labour inspection system and to build capacity of labour inspectors in developing countries so that MNEs can comply with labour laws and regulations in host countries. (Ministry of Employment and Labour, Republic of Korea)

In regard to decent work in supply chains, some respondents highlighted the importance of international normative instruments and the principles of the MNE Declaration to ensure respect for labour rights in the activities of MNEs in different countries.

Australia contributes towards the ILO’s Better Work Programme that aims to improve labour standards in global supply chains, and works in partnership with the private sector, bringing together employers and workers to find mutually agreeable solutions to workplace relations issues. (Attorney-General’s Department, Australia)

The Employers’ Confederation of Thailand (ECOT) is working with the ILO and some business partners to educate about international labour standards and the MNE Declaration in the supply chain especially in each tier, which combines training with many small and medium-sized enterprises in Thailand to ... ensure that they comply with international labour standards and the MNE Declaration. (Employers’ Confederation of Thailand, Thailand)

We conducted a trade union educational programme inviting trade union officers from Japanese-affiliated companies of certain Asian countries to learn about labour issues, how to prevent labour disputes, etc. (Japanese Trade Union Confederation, Japan)

Several respondents also highlighted the challenges MNEs and their workers faced due to the changing world of work and the COVID-19 epidemic.

The Ministry of Labour is mandated to regulate the labour market through the application of the labour law and to create policy and legislative changes to recover from the coronavirus pandemic, such as business continuity, (stimulating the) market, create a basic, safe, and risk-free work environment, and combat child labour and protect employment in general ... in line with decent work standards. (Ministry of Labour, Jordan)

The changing world of work and the still evolving COVID-19 situation creates multiple challenges for both the MNEs and their employees where in some instances protection of rights of employees might be overlooked. (Ministry of Skills Development, Employment and Labour Relations, Sri Lanka)

Under the present COVID-19 pandemic, the promotion of good social practice of MNEs will be helpful to overcome the immediate challenges that workers are facing. (Free Trade Zones and General Service Employees Union, Sri Lanka)

MNE engagement with local communities and potential tensions was mentioned as an issue. The Mongolian Employers’ Federation highlighted issues between multinationals and local communities regarding the environment, whereas the Australian Government
mentioned an initiative to guide companies in maintaining a good relationship with local communities and ensuring human rights standards are adhered to in their operations.

2.2.2 Employment

Respondents from the three groups emphasized the importance of employment promotion, especially in the current context of the COVID-19 pandemic and its impact on FDI and employment. Key elements cited include protecting employment by supporting employers and providing adequate social protection to workers when necessary.

In the context of the global COVID-19 pandemic, the promotion of employment and sustainable business and economic activity generally – including that by multinationals – is a key policy priority for the government. ... The New Zealand Government has implemented a multi-billion dollar response, focused on extensive public health measures as well as measures designed to support enterprises, encourage growth and retain/promote workers’ employment. (Ministry of Business, Innovation and Employment, New Zealand)

Currently, New Zealand is suffering from the effects of a COVID-19 lockdown and specific measures ... are being taken to support employers and employees alike. The aim is to ensure as many employees as possible retain their jobs and where this cannot be achieved ... that adequate social protection is available to them. (BusinessNZ, New Zealand)

62% of US enterprises operating in Korea have a plan to reduce employment and investment in Korea. ... In these challenging times, adherence to the MNE Declaration by all concerned is necessary more than ever before. Above all, multinational enterprises should give priority to the employment as Article 18 [multinational enterprises should give priority to the employment, occupational development, promotion and advancement of nationals of the host country] of the MNE Declaration specifies. In this regard, multinationals operating both in Korea and other countries have to make utmost efforts to maintain employment and create decent work. (Federation of Korean Trade Unions, Republic of Korea)

Respondents underlined the role of multinationals in employment creation and transfer of technology. The Government of India for example highlighted a number of programmes and projects for the promotion of employment and extension of social security and indicated that it was in the process of drafting a national employment policy to ensure inclusive and equitable economic growth. Others flagged issues related to multinationals’ hiring practices and their – at times unfulfilled – potential to create local employment opportunities.

In terms of opportunities, multinational companies brought new advanced technologies and developed our mining industry human resources capacity, and contributed to Mongolian economic growth. ... Challenges we are facing are that multinational companies did not create enough jobs as they promised to Mongolian Government. (Mongolian Employers’ Federation, Mongolia)

Related to this, respondents from the three groups highlighted the need for adequate legislation and policy to ensure fair recruiting practices.

Legislative reforms were adopted in the recent period, the most important of which were ... the adoption of best practices in labour recruitment, fair employment and the prohibition of recruitment fees. (Ministry of Administrative Development, Labour and Social Affairs, Qatar)

Several governments shared examples of legislation, programmes and schemes to extend social security and social protection. The Government of Jordan for example mentioned the need for social protection systems to cover all workers, while the Government of India listed a number of schemes aiming to increase coverage of workers both in the formal and in the informal economy.
Two governments pointed out the need to extend social security to foreign workers and vulnerable groups, including workers in emerging forms of jobs such as remote working or digital platforms. They described efforts to develop laws, regulations and measures that expand the coverage of social security services. Two workers' organizations from Sri Lanka indicated that social security benefits in their country were insufficient and described their lobbying efforts to reinforce social protection in the context of the COVID-19 crisis.

The right of individuals to access social security and related services and equality in access to such services, in addition to playing an important role in job and psychological security and life of the employees, is an important issue in the activities of multinational companies. Differences in countries' social security laws or unwillingness to face new forms of businesses [job arrangements through cyberspace or digital platforms] may have a negative impact on how such services are provided to employees. It is essential to address the challenges of providing social security services to people working in a diverse range of jobs. (Ministry of Cooperatives, Labour and Social Welfare, Islamic Republic of Iran)

To cater to emerging new forms of employment, new definitions like aggregator, gig worker, platform worker have been introduced [in the Social Security Fund]. For such workers, a small contribution from the aggregator between 1 to 2 per cent of turnover subject to limit of 5 per cent payable to gig and platform workers has been introduced. (Ministry of Labour and Employment, India)

Several trade unions have recently submitted proposals to the government authorities about the need for social security legislation on unemployment benefit schemes specially needed due to high unemployment during the coronavirus epidemic period which is likely to last for more years. (Ceylon Federation of Trade Unions, Sri Lanka)

A number of government respondents also raised challenges related to recruitment practices and labour rights of migrant and temporary workers in MNEs. Several governments and one employers' organization provided examples of legislative or policy reforms and initiatives, oversight mechanisms, signature of memoranda of understanding and awareness-raising efforts among such workers. One workers' organization described its efforts to organize temporary agency workers and lobby for their labour rights.

The UAE also signed several memoranda of understanding with the origin countries for workers, with the aim of strengthening cooperation in protecting their rights. (Federation of Chambers of Commerce and Industry, United Arab Emirates)

Unions demand employers to turn outsourced workers, who work for employers through recruitment agencies, to become their permanent workers. ... Promote organizing of outsourced workers to increase bargaining power for workers. ... Employment of outsourced workers with one year contracts have made the labour capital in enterprise cheaper but worsen workers’ welfare. (State Enterprises Workers’ Relations Confederation (SERC), Thailand)

A number of government respondents highlighted their laws prohibiting child labour and forced labour and emphasized the need for effective implementation of such laws through monitoring, especially in supply chains. Two governments gave examples of their efforts to eliminate forced or compulsory labour in supply chains of MNEs, including in state-owned multinationals.

Occurrence of child labour [including its worst forms] in the supply chains of MNEs is currently being addressed through national child labour elimination activities conducted by the government. (Ministry of Skills Development, Employment and Labour Relations, Sri Lanka)

All multinational enterprises in the UAE are committed to ensuring that there is no modern slavery or human trafficking practices within any part of their business and to seeking to ensure that their supply chains globally are also free. ... Example of a policy by a state-owned multinational company ... includes development of procurement policies and procedures,
company standards and conduct policy and procedure, and recruitment and selection policy. As well as a self-assessment tool as part of vendor screening process, a vendor code of conduct and prospective risk factored into their procurement decisions. Conducted modern slavery audits and knowledge-sharing sessions, whistleblowing hotline. (Ministry of Human Resources and Emiratization, United Arab Emirates)

Three workers’ organizations from Iraq pointed out that MNEs were committed to eliminating the worst forms of child labour, including in their global supply chains. They noted, however, the lack of effective measures by government and enterprises to prevent and eliminate forced labour or provide victims with access to appropriate and effective remedies.

Several governments provided examples of legislation and policies to prevent child and forced labour. The Government of Myanmar, for example, highlighted the establishment of national committees, developing national action plans, setting up complaint mechanisms and conducting awareness-raising activities. The Government of Australia highlighted the need for strong coordination and collaboration between different government institutions. The Australia Modern Slavery Act requires companies with their headquarters based in the country or with a minimum annual consolidated revenue of 100 million Australian dollars to report on their actions to address forced labour in their supply chains and in certain sectors.

