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CSR & ILS

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ILO Standards

- International public law
- 189 member states ILO → UN Family
- Conventions (187)
- Ratification by member states
- Implementation by member states
- Supervision by ILO





ILO Convention topics

- Core labour standards
- Employment policy
- Social policy
- Tripartite consultation
- Occupational health and safety
- Working time
- Wages
- Labour administration/inspection





Core Labour Standards

- ❖ Freedom of Association/Right Coll Bargaining → C 87/98
- ❖ Elimination of Forced Labour → C 29/105
- ❖ Elimination of Child Labour → C 138/182
- ❖ Elimination of Discrimination in Employment → C 100/111



Ratifications Core Conventions

- C 87 Freedom Association → 153
- C 98 Coll Bargaining → 164
- C 29 Forced Labour → 178
- C105 Forced Labour → 175
- C100 Discrimination → 171
- C111 Discrimination → 172
- C138 Child Labour → 168
- C182 Child Labour → 180



Ratifications Core Labour Standards (8 Conventions)

- Sweden 8
- Netherlands 8
- Denmark 8
- Finland 8
- UK 8
- Germany 8
- France 8
- EU 8
- USA 2
- China 4
- India 4



Supervision ILO (Regular Mechanism)

Reports Member States to ILO



Committee of Experts



ILC Committee on Application of Standards (CAS)



ILC



Supervision ILO (Special Mechanisms)

Committee on Freedom of Association (CFA)

Art 24 ILO Constitution: Representation Committee (ad hoc)

Art 26 ILO Constitution: Committee of Inquiry (ad hoc)



Corporate Social Responsibility (CSR)

- Private initiatives
- Triple P (people, planet, profit) bottom line
- Initiatives that contribute to a better society and cleaner environment
- Way in which enterprises give consideration to their impact on society;
CSR is voluntary, enterprise driven, and exceeds compliance with the law.



CSR Characteristics

- Soft Law
- Self Regulation
- Codes of Conduct



CSR Codes of Conduct (1)

- Human Rights
- Anti-corruption
- Environment
- Core Labour Standards



CSR Codes of Conduct (2)

- UN Guidelines
- Global Compact (10,000 companies)
- OECD Guidelines MNE
- Branche codes (textile/garment/construction etc)
- Company Codes



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GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Implementing
the United Nations
"Protect, Respect and
Remedy" Framework



UNITED NATIONS



12. The responsibility of business enterprises to respect human rights refers 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 International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.

Commentary

Because business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to





The Ten Principles of the UN Global Compact

Human Rights

- 1 Businesses should support and respect the protection of internationally proclaimed human rights, and
- 2 make sure that they are not complicit in human rights abuses.

Labour

- 3 Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining,
- 4 the elimination of all forms of forced and compulsory labour,
- 5 the effective abolition of child labour, and
- 6 the elimination of discrimination in respect of employment and occupation.



The Ten Principles of the UN Global Compact

Environment

- 7 Businesses should support a precautionary approach to environmental challenges,
- 8 undertake initiatives to promote greater environmental responsibility, and
- 9 encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

- 10 Businesses should work against corruption in all its forms, including extortion and bribery.



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OECD Guidelines for Multinational Enterprises

2011 EDITION



V. Employment and Industrial Relations

Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices and applicable international labour standards:

1. a) Respect the right of workers employed by the multinational enterprise to establish or join trade unions and representative organisations of their own choosing.
- b) Respect the right of workers employed by the multinational enterprise to have trade unions and representative organisations of their own choosing recognised for the purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment.
- c) Contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.
- d) Contribute to the elimination of all forms of forced or compulsory labour and take adequate steps to ensure that forced or compulsory labour does not exist in their operations.
- e) Be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers with respect to employment or occupation on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin, or other status, unless selectivity concerning worker characteristics furthers established governmental policies which specifically promote greater equality of employment



5. Corporate labour priorities

Nestlé promotes a continuous improvement of the working conditions, giving special attention to the following Corporate labour priorities:



