Fifth item on the agenda

Promotional activities with regard to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and related developments outside the ILO

Purpose of the document

This document seeks guidance from the Governing Body on the promotional activities to further the recognition and implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy among Member States, social partners, and enterprises, including in the context of the global “Building Back Better” response to the COVID-19 pandemic and the ILO’s engagement with other international organizations (see the draft decision in paragraph 44).

Relevant strategic objective: All.

Main relevant outcome: Outcome 4: Sustainable enterprises as generators of employment and promoters of innovation and decent work.

Policy implications: Subject to the Governing Body’s decision and guidance, the Office workplan on the promotion of the MNE Declaration and engagement with other international organizations will be adjusted.

Legal implications: None.

Financial implications: None.

Follow-up action required: Yes.
Author unit: Enterprises Department (ENTERPRISES).

Related documents: GB.329/POL/7; GB.332/POL/6; GB.332/PV; GB.337/POL/3.
Introduction

1. At its 337th Session (October–November 2019), the Governing Body provided guidance on a set of promotional activities to further the recognition and implementation of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) among Member States, social partners, and enterprises. This included guidance on the ILO’s engagement with other international organizations that have instruments, frameworks or initiatives to stimulate the contribution of business to decent work for all. 

2. The promotion of responsible business, based on the expectations expressed in international standards, including the MNE Declaration, has become a central component of the “building back better” response to the COVID-19 pandemic. This has given rise to new initiatives in international organizations that ILO engages with and to new partnerships in the United Nations (UN) context. Many governments have taken, or are planning, initiatives to stimulate and support responsible business through a combination of measures that includes promotion of the MNE Declaration. In many countries, constituents are actively promoting the Declaration and the uptake of its principles, highlighting their particular relevance in these times of crisis. In its Centenary Manifesto, the International Organisation of Employers (IOE) pledged to intensify efforts to promote and implement the MNE Declaration.

3. The promotion of the MNE Declaration contributes to sustainable enterprise development in the broader context of the Sustainable Development Goals (SDGs), (ILO Programme and Budget 2020–21, Outcome 4), and to ILO strategies and activities that support constituents in making progress on the decent work agenda.

A. Activities to promote the MNE Declaration among governments, social partners and enterprises

Awareness-raising and capacity-building

4. An MNE Declaration web portal serves as a “one stop shop” where visitors can access the Declaration text in 17 languages as well as information on: its operational tools, training activities, and resources; country level assistance including development cooperation projects; country case studies documenting the process and outcomes of using the MNE Declaration as a framework for action; references to the Declaration in policy documents adopted within and outside of the ILO; global framework agreements that reference the Declaration; and ILO partnerships with other organizations, based on the MNE Declaration.

5. The International Training Centre of the ILO (Turin Centre) has substantially expanded the training portfolio on the MNE Declaration for constituents, enterprises and other

1 GB.337/PV, paras 121–126 and GB.337/POL/3.
2 Arabic, Chinese, Dutch, English, French, German, Italian, Japanese, Myanmar, Nepalese, Norwegian, Polish, Portuguese, Russian, Spanish, Thai and Vietnamese.
actors. All standard courses are now delivered through a combination of live sessions and online learning modules, supported by an e-platform for sharing experiences and posting assignments, which significantly increases and diversifies participation. An upcoming massive online open course on the business contribution to decent work for all (SDG 8) based on the approach of the MNE Declaration, aims to reach an even wider audience. Sessions were included in other training events, such as the e-Academy on Social Dialogue and Industrial Relations.

6. Numerous country-level awareness-raising and training events were conducted for government officials from various ministries, employers’ and workers’ organizations and enterprises, as part of development cooperation projects in Africa, Asia, Europe and Latin America.

7. The Office has developed partnerships with other organizations to provide training and awareness raising on the MNE Declaration. Examples include: training for Organisation for Economic Co-operation and Development (OECD) National Contact Points for Responsible Business Conduct; training for investment promotion agencies; training sessions and presentations for business and law students (Belgium, France, Italy, Netherlands and the United Kingdom of Great Britain and Northern Ireland) and training of trainers for business faculties.

8. Several ILO sectoral meetings have included references to the MNE Declaration in their conclusions and recommendations; 4 and it is featured in a variety of ILO sectoral guidelines and codes of practice.