The Fair Work Ombudsman (FWO) has developed strong relationships with other government regulators ... to effectively respond to suspected instances of people trafficking and forced labour. ... The FWO is committed to ensuring that it identifies and responds appropriately to potential instances of human trafficking and forced labour and has established operational processes, created educational resources and delivered training to support staff in doing this. (Attorney-General’s Department, Australia)

Several governments provided details on policies, schemes and efforts for prevention and prosecution of forced and child labour and rehabilitation of the victims. The Government of India highlighted a scheme for the rehabilitation of former victims of forced labour, including financial assistance, and described the efforts of various states to gather data and raise awareness. It also provided information on a scheme for rehabilitation of children withdrawn from work that includes special training centres and integration into formal education, as well as an online platform for enforcement of legislative provisions and effective implementation of the scheme. The Government of China described its efforts to prosecute forced and child labour and emphasized the role of inspection in its prevention. The Governments of Australia and Bahrain highlighted their efforts to prevent child labour through access to education and social protection.

Bahrain granted [many advantages and care] to children, such as compulsory and free basic education, in addition to the availability of national manpower and accessibility to labour in many labour-exporting countries. ... A national committee was also established to work on the educational, cultural and psychological development of children of all ages and is responsible for all activities and matters relating to childhood. (Ministry of Labour and Social Development, Bahrain)

In terms of ensuring equality of opportunity and treatment of workers, primarily government respondents highlighted the role that legislation, complaints mechanisms and public policies and measures play in preventing discrimination in the world of work.

India has taken numerous and varied measures to promote equality of opportunity and treatment in work by ensuring decent work conditions for women, stepping away from gender-based occupational segregation and promoting balance between men and women in terms of care work to avoid trade-off between work and family life/childcare. ... The government ... has also made efforts to remove social discrimination [of people based on their caste, tribe,
class, religion (Dalit Muslims and Christians), HIV/AIDS and transgender status. (Ministry of Labour and Employment, India)

The Kingdom of Bahrain provided many support services for migrant workers who suffer arbitrary treatment at the hands of their employers, such as mechanisms whereby individual complaints may be submitted ... with a view to reaching an amicable settlement. At the same time, migrant workers have the right to take direct legal action and are exempt from court fees at all stages of the process. ... There shall be no discrimination between them on the grounds of gender, origin, language, religion, confession or affiliation, and the Kingdom of Bahrain strengthens practices in line with these trends, including the activation of the principle of tripartite consultation ... on issues affecting labour. (Ministry of Labour and Social Development, Bahrain)

Three workers' organizations reported challenges regarding the difference in the way local and foreign workers were treated, and also between full-time and subcontracted workers.

In regard to security of employment, mainly government respondents provided information and examples on legislation and strategies in this area, including in response to the COVID-19 crisis. The Government of Australia noted that protection against unfair and unlawful termination of employment was included in its workplace legislation. The Government of India highlighted the adoption of a new Industrial Relations Code in 2020, according to which fixed-term employees are entitled to the same benefits as permanent workers.

The government is providing foreign-invested companies with information on support measures and subsidies available in order to ease COVID-19's impact on the labour market. Also, efforts to promote job security and create jobs for young people have been continued by ... introducing voluntary wage peak system [the gradual reduction of salaries after a certain age in exchange for extending the retirement age]. (Ministry of Employment and Labour, Republic of Korea)

Support national efforts to address layoffs, establish a job security fund and address the impact of coronavirus pandemic on the economic sector in general and workers in particular. (General Federation of Oman Workers, Oman)

Also in regard to response measures to the COVID-19 crisis, two respondents highlighted the important role of tripartism.

Singapore's priority is to save jobs, support our workers, and protect livelihoods. Together with our tripartite partners, we are taking unprecedented measures to address the challenges and the opportunities under the following MNE Declaration areas. ... The government has committed more than a third of the overall budget to job and wage support to help businesses retain workers. (Ministry of Manpower, Singapore)

The following landmark tripartite agreement was negotiated and unanimously approved: (1) In establishments closed due to the coronavirus epidemic the employees should be retained without termination. (2) The employers who are unable to provide work to employees in their institutions ... are to adopt a shift system or other suitable system so that all employees ... are proportionately provided with work every month. (3) If there are employers who are unable to adhere to the above they shall inform the Commissioner General of Labour. ... This decision ... is a national tripartite agreement binding on all employers. (Ceylon Federation of Trade Unions, Sri Lanka)

However, many workers' organizations raised challenges in relation to security of employment.

Security of employment is another area of concern as there are ad hoc layoffs and terminations. Another challenge is that most of the MNEs opt for contract labour with a view to terminate their services as and when they want. (National Trade Union Federation, Sri Lanka)
Under the present COVID-19 pandemic situation, it will not be able to prevent job losses, especially the employees of the exports sector. A vast majority of the export sector employees are migrants and females as well and they are unskilled workers. It is not easy for them to find alternative employment. Therefore, there should be an unemployment benefit scheme coupled with a retraining scheme for them to find alternative employment. (Free Trade Zones and General Service Employees Union, Sri Lanka)

2.2.3 Training

Governments and employers’ and workers’ organizations all indicated training as a relevant area of the MNE Declaration. Several respondents noted the need to ensure that the skills available in the host countries matched the needs of MNEs.

The host country needs to prepare training programmes for local workers to get quality and well-paid jobs in the MNEs according to their skill level. (Ministry of Labour, Immigration and Population, Myanmar)

FDI enterprises also require skilled workers. Viet Nam only engages in the lowest midstream activities of the electronics value chain. These are the lowest value-added activities. Therefore, FDI enterprises have to spend additional expenses and training time. (Chamber of Commerce and Industry, Viet Nam)

Training ... so as to raise efficiency and skill of the worker in a manner proportionate to the needs of the labour market. (General Federation of Workers’ Councils and Unions in Iraq)

Several governments and one employers’ organization described mechanisms to identify and bridge the skills mismatch in their country.

In addition, the Government has set up a division to identify the human capital needs of investors and help bridge the gaps that exist between industry and education/training providers as well as assist with foreign expatriates. The division engages with various policymakers as well as supply-side and demand-side stakeholders in order to develop an appropriate facilitation framework. (Ministry of Human Resources, Malaysia)

Oman Chamber of Commerce and Industry provides training for [small and medium-sized enterprises] on different fields that include providing data on investment opportunities and how to promote local products. Take part in organizing workshops and training courses for business people. Submit proposals on the participation of [small and medium-sized enterprises] owners at the trade delegations. (Chamber of Commerce and Industry, Oman)

Two employers’ organizations provided examples of training services on offer for their members.

China Enterprise Confederation has three key work areas: ... improving enterprise management, innovation and competitiveness by means of training. ... The opportunities are ... advanced management and training experiences, especially in occupational safety and health. (China Enterprise Confederation, China)

The Employers’ Confederation of Thailand (ECOT) has conducted the training and seminar classes to educate and develop both member and non-member employers and employees in business organizations, over 10,000 people each year. (Employers’ Confederation of Thailand, Thailand)

2.2.4 Conditions of work and life

This section of the MNE Declaration covers wages, benefits and conditions of work, and occupational safety and health. Several governments provided specific examples of policies, regulations and programmes in these areas. A government noted also the role of
labour inspection in this regard. Respondents from workers’ organizations emphasized the importance of these areas, especially during the COVID-19 pandemic.

The inspection bodies … provide oversight on employers’ commitment to apply all the requirements set out in the labour law in the civil sector and the ministerial decisions implementing them, which regulate working conditions, including protection of wages, hours of work, annual leave, employment contract and occupational safety and health. Labour inspectors prepare official reports on these visits and impose monetary fines determined by the competent judiciary on employers who breach such procedures. (Ministry of Labour and Social Development, Bahrain)

Under the present pandemic situation the responsibility of the MNEs should be to assure wages, benefits and conditions of work to ensure a decent work environment. … As a workers’ organization, our main priorities are … income assurance. (Free Trade Zones and General Service Employees Union, Sri Lanka)

One government and two employers’ organizations indicated that this was precisely an area where MNEs could lead by example with their overall good practices and share these with other companies. One government and one employers’ organization also stressed the important role MNEs could play to advance decent work in global supply chains.

Measures need to be taken to ensure appropriate working conditions. In particular, the role of MNEs in achieving “decent work in the global supply chain” is being stressed. (Ministry of Employment and Labour, Republic of Korea)

We are due to enact the health and safety legislation this year, however, our multinationals already are good employers and that will only require incremental changes to be made. (Chamber of Commerce, Cook Islands)

Much has been done [by MNEs] to support the development of communities and supply chains with whom they engage. (Employers’ Federation of Ceylon, Sri Lanka)

Three workers’ organizations from Iraq all stated that MNEs maintain high standards of safety and health, including by examining causes of industrial safety and health hazards and making improvements within the enterprises.

Main challenges highlighted by respondents from all three groups pertain to wages, including regulating and harmonizing wages, managing wage differences in the market, and setting a minimum wage.

