

# ▶ The central role of social dialogue in due diligence

## The ILO MNE Declaration

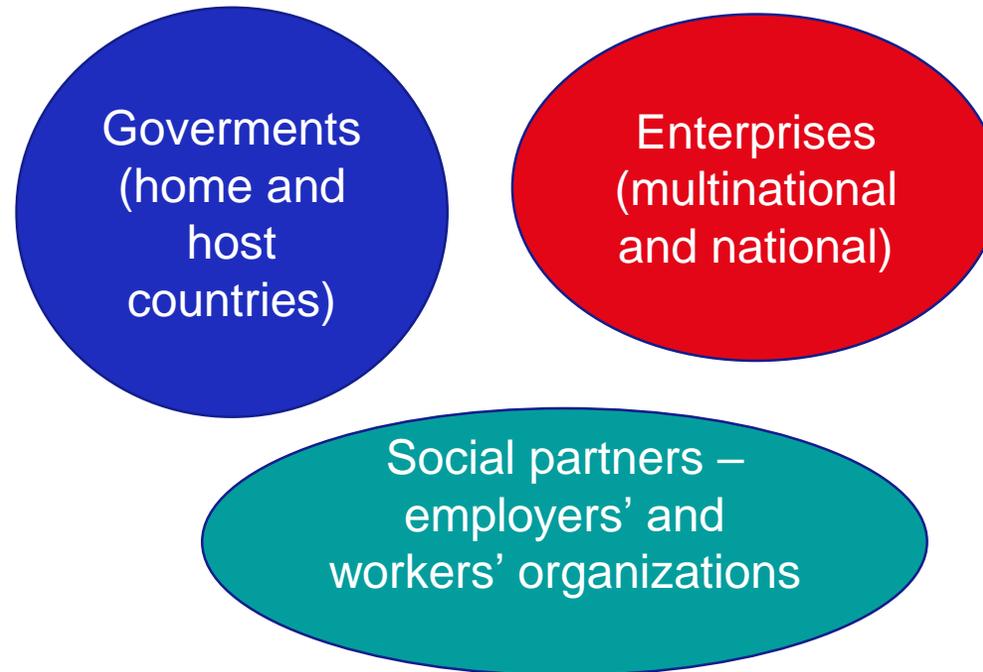
Pillar 1 – State duty to protect human rights	Pillar 2 – corporate responsibility to respect human rights	Pillar 3 – access to remedy
<p>Protect against adverse impact caused by companies, including as it relates to ensuring that those affected by business activities have access to an effective remedy.</p>	<p>avoid infringing on the rights of others wherever they operate and whatever their size or industry, and address any impact that does occur. This responsibility exists independently of whether States fulfil their obligations.</p>	<p>When abuses occur, victims must have access to effective remedy, through judicial and non-judicial grievance mechanisms = responsibility for both States (judicial and non-judicial) and enterprises (enterprise-level grievance mechanisms).</p>
<p>States should not assume that businesses invariably prefer, or benefit from, State inaction, and they should consider <b>a smart mix of measures</b>—national and international, mandatory and voluntary—to foster business respect for human rights.</p>	<p>responsibility to respect applies, at a minimum, to all internationally recognized human rights expressed in the International Bill of Human Rights and the ILO Declaration on Fundamental Principles and Rights at Work</p>	
<p>States should periodically assess the adequacy of national laws that are aimed at, or have the effect of, requiring companies to respect human rights and address any gaps</p>	<p>1) policy commitment to meet the responsibility to respect human rights; 2) undertake ongoing human rights <b>due diligence to identify, prevent, mitigate and account for their human rights impact</b>; 3) have processes in place to enable remediation for any adverse human rights impact they cause or contribute to.</p>	

# ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) – revised 2017

## Aim

- Encourage positive contribution of business to socio-economic development and decent work for all
  - Mitigate and resolve potential negative impacts of business operations
- Business and decent work/labour rights/social policy

## Recommendations addressed to:



## Dialogue at various levels

- ✓ Between government and social partners (social dialogue)
- ✓ Within the enterprises between management and workers (industrial relations)
- ✓ Between government, social partners and multinational enterprises (tripartite plus dialogue)
- ✓ Between home and host countries of multinational enterprises (cross-border social dialogue)

## MNE Declaration - recommendations in five areas = decent work

### General policies

- Respecting national law and state sovereignty
- Fundamental principles and rights at work
- Conduct due diligence
- Consultations between home and host country governments

### Employment

- Employment promotion
- Social Security
- Forced labour – due diligence – P.29
- Child labour
- Equality of opportunity and treatment
- Security of employment

### Training

- National policies for vocational training and guidance, closely linked to employment
- Provide training and lifelong learning opportunities

### Conditions of work & life

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

### Industrial relations

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

## ► MNE Declaration, 2017 – new para 10

Reference to the UN Guiding Principles on Business and Human Rights **due diligence process** for companies to “identify, prevent, mitigate and account for how they address their actual and potential adverse impacts that relate to **internationally recognized human rights**, understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.”

“This process should involve **meaningful consultation** with potentially affected groups and other relevant stakeholders **including workers’ organizations**, as appropriate to the size of the enterprise and the nature and context of the operation”.

“To achieve the aim of the MNE Declaration, **this process should take account of the central role of freedom of association and collective bargaining as well as industrial relations and social dialogue as an ongoing process**.”

ILO Helpdesk for Business on international labour standards – [www.ilo.org/business](http://www.ilo.org/business) (align corporate policies and practices with ILS and build good industrial relations)

The MNE Declaration – what's in it for workers? -- [https://www.ilo.org/actrav/pubs/WCMS\\_627351/lang-en/index.htm](https://www.ilo.org/actrav/pubs/WCMS_627351/lang-en/index.htm) -- scenarios of how workers and unions can use due diligence processes as they should be consulted in the ongoing process

+ support to workers' organizations on due diligence

ILO company-union dialogue facilitation -- [https://www.ilo.org/empent/areas/mne-declaration/WCMS\\_572115/lang-en/index.htm](https://www.ilo.org/empent/areas/mne-declaration/WCMS_572115/lang-en/index.htm) -- all requests received so far was on industrial relations

International Labour Standards and Corporate Social Responsibility: the Labour Dimension of Human Rights  
**Due Diligence** - International Labour Standards and Corporate Social Responsibility: The labour dimension of human rights due diligence | ITCILO

**Responsible business – labour standards in global supply chains** - <https://www.itcilo.org/courses/responsible-business-meeting-labour-standards-global-supply-chains> - rolled out together with the ILO SCORE programme, targeting SMEs in global supply chains (enhance manager-workers workplace cooperation)

► **Policy coherence with OECD including on due diligence guidance for RBC (2018)**

**Policy coherence with the UN Working Group on Business and human rights**

**EU-ILO-OECD Responsible Supply Chain project in Asia**

**EU-ILO-OECD-OHCHR Responsible Business Conduct in Latin America and Caribbean**

**For more info: MNE Declaration webportal [www.ilo.org/mnedeclaration](http://www.ilo.org/mnedeclaration)**

- Overview of GFA that include ILS and MNE Declaration