Regional follow-up


10. In early 2020, the Office launched the follow-up process for Asia and the Pacific, aligned with the 17th Asia and Pacific Regional Meeting, by distributing a questionnaire to tripartite constituents in the region and offering scholarships to participate in capacity-building activities. A regional report, including a chapter presenting the replies received, will be finalized once the postponed regional meeting has been rescheduled. 8

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3 For a complete overview of the courses and break down of participants in 2020, see the ILO Training Opportunities web page.

4 Recent examples include: Meeting of Experts to adopt a Code of Practice on Safety and Health in Shipbuilding and ship repair (22–26 January 2018), Global Dialogue Forum on Challenges for Decent and Productive Work arising from Digitalization in the Chemical and Pharmaceutical Industries (10–12 December 2018), Conclusions on promoting decent work and safety and health in forestry (6–10 May 2019) and Guidelines on the promotion of decent work and road safety in the transport sector (23–27 September 2019).


11. Given the current uncertainties surrounding ILO regional meetings, consideration needs to be given to when to launch the follow-up process for the European region ahead of the 11th European Regional meeting.

Promotion at the national level, including through tripartite-appointed national focal points

12. All Member States are encouraged to promote the MNE Declaration. The Office provides country-level assistance through awareness-raising workshops, in-depth training, assessments and studies, dialogue facilitation among tripartite constituents and MNEs, tool development and policy support, and facilitation of exchanges among Member States, according to constituents’ needs and resources available.

13. The MNE Declaration encourages Member States to appoint national focal points on a tripartite basis to promote the use of the MNE Declaration and its principles, whenever appropriate and meaningful in the national context. The Office provides assistance upon request and in line with Governing Body decisions. Seven Member States (Côte d’Ivoire, Jamaica, Norway, Pakistan, Portugal, Senegal and Sierra Leone) have appointed national focal points for the promotion of the MNE Declaration, while several others are in discussions on the matter.

14. The MNE Declaration encourages dialogue between home and host countries on issues of mutual concern. The Office has facilitated dialogues between France and the national focal points in Côte d’Ivoire and Senegal, and between Japan and Viet Nam.

15. The Office facilitates the exchange of experiences between Member States on specific initiatives to promote and apply the MNE Declaration, including special sessions during ILO regional meetings, and more in-depth exchanges on particular issues.

16. The Office supports the participation of ILO constituents, to share their experiences, in global, regional and sectoral forums organized by other organizations. While this has the advantage of extending ILO’s reach to new audiences, the agenda of these forums is set by others and limits ILO’s visibility. An ILO forum focused on the decent work aspects of responsible business practices set out in the MNE Declaration could increase exchanges of successful practices across regions, and further the uptake of its guidance.

Country-level assistance, including development cooperation

17. Development cooperation projects support deeper and sustained country-level assistance to Member States, including responses to the COVID-19 crisis. In Latin America and the Caribbean, the joint European Union (EU)–ILO–OECD–Office of the United Nations High Commissioner for Human Rights (OHCHR) Responsible Business Conduct in Latin America and the Caribbean (RBCLAC) project has supported constituents’ participation in the development, adoption and implementation of national action plans on business and human rights in various countries in Latin America. RBCLAC has raised awareness on the importance of the labour dimension of responsible business conduct (RBC) through a number of events, training sessions, workshops and

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9 MNE Declaration (Annex II).
10 MNE Declaration (Annex II).
11 See GB.329/PV, para. 573 and the Conclusions of the Meeting of experts on cross-border social dialogue, para.12(i).
12 See GB.337/POL/3, paragraph 12 for the different set-ups of the national focal points reflecting the national context.
13 MNE Declaration, para.12.
consultations at both the regional and national levels. Examples include regional training for policy-makers on the MNE Declaration, joint regional training for employers’ and workers’ organizations on RBC and equal opportunity, and regional training for employers’ and workers’ organizations on RBC and due diligence. The RBCLAC Fund’s first call for proposals for projects to promote RBC received 226 applications from national and regional organizations, illustrating the high interest in the topic. Three were awarded funding.  