In the field of wages, there are several challenges such as realizing a systematic and realistic national wages system to overcome differences in perceptions and views concerning wages regulations. (Ministry of Manpower, Indonesia)

Our main challenge in Kiribati is to bridge the gap between the benefits offered in the public service and private sector. This needs government support and policy. … The KCCI has recently ramped up their lobbying work to meet standards of minimum wage. (Kiribati Chamber of Commerce and Industry, Kiribati)

Inequality of wages between foreign and domestic workers. (Federation of Oil Unions, Iraq)

Respondents from all three groups underlined the role of tripartite dialogue and collective bargaining related to wages, benefits and conditions of work.

Similarly, in reviewing the minimum wages rates and coverage, all stakeholders are engaged and several elements are taken into considerations in setting up minimum wages level including median wage (indication of employers’ ability to pay wages), poverty line income, labour productivity, cost of living, and unemployment rate. (Ministry of Human Resources, Malaysia)

The Wages Boards Ordinance provides for the wage fixing mechanism with the tripartite participation. (Ministry of Skills Development, Employment and Labour Relations, Sri Lanka)
2. Overview of responses

The Ceylon Workers’ Congress lobbies the Employers’ Federation of Ceylon and the plantation companies quite aggressively during the Collective Bargaining process, even resorting to industrial action on occasion. (Ceylon Workers’ Congress, Sri Lanka)

As shown in figure 1, respondents from all three groups noted the importance of occupational safety and health, and shared examples of measures taken as well as pending challenges. The Governments of Jordan and Myanmar both highlighted the role of labour inspection to enforce relevant legislation and regulations. The Government of India highlighted the relevance of tripartism for coordinated policymaking in the area of occupational safety and health, and the Government of the Islamic Republic of Iran noted the importance of adopting a more holistic definition for safety at work.

Safety is not just about work-related accidents but also about mental, psychological, intellectual, and post-employment dimensions. Today’s changing world requires taking a new aspect of work safety into consideration [and] strengthening the standards of this issue [to ensure the needs of employees]. (Ministry of Cooperatives, Labour and Social Welfare, Islamic Republic of Iran)

Respondents from the three groups described actions to minimize the spread of COVID-19 in the workplace, including through tripartite consultation. One employers’ organization and one workers’ organization, in particular, highlighted activities led by the ILO Bureau for Workers’ Activities and Bureau for Employers’ Activities, respectively, as sources of information on guidance and new resources in this regard.

The Government of Japan highlighted the important role of development cooperation projects in improving standards and compliance with international labour standards on occupational safety and health. Several workers’ organizations mentioned the existing challenges in relation to ensuring compliance, and described their relevant awareness-raising activities.

2.2.5 Industrial relations

This section of the MNE Declaration covers the areas of freedom of association and the right to organize, collective bargaining, consultation, examination of grievances and settlement of industrial disputes. Many governments and employers’ organizations noted the importance of effective industrial relations and social dialogue, and provided examples of legislation and mechanisms, including in response to COVID-19.

Effective collective bargaining practices and ensuring freedom of association for workers is essential to maintain a successful level of industrial relations in a workplace. Major policy decisions are always consulted with stakeholders through established mechanisms. Effective social dialogue greatly assisted in development of successful responses in the face of COVID-19 and associated challenges. (Ministry of Skills Development, Employment and Labour Relations, Sri Lanka)

All MNEs seek services offered by the EFC and these include advisory, representative, facilitating collective bargaining, training as well as value-added services, which include development of policies to suit local conditions. Quite a number engage in collective bargaining and are sources of good work practices as well. (Employers’ Federation of Ceylon, Sri Lanka)

Governments and employers’ and workers’ organizations highlighted their efforts to support tripartite social dialogue and institutions.

Strengthening of social dialogue through regular tripartite meetings. (Ministry of Internal Affairs, Cook Islands)

ECOT is also a member of tripartite activities ... to implement, develop, and promote [industrial relations]. ... We also conduct bipartite meetings between the employers’ organizations and
Promotion of the principles of the MNE Declaration in Asia and the Pacific region

workers’ organizations to discuss on situation and plan, including implementation of some related activities. (Employers’ Confederation of Thailand, Thailand)

Campaigning to enact [International Relations] act. [We have] requested to establish a national tripartite labour advisory council, and to establish a social dialogue mechanism. [We have also made] calls to strengthen labour-related institutional capacity. (Trade Union Congress, Maldives)

One employers’ organization commended the government’s role in promoting the use of memoranda of understanding as a means of strengthening industrial relations within MNEs operating in the country, and a government described its measures to support collective bargaining.

The Kingdom of Bahrain has also begun to define rules and procedures to be followed at every stage of collective bargaining and the supportive role granted by the Ministry of Labour and Social Development to trade unions and their right to trade union representation and instilling the social dialogue aiming to improve the work environment and preserve the acquired rights. (Ministry of Labour and Social Development, Bahrain)

With concerted efforts from the government, the KEF has signed memorandums of understanding (MoUs) with foreign investors’ organizations in Korea with a view to establishing peaceful industrial relations in MNEs doing business in Korea. (Korea Enterprises Federation, Republic of Korea)

The Government of China viewed collective consultation and agreements as key for harmonious industrial relations and described initiatives for their promotion at the national level, including through the establishment of a reward system for enterprises and technical cooperation with the ILO.

The Governments of Malaysia and Myanmar shared examples of challenges in managing social dialogue processes, while a workers’ organization from Maldives stressed that challenges persisted because of a lack in legislation or social dialogue mechanism. An employers’ organization from Kiribati noted the need to strengthen the capacity of workers’ organizations for successful tripartite dialogue.

Among the issues faced by the government in this regard is the prolonged discussion process due to the different needs and demands from employers’ and workers’ groups, which resulted in misinterpretation by the parties involved. (Ministry of Human Resources, Malaysia)

Mainly workers’ organizations highlighted particular challenges related to freedom of association, especially the lack of effective recognition of this right in some countries and violations by some MNEs.

Government of Thailand still does not endorse/accept fundamental rights of labour and trade unions. Interference of employers, unfair treatment occur often when workers in the enterprises are engaged with activities of trade unions, i.e. organizing, submitting demands to bargain on improving working conditions. We often see dismissals of union leaders, using managerial power to put pressure on working conditions of union leaders, non-compliance of collective bargaining agreement. (State Enterprises Workers’ Relations Confederation (SERC), Thailand)

The Government of Korea has not yet ratified Convention No. 87, which is related to fundamental workers’ rights at work. In order for workers in multinational enterprises operating in Korea to enjoy freedom of association and the right to organize, the Korean Government has to rush to ratify ILO core Conventions. (Federation of Korean Trade Unions, Republic of Korea)

The Government of the Philippines highlighted challenges regarding freedom of association and collective bargaining in special economic zones, which include industrial estates, export processing zones, free trade zones and tourist or recreational centres. It described measures it has taken to ensure labour inspection and protection against anti-union discrimination, such as issuing new regulations on labour law inspection.
Against this backdrop, workers’ organizations described their initiatives to promote freedom of association, including lobbying the government and awareness-raising among employees of MNEs.

We conduct awareness programmes on freedom of association and right to organize to employee groups and also for prospects in MNEs especially in the free-trade zones (FTZs). (National Trade Union Federation, Sri Lanka)

Along with the workers’ organizations from Indonesia and Japan, two governments reported difficulties in terms of social dialogue within MNE operations, including their supply chains, in some cases making the link with freedom of association and collective bargaining.

In the host countries of MNEs in Asia, MNEs face various difficulties in the implementation of the dialogue within the company for the reasons that industrial relations is immature. (Ministry of Health, Labour and Welfare, Japan)

Measures need to be taken to prevent industrial disputes in MNEs through supporting the establishment of decent bargaining practices on pending issues, such as wage negotiations between labour and management. (Ministry of Employment and Labour, Republic of Korea)

Organizing MNEs is one of the challenges for workers’ side. ... In many Asian countries, there are basic problems including freedom of association and collective bargaining particularly in MNEs. (Japanese Trade Union Confederation, Japan)

One government and two employers’ organizations highlighted their efforts to engage in consultations with MNEs.

In addressing issues related to MNEs such as issues in the areas of employment, conditions of work, industrial relations, training and social security, the government ... strives to continuously engage and consult relevant MNEs through our ad hoc and institutional mechanisms. (Ministry of Human Resources, Malaysia)

The Korea Enterprises Federation (KEF) is actively interacting with the foreign chambers of commerce in Korea ... in order to make the voices of MNEs heard and make better business environment. (Korea Enterprises Federation, Republic of Korea)

Based on Mongolian national law we had some consultation with foreign invested companies. (Mongolian Employers’ Federation, Mongolia)

Two workers’ organizations highlighted their efforts in the context of COVID-19. In the case of the Nepal Trade Union Congress, wage-related issues were settled by engaging in bipartite and tripartite consultation. In another case, a workers’ organization highlighted the importance of access to remedy and examination of grievances in the context of the COVID-19 pandemic and its efforts to support workers in that regard.