Nestlé

- Respect the right of our employees to establish and join organizations of their own choosing and engage in constructive negotiations.
- Offer competitive wages and benefits that allow our employees to cover their needs according to local standards of living.
- Respect Corporate guidelines regarding “temporary employees” based on which temporary staff shall only be used in circumstances where it is justified by the temporary nature of the job and will not result in unjustifiable differences in employment conditions.
- Respect Corporate guidelines regarding “outsourced activities” which indicate that only those activities which are non-core to the business may be outsourced and that the people performing them will be treated fairly at all times.
- Implement the Corporate guidelines regarding working time for our employees to assure a safe and healthy workplace and a working environment respectful of their family lives.
- Treat every employee with dignity and without any tolerance for discrimination, harassment or abuse.



Labor and Human Rights

Apple believes all workers in our supply chain deserve a fair and ethical workplace. Workers must be treated with the utmost dignity and respect, and suppliers shall uphold the highest standards of human rights.

Health and Safety

Worker health, safety, and well-being is important to Apple. Supplier shall provide and maintain a safe work environment and integrate sound health and safety management practices into its business. Workers shall have the right to refuse unsafe work and to report unhealthy working conditions.



Through Microsoft's Global Human Rights Statement and as a signatory to the UN Global Compact, we're committed to respecting all of the human rights described in the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; and the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work.²

2 Those ILO principles are freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labor; effective abolition of child labor; and elimination of discrimination in respect of employment and occupation.





LABOUR ISSUE	UNILEVER CODE OF BUSINESS PRINCIPLES	RESPECT, DIGNITY AND FAIR TREATMENT POLICY	SUPPLIER CODE
Freedom of association	✓	✓	Where allowable by law
Collective bargaining	x	✓	Where allowable by law
Wages/Living Wage	Committed to national legal minimum wage No living wage commitment	x	Compliance with national rules and regulations
Limited working hours	Committed to national limits on working hours	x	Compliance with national rules and regulations
Regular/stable employment	x	x	x

Table 2
Unilever's policy coverage of labour issues covered in this study

Unilever's policy coverage of other labour issues

Non-discrimination	Implicitly: Commitment to diversity and respect for dignity of the individual	✓	x
Prohibition of child labour	✓	✓	✓
Prohibition of forced labour	✓	✓	✓
Harassment and harsh treatment	x	✓	✓

Oxfam. "Labour Rights in Unilever's Supply Chain." 2013, page 44.



What to drink tonight?



“The Carlsberg Group shall respect employees’ rights to form, join or not join a labour union or other organisation of their choice, and to bargain collectively in support of their mutual interests.”

“SABMiller is committed to conducting its business with due observation of the principles of [...] the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and ILO Core Conventions on Labour Standards.”





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THE CODE OF BUSINESS CONDUCT