18. In Asia, the joint EU–ILO–OECD Responsible Supply Chains in Asia programme engaged with tripartite constituents, national sectoral associations and chambers of commerce to address decent work challenges in selected supply chains, based on the guidance of the MNE Declaration. Through these engagements, some 1,257 enterprises in Asia (781 SMEs and 476 MNEs) have directly participated in activities in the six target countries. In addition, and in partnership with constituents, the programme has supported the establishment of multi-stakeholder working groups for the seafood sector in Viet Nam, the agricultural and auto-parts sectors in Thailand, and the agriculture sector in the Philippines to enhance decent work in these supply chains. Under the More and Better Jobs through Socially Responsible Labour Practices in Pakistan project, funded by Japan, training sessions were conducted on the MNE Declaration, fundamental principles and rights at work, occupational safety and health, and productivity in the sports goods industry.

19. In Africa, awareness-raising and capacity-building activities conducted under the Enterprises and Decent Work project financed by France resulted in the Council of Labour and Social Dialogue of the West African Economic and Monetary Union adopting recommendations for the Union’s Commission, its Member States and employers’ and workers’ organizations, on how to enhance the positive contribution of MNEs towards decent work, based on the guidance of the MNE Declaration. The Council called on all members of the Union to appoint national focal points for the promotion of the Declaration. Workers’ organizations from seven countries (Benin, Burkina Faso, Côte d’Ivoire, Madagascar, Mali, Senegal and Togo) participated in a four-week online training course on the Declaration and its operational tools. In the absence of a regional development cooperation project promoting the MNE Declaration in Africa, the Office has sought to introduce the MNE Declaration into relevant ILO projects as a policy umbrella for engaging with enterprises on decent work priorities. A more comprehensive programme mirroring the multi-country projects currently implemented in the Americas (9 countries) and Asia (6 countries) would, however, enable the Office to support the constituents in Africa more systematically.

20. As part of the “building back better” response, closer collaboration with large ILO programmes such as Better Work and the Vision Zero Fund have facilitated outreach to more enterprises on the guidance of the MNE Declaration. The principles of the MNE Declaration are promoted by the various ILO Business Networks and through ILO

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14 RBCLAC Fund.

15 Responsible supply chains in Asia. Out of the 5,864 participants belonging to the 1,257 businesses, 48 per cent were women.

16 Examples include: Accelerating action for the elimination of child labour in supply chains in Africa; Trade for Decent Work; Advancing the Decent Work Agenda in North Africa; SIRAYE; ILO project in support to the G5 Sahel; and Pro Agro.

17 ILO business networks.
public-private partnerships covering a variety of decent work areas, with concrete activities at the country-level.

The ILO Helpdesk for Business

21. The ILO Helpdesk for Business was established by the Governing Body in 2007 and is one of the operational tools of the MNE Declaration. Since 2009 the service responds to specific queries and has averaged approximately 120 questions per year, with a significant increase in the past two years. The Helpdesk website provides a one-stop-shop to access ILO instruments, tools and other resources relevant for company operations, including a question and answer section. More than 870,000 users have visited the website since its creation in 2010, with over 310,000 new visitors in 2020 alone. The website is continuously updated and a specific section was created on Business and COVID-19. The main Helpdesk website is available in English, French and Spanish, with mirror sites in Chinese, Japanese and Vietnamese, and Thai (forthcoming). A new publication, Labour Issues in CSR: Examples from the ILO Helpdesk for Business Q&A, is available in Chinese, English, Thai and Vietnamese, is used in training activities.

22. Several Member States promote the ILO Helpdesk in their national action plans on business and human rights as a practical tool for companies undertaking due diligence. The Office prepares annual reports on the service, covering the individual queries received and the website visits.

Global tools for enterprises

23. Other newly developed global tools for enterprises include a training guide, entitled Labour standards in global supply chains – how to meet them to become more competitive and sustainable (produced in collaboration with the SCORE programme) available in, Chinese, English, Myanmar, Portuguese, Spanish, Thai and Vietnamese, and as an e-learning course. The new policy brief Restructuring for recovery and resilience in response to the COVID-19 crisis provides guidance to companies on good practices on restructuring. A new self-assessment tool for enterprises has been developed, which breaks down the provisions of the MNE Declaration using guiding questions, and details relevant ILO tools to help companies better align their policies and practices with the principles of the MNE Declaration. It will be piloted in 2021.

24. The joint EU–ILO–UN-Women “WE Empower” project – promoting women’s economic empowerment through RBC in G7 countries – developed the Empowering Women at Work series and a capacity development platform, leveraging the ILO gender equality agenda, the role of social dialogue and calls to action for gender-transformative policy responses to the COVID-19 pandemic crisis. It also supported the Women In Leadership Programme of the International Trade Union Confederation.