As the suppliers and the governments have become helpless under the COVID-19 pandemic situation, the new challenges faced by the employees because of the dismantling of global supply chains, the MNEs have the responsibility to find immediate remedies and transparent grievance handling system. ... While we are engaging in a tripartite task force, we are assisting the employees to inform their grievances and submitting to the Department of Labour on behalf of them. (Free Trade Zones and General Service Employees Union, Sri Lanka)

Several governments and two employers’ organizations provided examples of national laws, regulations and mechanisms to settle industrial disputes. One employers’ organization highlighted the link between settlement of disputes, an attractive business environment and foreign direct investment.

The Government of India has launched an e-dispute portal ... for [workers to file] disputes in a very simple and lucid way. This online portal is devised to be worker friendly, easy to
understand for filing dispute, transparent in a way that the status [of the dispute] will be visible to all stakeholders at all time. Moreover, the portal will ensure accountability, which will make the process more effective and efficient. (Ministry of Labour and Employment, India)

One employers’ organization emphasized the importance of the MNE Declaration principles in relation to resolution of labour disputes and highlighted its role in supporting dispute resolution processes in MNEs operating within and outside the territory.

MNEs in Korea are also known to experience industrial disputes frequently. The labour unions involved in disputes with MNEs have been ... criticized for their ... aggressive methods. Therefore, it would be helpful for the tripartite constitutions concerning MNEs to take particular notice of principles that respect settlement of industrial disputes through dialogue and by mutual consent. (Korea Enterprises Federation, Republic of Korea)

Two workers’ organizations highlighted the slow process of labour dispute resolution as an important challenge.

There is a serious delay in the settlement of workplace disputes especially in the area of freedom of association and the right to collective bargaining. If this situation continues, no amount of national legislation or international conventions will help to improve the situation in our country. (Sri Lanka Nidahas Sewaka Sangamaya, Sri Lanka)

Given the excessive length of time taken to hand down judgements in labour issues, specialized labour courts are very much needed to contribute in good functioning of judicial system in private sector or find any other more effective tools than those currently in effect. (General Federation of Oman Workers, Oman)

### 2.2.6 Other

Some governments and employers’ and workers’ organizations provided information about other areas that they considered relevant in relation to operations of enterprises but that are not enumerated as such in the MNE Declaration. The Government of the Islamic Republic of Iran, for example, emphasized the role that cooperatives can play in terms of employment creation; the employers’ organization from China noted the importance of supply chain management; and the Australian Council of Trade Unions noted concerns in regard to the tax regime that MNEs may benefit from and how this may affect economic growth and social development.
2.3 Dialogue and consultation on the activities of MNEs

In your country, does your organization hold any formal consultation on activities of MNEs with national government and workers’ and employers’ organizations or peers of other countries and foreign MNEs?

Please describe the formal consultations that you regard as the most important ones and indicate why.

2.3.1 Governments

The majority of the 21 governments which completed the questionnaire held some form of formal consultations on activities of MNEs. Sixteen stated that they held formal consultations on activities of MNEs with national employers’ and workers’ organizations; 11 held formal consultations on activities of MNEs with foreign MNEs, foreign employers’ organizations or foreign workers’ organizations; and 11 held formal consultations on activities of MNEs with governments of other countries. Ten governments held consultations with all of the three above-mentioned groups. Three responding governments indicated that they held no formal consultations or did not have any information about consultations.

Figure 2 summarizes the results of section 2 on dialogue and consultation of the questionnaire for governments.

Several governments provided information on tripartite institutions facilitating formal consultations at the national level. The Government of India emphasized the role of tripartite consultation in the reform and implementation of policy and labour legislation, and the role of sectoral tripartite committees for industries such as plantations, road transport, and cotton textiles and jute enterprises. The Government of Singapore
highlighted the role of tripartite consultations organized through the National Wages Council in response to the COVID-19 crisis, which led to the issuance of guidelines on wage- and employment-related issues and to various measures to help employers manage business costs and save jobs. The Government of the Republic of Korea described formal tripartite consultations that led to the development of guidance to reinforce the responsibility of companies, including MNEs, to respect human rights. One respondent reported holding regular tripartite formal consultations to raise awareness and exchange information with employers’ and workers’ organizations on labour legislation and issues related to activities of MNEs.

The Ministry of Administrative Development, Labour and Social Affairs holds periodic meetings with employers and workers to raise the level of their awareness and provide them with information regarding legislation, laws and decisions issued by the government, and to exchange views on issues of concern to the labour sector in order to protect and sponsor activities related to MNEs. (Ministry of Administrative Development, Labour and Social Affairs, Qatar)

The Governments of Japan and New Zealand indicated consultations on international labour standards organized via national contact points (NCPs)\(^2\) for the promotion of the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises. The Government of New Zealand moreover mentioned tripartite consultations on operations of MNEs that might have a significant economic or employment effect for a local community and emphasized the importance of consultations with local stakeholders.

Should a complaint be raised with the NCP about the local activities of an MNE owned/headquartered in another country, the New Zealand NCP would likely consult with the NCP of that country in the process of deciding whether to accept a complaint or transfer it, or in the process of its investigation. (Ministry of Business, Innovation and Employment, New Zealand)

One government specifically mentioned the role of the European Union, ILO and OECD Responsible Supply Chains in Asia (RSCA) programme in promoting the MNE Declaration and responsible business conduct by facilitating and supporting formal tripartite consultations.

The formal consultation under RSCA project ... plays a major role ... to promote the MNE Declaration and encourage consultation between tripartite constituents. A workshop on policy framework for the promotion of responsible business ... under the RSCA project [is] also important since it provides the opportunity for all stakeholders ... to widely share their experiences and discuss on activities concerning the MNE Declaration. (Ministry of Labour, Thailand)

Another government emphasized that MNEs participate in formal tripartite consultations through their membership of the national employers’ organization, and highlighted the importance of collective bargaining within MNEs.

Collective bargaining creates an environment of understanding where on a continuous basis there is dialogue which results in the better implementation of obligations. (Ministry of Skills Development, Employment and Labour Relations, Sri Lanka)

Some governments mentioned consultations with foreign MNEs, governments and employers’ organizations or workers’ organizations through national, bilateral, regional or international organizations and mechanisms, workshops, conferences, meetings and dialogues. The Government of Jordan mentioned United Nations organizations and the

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\(^2\) National contact points for the OECD Guidelines for Multinational Enterprises are agencies established by adhering governments to promote and implement the OECD Guidelines. National contact points assist enterprises and their stakeholders to take appropriate measures to further the observance of the Guidelines and provide a mediation and conciliation platform for resolving practical issues that may arise with the implementation of the Guidelines (more information available at [www.oecd.org](http://www.oecd.org)).
Government of Singapore cited organizations representing groups of foreign and domestic workers.

Three governments described formal consultation with MNEs on ways to improve the regulatory environment.

The Government-Private Sector Forum ... constitutes the key platform where government and representatives of private sector meet ... to discuss the issues of investment. New regulations or policies or amendment to legislation and policies framework may be agreed upon as the outcome of the forum. (Ministry of Labour and Vocational Training, Cambodia)

In 2016, the Government of the UAE engaged in a formal constructive dialogue that gathered the Federation of UAE Chambers, Dubai Chamber, and more than 30 of its multinational member companies. The consultations aimed at promoting knowledge, skills and best practices with respect to investment, business, human rights, industry and trade policy. These consultations resulted in the formation of a Multinational Companies Business Group (MCBG) ..., a non-profit working group aimed to cooperate with the UAE Government in shaping strategies in a wide range of areas including human and workers’ rights. (Ministry of Human Resources and Emiratization, United Arab Emirates)

[Consultations are undertaken] in order to exchange views between the government and the private sector and facilitate the economic activities ..., review and remove barriers to business and make effective decisions for the necessary actions within the existing laws and regulations and provide appropriate executive proposals and solutions to relevant authorities. (Ministry of Cooperatives, Labour and Social Welfare, Islamic Republic of Iran)

The Government of Qatar described consultations with other governments related to foreign labour and bilateral agreements and memoranda of understanding, as well as consultations led through tripartite working groups promoting decent work and fair recruitment in specific sectors such as the hospitality industry and the public sector.

Two governments noted the role of consultations in regard to the application of labour standards within MNEs, in one case including when operating in host countries.

