



## THIRD ITEM ON THE AGENDA

**Other questions****Amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy**

1. At its 277th Session (March 2000), the Governing Body adopted a further addendum to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy relating to the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up adopted by the International Labour Conference at its 86th Session in June 1998. The purpose of the addendum is to clarify the links between the two Declarations and to ensure that “the interpretation and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy [...] fully takes into account the objectives of the ILO Declaration on Fundamental Principles and Rights at Work”.
2. During the discussions held in March 2000,<sup>1</sup> a proposal to incorporate certain amendments into the text of the MNE Declaration in order to reflect the fundamental principles and rights embodied in the 1998 Declaration was submitted to the Subcommittee by the representative of the Government of Japan, speaking also on behalf of the Government of the Netherlands.<sup>2</sup> While the Subcommittee was on the whole favourable to the spirit and intent of the amendments, it preferred to postpone the related discussion, and in particular the examination of the proposals made, until the current session.
3. The first amendment suggested by the representative of the Government of Japan involves incorporating into the provisions of the MNE Declaration an invitation to all parties concerned to cooperate with a view to ensuring respect for and the promotion and implementation of the principles relating to fundamental rights contained in the 1998 Declaration.

<sup>1</sup> Document GB.277/12 (March 2000), paras. 44-57.

<sup>2</sup> *ibid.*, para. 44.

4. The second amendment consists of introducing, under the section entitled “Wages, benefits and conditions of work”, a new paragraph dealing with the abolition of child labour.<sup>3</sup> The corresponding instruments are in fact the only ones mentioned in the 1998 Declaration that are not specifically referred to in the MNE Declaration.
5. The third amendment concerns the inclusion of the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Minimum Age Recommendation, 1973 (No. 146), and the Worst Forms of Child Labour Recommendation, 1999 (No. 190), in the list of instruments annexed to the MNE Declaration. It is suggested that the two Conventions and two Recommendations be inserted in the annex entitled “International labour Conventions and Recommendations referred to in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy” given that, following the amendment of the text of the Declaration proposed in paragraph 4 above, they will be “referred to in the Declaration”.
6. It will also be necessary to alter the numbering of the paragraphs referred to in the two addenda to the Declaration. In doing so the Subcommittee could consider consolidating the two addenda into one text compiling all the Conventions and Recommendations adopted by the International Labour Conference since the adoption in 1977 by the Governing Body of the MNE Declaration (and which are not cited in the text of the Declaration). Choosing this option would, in keeping with the aims of the Governing Body, prevent an excessive number of addenda.
7. ***Consequently, the Subcommittee will presumably wish to recommend that the Governing Body adopt the proposed annexed amendments.***

Geneva, 6 October 2000.

*Point for decision:* Paragraph 7.

<sup>3</sup> An insertion of this kind would require the paragraphs and footnotes of the MNE Declaration to be renumbered.

## Annex

### I. Modifications to the Tripartite Declaration of Principles

*In the title* add after “1977)”: “as amended at its 279th Session (Geneva, November 2000)”.

*The eighth paragraph of the instrument* is amended as follows: “All the parties concerned by this Declaration should respect the sovereign rights of States, obey the national laws and regulations, give due consideration to local practices and respect relevant international standards. They should respect the Universal Declaration of Human Rights and the corresponding International Covenants adopted by the General Assembly of the United Nations, ~~as well as~~ the Constitution of the International Labour Organization and its principles according to which freedom of expression and association are essential to sustained progress **as well as the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998**. They should also honour commitments which they have freely entered into, in conformity with the national law and accepted international obligations.”

*After paragraph 35* insert a new paragraph 36 to read as follows:

“**Minimum age**

**36. Multinational enterprises should take into consideration the minimum age for admission to employment or work with a view to the total abolition of child labour.<sup>11</sup>”**

*After footnote 10* insert the following footnote:

“**11. Convention (No. 138) concerning Minimum Age for Admission to Employment, 1973; Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999; Recommendation (No. 146) concerning Minimum Age for Admission to Employment, 1973; Recommendation (No. 190) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.**”

The insertion of the new paragraph 36 and the new footnote 11 will require the renumbering of the paragraphs of the text of the MNE Declaration and of its footnotes.