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18 GB.298/PV, para. 248.
21 ILO, Labour standards in global supply chain – how to meet them to become more competitive and sustainable, 2020.
25. Tools for enterprises developed on other topics that are highly relevant in the business response to COVID-19, such as occupational safety and health, are accessible on the newly created section on the ILO Helpdesk for Business website.

Company–union dialogue

26. As outlined in Annex II of the MNE Declaration, company–union dialogue is a confidential process, based on the consensus of the parties. The Office provides: neutral ground for parties to discuss issues of mutual concern; technical and expert advice; and dialogue facilitation. To date, the Office has received six joint company–union dialogue requests. Freedom of association, collective bargaining and building good industrial relations remain the issues of mutual concern in the dialogues facilitated by ILO experts. The secretariats of the Employers’ and Workers’ groups have been duly informed upon completion of each process.

27. The service is promoted through the ILO Helpdesk for Business, training activities and country-level assistance. It has been given additional visibility in policy documents. 23 The Office has further operationalized the service by developing a Q&A, based on questions received from potential users seeking clarification on the service, as well as confidentiality criteria. Both documents are under discussion between the secretariats of the Employers’ and Workers’ groups. The Office is putting together a list of ILO facilitators, 24 taking into account financial constraints. A call for expressions of interest and a training event will be organized in 2021 to broaden the pool of ILO dialogue facilitators.

B. ILO engagement with related developments outside the ILO


29. In 2020, the United Nations Working Group on Business and Human Rights embarked on a project to boost implementation of the United Nations Guiding Principles on Business and Human Rights, 25 supported by UNDP and several governments. 26 The project comprises a large stocktaking exercise of achievements to date, assessment of

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23 See, for example, Finland’s Agenda for action on business and human rights.
24 As called for in Annex II of the MNE Declaration and echoed in the conclusions of the Meeting of Experts on cross border social dialogue (GB.337/INS/12/2, conclusions, para. 14).
25 See Business and human rights: towards a decade of global implementation.
26 See Project Next Decade 10+. 
implementation gaps and challenges, and the development of roadmap for broader and wider implementation of the Guiding Principles over the next 10 years, to be presented to the United Nations Human Rights Council in June 2021. ILO constituents are participating in the stakeholder consultations.

30. National action plans on business and human rights are an important component of government implementation of the United Nations Guiding Principles. The Office developed a briefing note, together with the Working Group on Business and Human Rights, on how national action plans could be better linked to ILO standards, particularly implementation in law and practice, and on the importance of social dialogue mechanisms to involve employers and workers in national action plan processes.

31. The open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, at its sixth session, discussed the revised draft legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. The preamble of this draft references the MNE Declaration.

32. The ILO–UNDP Global Framework of Action, signed in 2020, prioritizes collaboration on RBC based on the promotion of the MNE Declaration and the United Nations Guiding Principles at the global, regional and national levels; this is an important opportunity as UNDP is now managing projects on business and human rights, funded by the EU and the government of Sweden, particularly in Asia. The Office has responded positively to invitations to participate in UNDP-led activities.

33. The MNE Declaration increasingly features, together with the United Nations Guiding Principles and the OECD Guidelines for Multinational Enterprises, in policy documents as one of three international instruments that guide responsible business behavior, outlining the roles and responsibilities of governments, business, social partners and other actors. The ILO, OECD and OHCHR, with the support of EU-funded projects, developed a brochure 27 highlighting the key features, coherent approach and synergies between these three instruments.

34. The OECD has produced general and sector-specific due diligence guidance, 28 to which the ILO has contributed. It convenes an annual RBC forum, as well as sectoral RBC forums in which ILO and ILO constituents participates. The OECD has embarked on a stocktaking exercise of its MNE Guidelines and proactive agenda with the aim of developing a roadmap. The OECD also issued a 20th anniversary report on the national contact point system as a grievance mechanism. 29

35. 2020 marked the 20th anniversary of the United Nations Global Compact, which was celebrated with a major virtual event in which the ILO Director-General participated. An updated strategy was launched, 30 to accelerate and scale up the impact of business by upholding the Ten Principles and delivering the SDGs through accountable companies and enabling ecosystems. The ILO continues to support the Global Compact as a co-chair of its Expert Network, through the Action Platform on Decent Work in Global Supply Chains, which in its second phase, is focusing on tackling working poverty, and through

27 ILO, Responsible business: key messages from international instruments, 2019.
29 OECD, Providing access to remedy: 20 years and the road ahead, 2020.
the Child Labour Platform. The Global Compact is supporting the International Year for the Elimination of Child Labour.