The Ministry of Human Resources and Social Security, in conjunction with the All China Federation of Trade Unions, the China Enterprise Confederation, and the All China Federation of Industry and Commerce analysed typical experiences of enterprises including multinational enterprises and different industries on carrying out collective consultation and bargaining. (Ministry of Human Resources and Social Security, China)

Labour attachés are dispatched to countries where many Korean companies have entered the market and serve as a consultation channel with governments of other countries. In addition, the Korean Government organizes an industrial relations support team and visits countries with many Korean companies every year ... to get up-to-date information and hear grievances of Korean companies operating overseas. (Ministry of Employment and Labour, Republic of Korea)

### 2.3.2 Employers’ organizations

The majority of the 18 responding employers’ organizations stated that they held some form of formal consultations on activities of MNEs. Thirteen held formal consultations on activities of MNEs with governments and national workers’ organizations; nine confirmed holding formal consultations on activities of MNEs with representatives of foreign MNEs; and nine held formal consultations on activities of MNEs with employers’ organizations of other countries. Six of the responding employers’ organizations held formal consultations with all of the three above-mentioned groups. Three respondents indicated that they held no formal consultations and one that they did not have any information about consultations.
Figure 3 summarizes the results of section 2 on dialogue and consultation of the questionnaire for employers’ organizations.

Five employers’ organizations gave examples of a number of mechanisms for tripartite consultation, such as social dialogue committees and labour councils. The employers’ organization from the Republic of Korea highlighted that public interest groups also participate in these consultations. The employers’ organization from New Zealand provided information on the tripartite liaison group of the NCP for the OECD MNE Guidelines, which comprises representatives of the government, the employers and trade unions, and with which the NCP discusses its work.

Several employers’ organizations noted the important role consultations play for harmonious industrial relations and private sector growth, employment creation and decent work, the promotion of labour standards, social dialogue, good workplace practices along supply chains, and support for inclusive economic growth and recovery efforts in the face of national disasters, including the COVID-19 pandemic. The employers’ organization from Singapore highlighted tripartite consultations leading to recommendations in the framework of the National Wages Council.

Five employers’ organizations described a number of mechanisms and channels they use for formal and informal consultations with enterprises, including MNEs. The United Arab Emirates employers’ organization described forming an MNE working group with the aim of improving dialogue with the government.

Two respondents from Pakistan and Thailand mentioned making use of awareness-raising, training and peer learning events on the MNE Declaration to provide a platform for tripartite consultation. The employers’ organization from the Viet Nam Chamber of Commerce and Industry described a seminar to strengthen national policy dialogue in the country, aiming to maximize the sustainable impact of FDI on small and medium-sized enterprises, employment and decent work, especially in the electronics export sector. The organization described the establishment of the Electronics Business Coalition to promote socially responsible labour practices in that sector.

In October 2017, the Electronics Business Coalition in Viet Nam to promote socially responsible labour activities was officially established. This is an initiative of the Viet Nam Chamber of Commerce and Industry (VCCI) and the Viet Nam Electronics Industry Association (VEIA) with technical support from the ILO. The establishment of the alliance encourages the development
of a reliable dialogue environment between supply chain and electronics businesses ..., consolidates the voice of electronics in broader policy dialogue with stakeholders and takes action to address the challenges facing the industry. (Viet Nam Chamber of Commerce and Industry, Viet Nam)

Regarding consultations with representatives of foreign MNEs, several employers' organizations indicated a number of international or national chambers, councils and investment promotion agencies through which these consultations take place. The employers' organization from the United Arab Emirates highlighted in this context a trade and investment dialogue with the European Union.

Three employers' organizations indicated engaging in ad hoc consultations with MNEs. In addition, the employers' organization from Mongolia gave as an example a consultation with a Chinese company on topics of land and tax dispute.

Several employers' organizations provided examples of consultations with national employers' organizations from other countries or regional and international employers' organizations. The employers' organization from Viet Nam mentioned a sectoral association, the Viet Nam Electronics Industry Association.

The employers' organization from Pakistan indicated the role of memoranda of understanding for collaboration and knowledge exchange with foreign employers' organizations.

One respondent provided an example of consultations with foreign employers' organizations taking place through a working group that was established to coordinate efforts regarding the COVID-19 crisis, including protecting labour rights.

Cooperation with employers' organizations in other countries ... takes place to coordinate efforts on protecting the common interests and ... labour rights. For example, through recent cooperation with the American Chamber of Commerce, a working group that includes business councils and chambers of commerce based in Abu Dhabi or Dubai was established with the aim of coordinating efforts to reduce the effects of the COVID-19 pandemic and assess the challenges facing corporate sustainability. (Federation of UAE Chambers of Commerce and Industry, United Arab Emirates)

The respondent from the Islamic Republic of Iran indicated that there is no formal mechanism for consultation. The employers' organization from New Zealand noted that it did not have consultations with foreign MNEs as there were few complaints.

2.3.3 Workers’ organizations

Of the 23 workers’ organizations which completed the questionnaire from 12 countries, 10 stated that they held formal consultations on activities of MNEs with government and national employers’ organizations, while 5 held formal consultations on activities of MNEs with representatives of workers of foreign MNEs. Ten responding workers’ organizations stated that they held formal consultations on activities of MNEs with workers’ organizations of other countries.

Figure 4 summarizes the results of section 2 on dialogue and consultation of the questionnaire for workers' organizations.

Out of all responding workers' organizations, two indicated undertaking formal consultations with all of the three above-mentioned groups. Ten responding workers' organizations indicated that they held no formal consultations or did not have any information about consultations.

A number of respondents highlighted the importance of formal consultations. The Australian workers' organization indicated participating in consultations on business
Promotion of the principles of the MNE Declaration in Asia and the Pacific region and human rights on an ad hoc basis, together with representatives from civil society. The National Trade Union Federation of Sri Lanka cited the role of regular formal tripartite consultations to improve national laws and regulations and compliance. The Oman workers’ organization indicated that tripartite consultations allowed them to provide a comprehensive view of the need to improve labour law compliance in various sectors, and to support the work of labour inspection in MNEs, including through collaboration with industrial zones. The respondent from Jordan indicated conducting consultations and dialogues related to workers, wages, leaves and occupational safety and health. The Nepal Trade Union Congress highlighted the role of consultations during the COVID-19 pandemic, especially regarding wages of workers.

Several workers’ organizations described mechanisms for regular formal and informal consultation, such as committees, round tables and seminars. Related to these types of consultations, respondents from Australia and Japan mentioned the NCP for the OECD MNE Guidelines, with the latter indicating that it was important to strengthen the representation of employers’ and workers’ organizations within the Japanese NCP. One respondent from a workers’ organization highlighted its participation in a tripartite workforce set up to respond to the COVID-19 crisis.

The most important engagement with social dialogue is [through the] tripartite task force on the impact of the COVID-19 [on] employment and employees. Because social dialogue is the only way out [of] the challenges we are facing under [the] present pandemic crisis. (Free Trade Zones and General Service Employees Union, Sri Lanka)

Regarding consultations with representatives of foreign MNEs, three workers’ organizations indicated that such consultations occurred through workers’ organizations in the MNEs. The workers’ organization from Jordan mentioned that the Textile Workers’ Union maintains constant contact with employers, relevant actors and international organizations.

The Nepal Trade Union Congress highlighted the importance of sharing good and bad practices with workers organizations from other countries. The respondent from the Australian workers’ organization indicated that although it did not conduct formal consultations with workers’ organizations of other countries, it provided support in addressing concerns and complaints related to the conduct of Australian MNEs.
Several respondents noted having consultations with workers’ organizations of other countries on a bilateral basis or through the ILO, international and regional trade union organizations and federations, and regional networks of trade unions.

Together with the Nepal Trade Union Congress, a workers’ organization stressed the important role of memoranda of understanding between workers’ organizations to protect the rights of workers, including migrant workers.

The Labour Congress of Thailand and Thai Trade Union Congress ... had a meeting with the Lao People’s Democratic Republic and have a plan to have a MoU shortly. ... Entered into a MoU with Myanmar and many countries related to bringing in migrant workers to work in Thailand legally. (Labour Congress of Thailand, Thailand)

The workers’ organization from Oman listed the areas of the MNE Declaration it found more relevant for consultations, including obeying national laws and regulations, collective bargaining and the right to organize, wages and working conditions, job security, and occupational safety and health.

One workers’ organization highlighted the lack of formal consultation due to the absence of workers’ organizations in the public sector of the country. It indicated having informal follow-up mechanisms related to workers’ social security.

There are very little activities with regard to formal consultations, since unionization is not activated in the public sector of Iraq ... but we are following a large portion of companies with regard to workers’ social security, and follow-up ... is effective since most of the workers have access to social security. (Federation of Oil Unions, Iraq)

Three workers’ organizations noted the role of collective bargaining in relation to successful social dialogue.

Two respondents indicated ways to improve social dialogue for a better implementation of the principles of the MNE Declaration, including with the support of the ILO. One in particular called for the creation of a national focal point on the promotion of the MNE Declaration.

[The MNE Declaration] is very important in the context of Nepal but both the government and employers are running away from its implementation. Therefore, in this situation, it would be better if the common body like ILO coordinates with both sides and makes a smooth and easy environment to implement it. (All Nepal Federation of Trade Unions, Nepal)

The promotion and effective implementation of the MNE Declaration would be better served by regular tripartite consultations on issues relating to MNEs through the creation of a national focal point, and the creation of an effective complaints mechanism to complement the complaints mechanism of the OECD Guidelines. (Australian Council of Trade Unions, Australia)

The workers’ organization from Maldives stated that the political environment was not favourable to carry out consultations, citing concerns regarding the recognition of trade unions. The Federation of Korean Trade Unions indicated that it did not hold formal consultations.