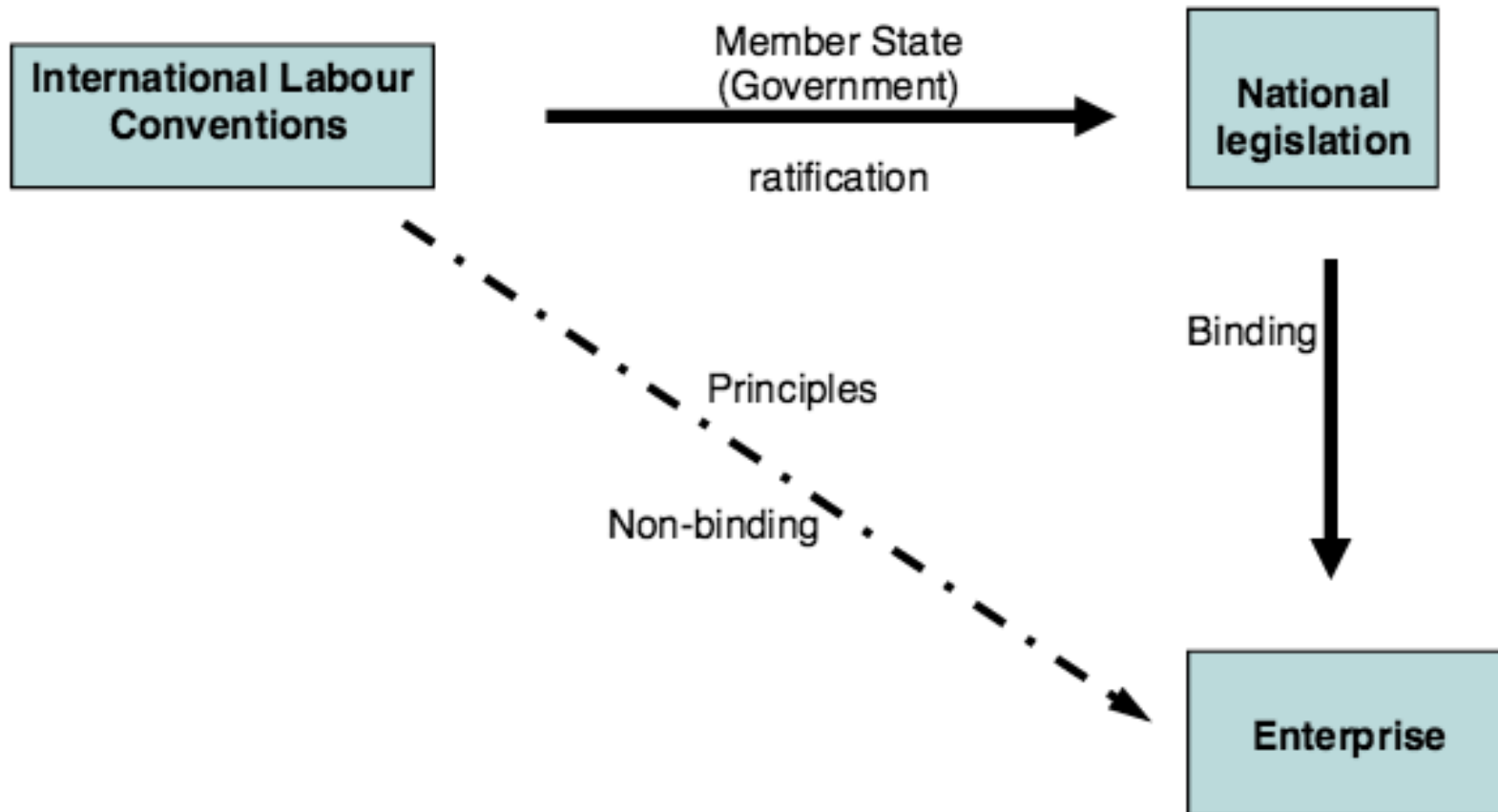
Former employees vs. Heineken

Case overview

Date filed	14 December 2015
Current status	<u>Filed</u>
Issue	<u>Unlawful dismissions by Heineken daughter company in the DRC</u>
Summary of the case	<p>In October 2015 a group of former employees of Bralima, a daughter company of Heineken in the Democratic Republic of Congo, filed a complaint with the Dutch NCP for a series of allegedly unfair and unlawful dismissals since 2000. The complainants criticise Bralima of massive and abusive retrenchment of the workers and a miscalculation and non-payment of the final settlement for some of the workers. The complainants further allege that Bralima decided to collaborate with the rebel movement RCD-GOMA, instead of getting proper authorisation from the DRCs ministry of Labour to proceed with massive retrenchment for economic reasons.</p>



International Labour Conventions and enterprises





CSR efficient?

- Reporting obligations
- Auditing, preferably by third parties
- Due diligence in supply chain
- Remedy: Mediation
- Remedy: Grievance procedures



CSR wanted and needed

- Market for social responsibility
(consumers / shareholding pensionfunds etc.)
- Corporate citizenship is wanted and needed



CSR limitations

- Limited in scope
- Limited in numbers of workers involved
- Limited in remedies



Conclusions (1)

- CSR is here to stay
- Proliferation of norms
- Proliferation of enforcement mechanisms
- Need for coherence in social justice policy
- Need for coherence in interpretation of norms
- Public and private actors working together in networks



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Conclusions (2)



Multistakeholder approach:
ILO global social regulator/lynchpin