36. In 2020, the International Organization for Standardization (ISO) considered a proposal for a new field of technical activity in social responsibility. 31 In light of the Governing Body decision on the review of the implementation of ILO–ISO agreements, 32 and in consultation with IOE and ITUC, the Office requested that the ISO circulate an ILO statement outlining its concerns with the proposal among national standards bodies. The ISO Technical Management Board decided to defer its decision on whether to establish an ISO Technical Committee on Social Responsibility until June 2021, and created a task force to look into the concerns expressed, including those of the IOE, ITUC and ILO.

37. The Conclusions of the 15th European Commission–ILO High Level Meeting include several references to the joint promotion of RBC as a key pillar of building back better, in line with the guidance provided by the MNE Declaration, the United Nations Guiding Principles and the OECD MNE Guidelines. The EU is an important partner in the promotion of the MNE Declaration, both by referencing it in its own policies 33 and trade agreements, and by funding development cooperation projects.

38. Collaboration with the World Association of Investment Promotion Agencies (WAIPA) focussed on joint training for investment promotion agencies on investment facilitation for sustainable development and decent work in building back better. The ILO, United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and WAIPA are members of the United Nations inter-agency technical committee to support least developed countries (LDCs) in attracting foreign direct investment, which is a priority item in the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011–2020. Preparations have started for the Fifth United Nations Conference on the Least Developed Countries, to be held in Doha, organized by the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States.

39. The website for the 2020 Tokyo Olympic Games features a page on the partnership between Tokyo 2020 and the ILO, including a link to the ILO Helpdesk for Business, thus making ILO materials widely accessible amongst the Games’ delivery partner companies. The fourth Sustainability Forum, organized jointly by Tokyo 2020 and the ILO, to be held in 2021 will reflect on the legacy of the partnership and SME capacity-building, based on products developed in close collaboration with the tripartite constituents in Japan.

C. The way forward in promoting the Declaration

40. ILO constituents are expressing a growing interest in the MNE Declaration, owing to awareness-raising and capacity-building activities, as well as the increased emphasis on the role of responsible business in building back better. In several Member States, this has led to specific initiatives on business and decent work. More visible opportunities for

31 ISO/TS/P 289.
32 Document GB.331/INS/10, paras 26 and 27.
33 See, for example, Council of the European Union, Conclusions on Human Rights and Decent Work in Global Supply Chains, Brussels, 1 December 2020.
exchanges of experiences and practices on responsible business and decent work, in line
with the MNE Declaration provisions, such as through an ILO forum, would further
enhance understanding of the relevance of the instrument.

41. Formalizing increased international collaboration through an alliance on business and
decent work, in partnership with OHCHR, UNDP, UN-Women, UNICEF, UN Global
Compact and OECD would establish the MNE Declaration more firmly as a lead
international instrument on business and decent work. Activities at the global level could
include conferences, business action platforms, combined with coordinated country-
level activities, to maximize synergies. Many of these activities are already associated,
but only loosely, which at times generates confusion for business.

42. The Office will explore ways to strengthen existing collaboration with regional
organizations, such as the European Union, the West African Economic and Monetary
Union, the Southern African Development Community and the Association of Southeast
Asian Nations. It will seek to establish collaboration with other regional organizations,
and will identify ways to facilitate exchanges between these organizations on the
promotion of the MNE Declaration, with a view to achieving greater policy coherence.

43. Social dialogue institutions in Member States are increasingly showing an interest in
promoting the MNE Declaration in relation to operations of MNEs, foreign direct
investment facilitation and supply chains, as illustrated in Jamaica, Senegal and at the
level of the West African Economic and Monetary Union. Strengthening collaboration
with such institutions could offer an additional pathway for promoting the Declaration
at the national, sectoral and regional levels.

Draft decision

44. The Governing Body requested the Director-General to take into account the
guidance provided when exploring options to further strengthen the visibility of
the Tripartite Declaration of Principles concerning Multinational Enterprises and
Social Policy and its implementation by ILO Member States, regional and
international organizations and enterprises, and to provide an update on these
promotional activities at a future session of the Governing Body.