Two workers’ organizations from Thailand mentioned dialogue with government – either consultations or communications sent – to raise awareness of the working conditions of subcontracted workers and compliance more generally.

The Labour Congress of Thailand had a dialogue with the Ministry of Labour on section 11/1 that employers do not comply with such a provision. Subcontracted workers were not treated fairly by employers but the Ministry of Labour claimed that there is no complaint. (Labour Congress of Thailand, Thailand)
Submitting a letter/petition to the government to prescribe clear rules/procedures for multinational corporations to comply/uphold, especially on respecting the rights of workers and trade unions. (State Enterprise Workers’ Relations Confederation, Thailand)

2.4 Promotion of the principles of the MNE Declaration

Did your organization organize any events or take any initiatives in recent years that sought to promote the principles of the MNE Declaration?

If so, were any of these events organized or initiatives taken (1) jointly with or including governments, employers’ organizations or workers’ organizations; (2) jointly with peers of other countries; (3) with assistance from the ILO?

Please give examples of such promotion activities and describe the most successful one.

Has your organization developed or commissioned any promotional materials on the principles of the MNE Declaration which are available to the public in languages spoken in your country?

Does your country have a focal point or similar process or tool to promote the MNE Declaration at the national level?

Overall, 15 governments, 7 employers’ organizations and ten workers’ organizations signalled that they had undertaken some sort of promotional activity (table 4). Of these 32 respondents, 18 indicated having organized such promotional activities with other parties (11 governments, 5 employers’ organizations and 2 workers’ organizations), 21 with peer organizations from other countries and 27 with assistance from the ILO.

Table 4. Events or initiatives to promote the principles of the MNE Declaration by governments, employers’ organizations and workers’ organizations

<table>
<thead>
<tr>
<th>Entity</th>
<th>Yes</th>
<th>No</th>
<th>No information available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governments</td>
<td>15</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Employers’ organizations</td>
<td>7</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Workers’ organizations</td>
<td>10</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>22</td>
<td>4</td>
</tr>
</tbody>
</table>
2. Overview of responses

Figure 5 provides an overview of responses from each group that indicated having undertaken some sort of promotional activity. Of 15 events or initiatives taken by governments, 11 included the participation of other constituents; eight were organized jointly with peers from other countries; and 11 were undertaken with assistance from the ILO. Five employers organized events or took initiatives that included other groups and with peers of other countries, and six employers reported organizing an event with assistance from the ILO. For the ten workers’ organizations that indicated having organized a promotional activity, two organized events jointly with other groups, eight were joint events organized with peers of other countries, and all were held with the assistance of the ILO.

Eight governments, four employers’ organizations and two workers’ organizations indicated having developed or commissioned promotional materials on the principles of the MNE Declaration.

Eight governments, five employers’ organizations and six workers’ organizations stated that a focal point or a similar process or mechanism to promote the MNE Declaration at the national level had been established, or that the role of promoting the MNE Declaration lay with a specific institution, or that it was undertaken in the framework of a Decent Work Country Programme.

2.4.1 Governments

The Government of the Republic of Korea highlighted seminars and meetings promoting activities in line with the principles of the MNE Declaration for companies of the Republic of Korea entering a foreign market, especially regarding compliance with labour legislation in the host country. It also mentioned supporting the implementation of the MNE Declaration by establishing a support system for foreign companies in the Republic of Korea that operated mainly in free economic zones, including consulting and counselling services, guidelines on labour law and an ombudsperson system.
The Governments of Cambodia, the Islamic Republic of Iran and the Philippines mentioned investment promotion efforts as a vector to promote the principles of the MNE Declaration.

The Governments of Cambodia and Malaysia referred to their Decent Work Country Programmes as a relevant framework to promote the MNE Declaration. The Government of Cambodia also highlighted the development and implementation of the National Employment Policy with assistance from the ILO.

The Government of Thailand highlighted events, seminars and workshops to promote the Thai National Action Plan on Business and Human Rights, as well as other events and forums, including the Responsible Business and Human Rights Forum organized in 2019 in Bangkok, other events bringing together Association of Southeast Asian Nations (ASEAN) member countries and the European Union, and events undertaken in the framework of the RSCA programme.

The Government of Qatar highlighted events organized in the country in cooperation with the ILO, the Arab Organization and the Cooperation Council for the Arab States of the Gulf, including national, sectoral, regional and international meetings, conferences and workshops to uphold the principles of the MNE Declaration and decent work in the midst of the COVID-19 crisis. For example, the government had organized several remote training workshops with the participation of ILO on the responsibilities of enterprise labour committees in the area of occupational safety and health during the COVID-19 crisis.

The Government of Japan mentioned a number of consultations with business associations, trade unions and the general public in the framework of the formulation of its National Action Plan on Business and Human Rights, as well as development of a series of promotional materials and events.

The Government of New Zealand listed the events organized by the NCP for the OECD MNE Guidelines and its efforts to form partnerships with the academic sector and the NCP from Australia to share resources and lessons learned.

The Government of Indonesia mentioned the ILO 2016 Asia and the Pacific Regional Meeting hosted by Indonesia as a platform for the promotion of the principles of the MNE Declaration. It also indicated that it upheld the principles of the MNE Declaration in such areas as working conditions and recognition of enterprises that employ people with disabilities.

Eight governments indicated having developed or commissioned promotional materials on the principles of the MNE Declaration. The Governments of Thailand and New Zealand both described promotional materials related to the OECD MNE Guidelines.

The Government of the Islamic Republic of Iran mentioned a revised investment guide published by its investment agency. The Government of the Republic of Korea shared that it had published a human rights management guideline and checklist reflecting the principles of the MNE Declaration. The Government of China indicated that it had issued, in collaboration with employers’ and workers’ organizations, a notice on further improving collective consultation in response to the impact of COVID-19. The Government of Cambodia had developed materials including guidelines, leaflets, brochures, booklets, magazines and other forms of explanatory notes on laws, regulations and policies.

The Governments of the Philippines and Qatar mentioned awareness-raising materials on labour standards: materials related to employment policies and programmes and an
2. Overview of responses

information campaign on illegal recruitment in the Philippines, and brochures, flyers and pamphlets to inform foreign workers of their rights and duties in Qatar.

In terms of a focal point or a similar process or mechanism at the national level to promote the MNE Declaration, eight governments indicated institutions that were in charge of the promotion of the MNE Declaration. The Governments of the Islamic Republic of Iran and the Republic of Korea referenced investment institutions, namely the Organization for Investment and Economic and Technical Assistance (Islamic Republic of Iran) and the Foreign Investment Committee (Republic of Korea). The Government of the Philippines mentioned its National Tripartite Industrial Council and its subcommittees at regional and industry levels, while two other governments indicated the role played by ministries: the Ministry of Labour and Vocational Training for Cambodia, and the Ministry of Administrative Development, Labour and Social Affairs for Qatar.

The Governments of Japan and New Zealand both mentioned their NCPs for the OECD MNE Guidelines as relevant for the promotion of the MNE Declaration. The Thai Government indicated that it had not assigned a national focal point for the promotion of the MNE Declaration, but mentioned the steering committee and subcommittee established in the framework of the National Action Plan on Business and Human Rights, as well as the RSCA project advisory committee and task forces consisting of tripartite representatives, as relevant in this regard.

2.4.2 Employers’ organizations

The respondent from the United Arab Emirates employers’ organization indicated that it had participated in promotional activities on the ILO MNE Declaration and United Nations Guiding Principles on Business and Human Rights organized by the government in cooperation with United Nations agencies. The employers’ organization of Pakistan highlighted meetings to raise awareness of the MNE Declaration, including during the first South Asian Forum of Employers hosted by the country in 2018 and meetings in collaboration with employers’ organizations of other countries.

The respondent from Malaysia listed a number of workshops, dialogues, conferences and seminars, organized with or without the support of the ILO, the International Training Centre of the ILO, and other organizations such as the ASEAN Trade Union Council, the Asian Confederation of Employers, and the International Trade Union Confederation–Asia Pacific. The Oman employers’ organization mentioned meetings, workshops and events held under its Foreign Members Committee, composed of the country’s foreign investors.

The employers’ organization from China highlighted an initiative in conjunction with the employers’ organizations from Norway and counterparts in Kenya, Uganda and the United Republic of Tanzania to establish a platform for dialogue with the Chinese business community in these countries. The partnership delivered trainings and guidelines to provide Chinese enterprises operating in East Africa with guidance on harmonious industrial relations.