### II. Modifications to the annex and the addenda to the MNE Declaration

#### *Annex of 1977*

- *In the title of the annex of 1977* add after “1977)”: “as amended at its 279th Session (Geneva, November 2000)”;
- *between Conventions Nos. 136 and 139* insert: **Convention (No. 138) concerning Minimum Age for Admission to Employment, 1973;**

- *at the end of the list of Conventions* add: **Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999;**
- *between Recommendations Nos. 144 and 147* insert: **Recommendation (No. 146) concerning Minimum Age for Admission to Employment, 1973;**
- *at the end of the list of Recommendations* add: **Recommendation (No. 190) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.**

## Addenda of 1987 and 1995

### *The consolidated text would read as follows:*

#### *Addendum I*

#### **List of International Labour Conventions and Recommendations adopted since 1977 which contain provisions relevant to the Declaration**

(adopted by the Governing Body of the International Labour Office at its 238th Session (Geneva, November 1987), as amended at its 264th Session (Geneva, November 1995) and 279th Session (Geneva, November 2000))

A number of international labour Conventions and Recommendations containing provisions relevant to the Declaration are referred to in footnotes in the Declaration as well as in an annex. These footnotes do not affect the meaning of the provisions of the Declaration to which they refer. They should be considered as references to relevant instruments adopted by the International Labour Organization in the corresponding subject areas, which have helped shape the provisions of the Declaration.

Since the adoption of the Declaration by the Governing Body on 16 November 1977, new Conventions and Recommendations have been adopted by the International Labour Conference. The text below is a consolidation of the lists of Conventions and Recommendations adopted since 1977 (including those adopted in June 1977), containing provisions relevant to the Declaration. Like the footnotes included in the Declaration at the time of its adoption, the new references do not affect the meaning of the provisions of the Declaration.

In keeping with the voluntary nature of the Declaration all of its provisions, whether derived from ILO Conventions and Recommendations or other sources, are recommendatory, except of course for provisions in Conventions which are binding on the member States which have ratified them.

#### **Conventions**

- *Convention (No. 148) concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, 1977 relevant to para. 37*
- *Convention (No. 154) concerning the Promotion of Collective Bargaining, 1981 relevant to paras. 9, 50*
- *Convention (No. 155) concerning Occupational Safety and Health and the Working Environment, 1981 relevant to para. 37*
- *Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981 relevant to para. 21*
- *Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer, 1982 relevant to paras. 9, 26, 27, 28*
- *Convention (No. 161) concerning Occupational Health Services, 1985 relevant to para. 37*
- *Convention (No. 162) concerning Safety in the Use of Asbestos, 1986 relevant to para. 37*
- *Convention (No. 167) concerning Safety and Health in Construction, 1988 relevant to para. 37*
- *Convention (No. 168) concerning Employment Promotion and Protection against Unemployment, 1988 relevant to para. 13*

- *Convention (No. 170) concerning Safety in the Use of Chemicals at Work, 1990 relevant to para. 37*
- *Convention (No. 173) concerning the Protection of Workers' Claims in the event of the Insolvency of their Employer, 1992 relevant to para. 28*
- *Convention (No. 174) concerning the Prevention of Major Industrial Accidents, 1993 relevant to para. 37*
- *Convention (No. 176) concerning Safety and Health in Mines, 1995 relevant to para. 37.*

### **Recommendations**

- *Recommendation (No. 156) concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, 1977 relevant to para. 37*
- *Recommendation (No. 163) concerning the Promotion of Collective Bargaining, 1981 relevant to paras. 52, 55, 56*
- *Recommendation (No. 164) concerning Occupational Safety and Health and the Working Environment, 1981 relevant to para. 37*
- *Recommendation (No. 165) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, 1981 relevant to para. 21*
- *Recommendation (No. 166) concerning Termination of Employment at the Initiative of the Employer, 1982 relevant to paras. 9, 26, 27, 28*
- *Recommendation (No. 169) concerning Employment Policy, 1984 relevant to paras. 9, 13*
- *Recommendation (No. 171) concerning Occupational Health Services relevant to para. 37*
- *Recommendation (No. 172) concerning Safety in the Use of Asbestos, 1986 relevant to para. 37*
- *Recommendation (No. 175) concerning Safety and Health in Construction, 1988 relevant to para. 37*
- *Recommendation (No. 176) concerning Employment Promotion and Protection against Unemployment, 1988 relevant to para. 13*
- *Recommendation (No. 177) concerning Safety in the Use of Chemicals at Work, 1990 relevant to para. 37*
- *Recommendation (No. 180) concerning the Protection of Workers' Claims in the event of the Insolvency of their Employer, 1992 relevant to para. 37*
- *Recommendation (No. 181) concerning the Prevention of Major Industrial Accidents, 1993 relevant to para. 37*
- *Recommendation (No. 183) concerning Safety and Health in Mines, 1995 relevant to para. 37.*

The addendum adopted by the Governing Body at its 277th Session (Geneva, March 2000) will become “**Addendum II**”.