The respondent from Viet Nam indicated that the Electronics Business Coalition had been established to promote socially responsible labour activities in line with the principles of the MNE Declaration and that its activities had received wide media coverage (Box 1). The employers’ organization from Sri Lanka shared how it had supported initiatives in the areas of child labour, social dialogue, workplace cooperation and occupational safety and health. The respondent from Kiribati stated that it relied on the government to organize promotional events.
Promotion of the principles of the MNE Declaration in Asia and the Pacific region

Four employers’ organizations provided details on developed or commissioned promotional materials on the principles of the MNE Declaration. The employers’ organization of Pakistan presented the principles of the MNE Declaration at various forums and workshops and on its website. The employers’ organization from Thailand highlighted the availability of the MNE Declaration in the Thai language. The employers’ organization from Sri Lanka indicated that it did not specifically have promotional materials on the MNE Declaration but emphasized that all its trainings were based on and promoted international labour standards.

In terms of a focal point or a similar process or mechanism at the national level to promote the MNE Declaration, five employers’ organizations stated that such focal points had been established at country level. The New Zealand respondent mentioned its Ministry of Business, Innovation and Employment, as well as the NCP for the OECD MNE Guidelines. The respondent from Kiribati indicated reliance of the employers’ organization on the ministry to organize related events, and the one from Oman mentioned its public investment promotion agency, Ithraa. The employers’ organization from Pakistan indicated that it was envisaging appointing a national focal point in the framework of an ILO project to promote the MNE Declaration in consultation with tripartite partners.

2.4.3 Workers’ organizations

A workers’ organization mentioned the forum on the 2020 Tokyo Olympic games (now planned to be held in 2021) organized by the ILO Country Office for Japan, as well as a corporate social responsibility seminar organized by the Japan Association for Advancement of ILO Activities.

“Tokyo 2020 Olympic and Paralympic Games Sustainable Sourcing Code” was formulated in which MNE Declaration was mentioned. Also, ILO published “International Labour Standards and Sustainable Sourcing Handbook” and “Fair Play – Decent Work for All through the 2020
Games” (case studies of Tokyo 2020 partner companies). (Japan Trade Union Confederation, Japan)

Another respondent provided examples of activities related to the MNE Declaration that could be carried out in the future, along with levels of feasibility.

1. Organizing training to share knowledge with employers’ representatives, employees and government, in the tripartite manner, on the MNE Declaration – will probably be most successful.
2. Production of documents for workers to read – will probably be most successful. 3. Promoting organizing of industrial unions – difficult. 4. Promote social dialogue between employers and workers – difficult. (State Enterprises Workers’ Relations Confederation (SERC), Thailand)

Sri Lanka Nidahas Sewaka Sangamaya indicated that the joint seminars and events it had conducted had not produced the expected results.

Two workers’ organizations (the Japan Trade Union Confederation and Nepal Trade Union Congress) developed or commissioned promotional materials on the MNE Declaration.

Five workers’ organizations from four countries provided details on a focal point or a similar process or mechanism to promote the MNE Declaration at the national level that had been established in their country. The All China Federation of Trade Unions mentioned the National Tripartite Committee for Coordination of Labour Relations. The General Federation of Oman Workers highlighted the national investment agency, Ithraa. The Federation of Korean Trade Unions mentioned the Republic of Korea NCP for the OECD MNE Guidelines. From Sri Lanka, the Free Trade Zones and General Service Employees Union referenced the Decent Work Country Programme as a tool for the promotion of the MNE, while the Nidahas Sewaka Sangamaya mentioned its General Secretary as the focal point to promote the MNE Declaration.

2.5 Other information

Please provide any other information that you find important regarding the promotion of the MNE Declaration at the national, regional and international levels.

The questionnaire gave tripartite constituents the opportunity to provide additional information related to the promotion of the MNE Declaration at the national, regional and international levels.

Several respondents from all three groups requested the Office and its constituents to increase efforts to promote the MNE Declaration in the region, including by providing assistance with organizing awareness-raising campaigns; developing practical guidance and country-specific action plans; setting up a national focal point; and establishing regional and international networks.

For example, the Jordanian Government recommended setting up a contact point in the ILO Country Office to promote the MNE Declaration and support the efforts of the Ministry of Labour. One employers’ organization highlighted the importance of developing country-specific actions plans for better implementation of the MNE Declaration. One workers’ organization from Oman called for the organization of capacity-building and awareness-raising activities at the national level, with support from the ILO, and in the same line, the Government of the Islamic Republic of Iran called for technical assistance
Another workers’ organization recommended that the ILO organize a trilateral meeting to draft a plan for the promotion and application of the MNE Declaration.

Trainings and workshops on the implementation of the MNE Declaration must be continued. There should be a sharing session of the best practices of the promotion of the MNE Declaration at the national, regional and international levels. It should be an establishment of a MNE promotion network across the region and at international levels composed of tripartite constituents so that everyone is kept informed of the progress made on this matter. (Ministry of Labour and Vocational Training, Cambodia)

Although there is a growing consensus among businesses and labour of the importance of respecting the MNE Declaration, there are no practical steps which management and labour could follow with the aim of following the MNE Declaration. Therefore, it would be quite helpful if specific action plans which take into consideration the unique characteristics of each country were developed. (Korea Enterprises Federation, Republic of Korea)

Should raise awareness on the MNE Declaration to increase knowledge widely. To encourage employers, workers and government to put principles into practice until it generates guidelines. Should set up the focal point, which is accepted by all parties. Should conduct a study on the difference between the MNE Declaration and the current Thai laws. (Thai Trade Union Congress, Thailand)

Respondents also indicated coordination between relevant host and home countries as key to successful promotion of the MNE Declaration at regional and international levels. For example, the employers’ organization from Cook Islands highlighted an opportunity to include the MNE Declaration principles in the national Investment Code, which is due for review.

The State of Qatar is keen to coordinate with the Qatar Chamber … at the national level, with the Cooperation Council for the Arab States of the Gulf and with the Arab Labour Organization at the regional level, and with the ILO at the international level with regard to labour and workers’ affairs. (Ministry of Administrative Development, Labour and Social Affairs, Qatar)

A continuous dialogue among all stakeholders is necessary. The most important aspect is the genuine concern for honouring labour rights without any exploitation due to poor bargaining power not only of workers but of developing countries like ours. Developed countries should not think our countries as just dumping grounds and places where they change labour laws to their liking. (National Trade Union Federation, Sri Lanka)

At regional level, the Government of Thailand highlighted a number of tools for the promotion of corporate sustainable responsibility within ASEAN. The employers’ organization of Thailand mentioned its efforts to promote the MNE Declaration with the Asian Confederation of Employers and build capacity in areas related to the principles of the Declaration.

In addition, several respondents mentioned specific actions that are needed to strengthen the application of the MNE Declaration, often in conjunction with the United Nations Guiding Principles on Business and Human Rights and the OECD MNE Guidelines.

For the ILO MNE Declaration to be effectively implemented, the following actions must be taken at the national level: a tripartite national focal point should be established to promote the use of the MNE Declaration by Australian MNEs and MNEs operating in Australia, and a robust dispute resolution mechanism … to complement the OECD Guidelines complaints procedure; … Australia must implement binding due diligence legislation for MNEs … [that] must include penalties for non-compliance, grievance mechanisms and remedy. … At the international level, we need: a binding UN Treaty on Business and Human Rights, supported by effective remedy systems; an ILO Convention on supply chains, including global frameworks with core labour standards for cross-border negotiation and collective bargaining; occupational health and safety
standards must be added to the framework of ILO Fundamental Rights. (Australian Council of Trade Unions, Australia)

The Indonesian workers’ organization also mentioned the country’s National Action Plan on the United Nations Guiding Principles on Business and Human Rights for 2020–2024, and noted the importance of having a United Nations binding instrument on business activities and human rights, and due diligence at the regional and international levels.

A workers’ organization noted that workers’ organizations should be involved in the NCP for the OECD MNE Guidelines and highlighted ineffective dispute resolution by the NCP in its country.

The MNE Declaration revised in 2017 specifies governments are encouraged to facilitate involvement of the social partners in the case of similar tools and processes exist in relation to the principles of this Declaration. In this context, FKTU has demanded workers’ organizations should be involved in the Korean NCP but nothing has changed. ... An examination of trade union cases handled by the Korean Commercial Arbitration Board (KCAB) (to which the NCP operations were transferred in 2016) reveals ineffective dispute resolution. ... The predominance of corporate relationships to a NCP is incompatible with the principles for promoting the OECD Guidelines for multinational enterprises. (Federation of Korean Trade Unions, Republic of Korea)

The Government of the Islamic Republic of Iran and an Iranian employers’ organization both highlighted sanctions as an obstacle to foreign direct investment and the promotion of the MNE Declaration.

Unilateral sanctions are one of the obstacles on the way of promoting and implementing the MNE Declaration and continuing the performance and responsibilities of such companies. In this regard, it is necessary for the ILO to provide a suitable ground for promoting the above-mentioned Declaration by foreseeing appropriate technical assistance in form of training courses or holding seminars and training conferences by ILO in presence of social partners. (Ministry of Cooperatives, Labour and Social Welfare, Islamic Republic of Iran)
Appendices
Appendix I.
Questionnaires for governments, employers’ and workers’ organizations

Governments

1. Awareness of the principles of the MNE Declaration

1.1 Taking into account the political and economic situation in your country, which areas of the MNE Declaration are relevant when it comes to operations of multinational enterprises?

General policies
- ☐ Obey national laws and regulations
- ☐ Promotion of respect for human rights and fundamental principles and rights at work
- ☐ Promote good social practice in accordance with this Declaration

Employment
- ☐ Employment promotion
- ☐ Social security
- ☐ Elimination of forced or compulsory labour
- ☐ Effective abolition of child labour: minimum age and worst forms
- ☐ Equality of opportunity and treatment
- ☐ Security of employment

Training
- ☐ Training

Conditions of work and life
- ☐ Wages, benefits and conditions of work
- ☐ Safety and health

Industrial relations
- ☐ Freedom of association and the right to organize
- ☐ Collective bargaining
- ☐ Consultation
- ☐ Access to remedy and examination of grievances
- ☐ Settlement of industrial disputes
- ☐ None
- ☐ Other. If so, please elaborate: .........................................................


1.2 Please provide further information on the areas that you have indicated above, including specific challenges and opportunities, and indicate which of these areas are most relevant and why.

1.3 Please describe initiatives taken by the government to address the areas indicated above (legislation, policies, measures and actions).

2. Dialogue and consultation

2.1 In your country, does the government or a public institution hold any formal consultation on activities of MNEs with:
   2.1.a National employers' and workers' organizations?
   - yes, if so, please specify .................................................................
   - no
   - no information available
   2.1.b Foreign MNEs, employers' organizations or workers' organizations?
   - yes, if so, please specify .................................................................
   - no
   - no information available
   2.1.c Governments of other countries?
   - yes, if so, please specify .................................................................
   - no
   - no information available

2.2 Please describe the formal consultations that you regard as the most important ones and indicate why.

3. Promotion of the principles of the MNE Declaration

3.1 Did the government or any governmental agency organize any events or take any initiatives in recent years that sought to promote the principles of the MNE Declaration?
   - yes
   - no
   - no information available

3.2 IF YES: Were any of these events organized or initiatives taken ...
   3.2.a Jointly with or including employers' or workers' organizations?
   - yes
   - no
   - no information available
   3.2.b Jointly with governments of other countries?
   - yes
   - no
   - no information available
Appendix I. Questionnaires for governments, employers' and workers’ organizations

3.2.c With assistance from the ILO?

☐ yes

☐ no

☐ no information available

3.3 Please give examples of such promotional activities and describe the most successful ones.

3.4 Has the government developed or commissioned any promotional materials on the principles of the MNE Declaration which are available to the public in languages spoken in your country?

☐ yes   If so, please give examples of the types of material on offer

☐ no

☐ no information available

3.5 Does your country have a focal point or similar process or tool to promote the MNE Declaration at the national level?

☐ yes   If so, please provide details ..........................................

☐ no

☐ no information available

4. Any other information

4.1 Please provide any other information that you find important regarding the promotion of the MNE Declaration at the national, regional and international levels.

Employers’ organizations

1. Awareness of the principles of the MNE Declaration

1.1 Taking into account the political and economic situation in your country, which areas of the MNE Declaration are relevant when it comes to operations of multinational enterprises?

General policies

☐ Obey national laws and regulations

☐ Promotion of respect for human rights and fundamental principles and rights at work

☐ Promote good social practice in accordance with this Declaration

Employment

☐ Employment promotion

☐ Social security

☐ Elimination of forced or compulsory labour

☐ Effective abolition of child labour: minimum age and worst forms

☐ Equality of opportunity and treatment

☐ Security of employment
**Training**

- [ ] Training

**Conditions of work and life**

- [ ] Wages, benefits and conditions of work
- [ ] Safety and health

**Industrial relations**

- [ ] Freedom of association and the right to organize
- [ ] Collective bargaining
- [ ] Consultation
- [ ] Access to remedy and examination of grievances
- [ ] Settlement of industrial disputes
- [ ] None
- [ ] Other. If so, please elaborate: ..................................................

1.2 Please provide further information on the areas that you have indicated above, including specific challenges and opportunities, and indicate which of these areas are most relevant and why.

1.3 Please describe initiatives taken by your organization to address the areas indicated above.

**2. Dialogue and consultation**

2.1 In your country, does your organization hold any formal consultation on activities of MNEs with:

2.1.a Government and national workers' organizations?

- [ ] yes, if so, please specify ..................................................
- [ ] no
- [ ] no information available

2.1.b Representatives of foreign MNEs?

- [ ] yes, if so, please specify ..................................................
- [ ] no
- [ ] no information available

2.1.c Employers' organizations of other countries?

- [ ] yes, if so, please specify ..................................................
- [ ] no
- [ ] no information available

2.2 Please describe the formal consultations that you regard as the most important ones and indicate why.
3. Promotion of the principles of the MNE Declaration

3.1 Did your organization organize any events or take any initiatives in recent years that sought to promote the principles of the MNE Declaration?

☐ yes
☐ no
☐ no information available

3.2 **IF YES:** Were any of these events organized or initiatives taken ...

3.2.a Jointly with or including the government or workers' organizations?

☐ yes
☐ no
☐ no information available

3.2.b Jointly with employers' organizations of other countries?

☐ yes
☐ no
☐ no information available

3.2.c With assistance from the ILO?

☐ yes
☐ no
☐ no information available

3.3 Please give examples of such promotional activities and describe the most successful ones.

3.4 Has your organization developed or commissioned any promotional materials on the principles of the MNE Declaration which are available to the public in languages spoken in your country?

☐ yes If so, please give examples of the types of material on offer
☐ no
☐ no information available

3.5 Does your country have a focal point or similar process or tool to promote the MNE Declaration at the national level?

☐ yes If so, please provide details .................................................................
☐ no
☐ no information available

4. Any other information

4.1 Please provide any other information that you find important regarding the promotion of the MNE Declaration at the national, regional and international levels.
Workers’ organizations

1. Awareness of the principles of the MNE Declaration

1.1 Taking into account the political and economic situation in your country, which areas of the MNE Declaration are relevant when it comes to operations of multinational enterprises?

General policies
- ☐ Obey national laws and regulations
- ☐ Promotion of respect for human rights and fundamental principles and rights at work
- ☐ Promote good social practice in accordance with this Declaration

Employment
- ☐ Employment promotion
- ☐ Social security
- ☐ Elimination of forced or compulsory labour
- ☐ Effective abolition of child labour: minimum age and worst forms
- ☐ Equality of opportunity and treatment
- ☐ Security of employment

Training
- ☐ Training

Conditions of work and life
- ☐ Wages, benefits and conditions of work
- ☐ Safety and health

Industrial relations
- ☐ Freedom of association and the right to organize
- ☐ Collective bargaining
- ☐ Consultation
- ☐ Access to remedy and examination of grievances
- ☐ Settlement of industrial disputes
- ☐ None
- ☐ Other. If so, please elaborate: .................................................................

1.2 Please provide further information on the areas that you have indicated above, including specific challenges and opportunities, and indicate which of these areas are most relevant and why.

1.3 Please describe initiatives taken by your organization to address the areas indicated above.
2. Dialogue and consultation

2.1 In your country, does your organization hold any formal consultation on activities of MNEs with:

2.1.a Government and national employers’ organizations?
- yes, if so, please specify ............................................................
- no
- no information available

2.1.b Representatives of workers of foreign MNEs?
- yes, if so, please specify ............................................................
- no
- no information available

2.1.c Workers’ organizations of other countries?
- yes, if so, please specify ............................................................
- no
- no information available

2.2 Please describe the formal consultations that you regard as the most important ones and indicate why.

3. Promotion of the principles of the MNE Declaration

3.1 Did your organization organize any events or take any initiatives in recent years that sought to promote the principles of the MNE Declaration?
- yes
- no
- no information available

3.2 IF YES: Were any of these events organized or initiatives taken ...

3.2.a Jointly with or including the government or employers’ organizations?
- yes
- no
- no information available

3.2.b Jointly with workers’ organizations of other countries?
- yes
- no
- no information available

3.2.c With assistance from the ILO?
- yes
- no
- no information available
3.3 Please give examples of such promotional activities and describe the most successful ones.

3.4 Has your organization developed or commissioned any promotional materials on the principles of the MNE Declaration which are available to the public in languages spoken in your country?

☐ yes If so, please give examples of the types of material on offer
☐ no
☐ no information available

3.5 Does your country have a focal point or similar process or tool to promote the MNE Declaration at the national level?

☐ yes If so, please provide details ..................................................
☐ no
☐ no information available

4. Any other information

4.1 Please provide any other information that you find important regarding the promotion of the MNE Declaration at the national, regional and international levels.
## Appendix II. List of responding governments and employers’ and workers’ organizations

<table>
<thead>
<tr>
<th>Countries</th>
<th>Governments</th>
<th>Employers’ organizations</th>
<th>Workers’ organizations</th>
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