



THIRD ITEM ON THE AGENDA

**Updating of references annexed to the
Tripartite Declaration of Principles
concerning Multinational Enterprises
and Social Policy**

1. Multinational enterprises are the driving force behind globalization. In adopting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy in 1977, the Governing Body was taking steps to ensure that “governments of States members of the ILO” and “the employers’ and workers’ organizations concerned and the multinational enterprises” would have at their disposal clear and broad guidance that would “encourage the positive contribution which MNEs can make to economic and social progress and to minimize and resolve the difficulties to which their various operations may give rise”.
2. As a further concrete and more recent response to the labour and social challenges posed by accelerating globalization, at its 86th Session (June 1998) the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up.
3. In presenting the text of this Declaration, the Director-General of the ILO reiterated that “although globalization is a factor of economic growth” and the latter “a prerequisite for social progress”, globalization “must be accompanied by a certain number of social ground rules founded on common values to enable all those involved to claim their fair share of the wealth they have helped to generate”.
4. Paragraph 2 of the operative part of the ILO Declaration on Fundamental Principles and Rights at Work lists four categories of such principles and rights: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.
5. The Conventions relating to those principles and rights, with the exception of those falling under (c), are found in the first series of Conventions and Recommendations annexed to the Tripartite Declaration when it was adopted by the Governing Body at its 204th Session (November 1977). These are:
 - the Forced Labour Convention, 1930 (No. 29);

- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
 - the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
 - the Equal Remuneration Convention, 1951 (No. 100);
 - the Abolition of Forced Labour Convention, 1957 (No. 105);
 - the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
6. Two of the instruments that embody “fundamental principles and rights”, the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Minimum Age Convention, 1973 (No. 138), are not cited in the Annex or Addendum to the Tripartite Declaration.
7. It is clear that there is a unity of purpose in the ultimate objectives that these two texts – the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the Declaration on Fundamental Principles and Rights at Work – intend to achieve.
8. *Therefore, and in view of the fact that it has on two previous occasions¹ updated references to Conventions and Recommendations cited in the Tripartite Declaration, the Subcommittee may now wish to consider cementing the relationship between the ILO’s Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the Declaration on Fundamental Principles and Rights at Work, by recommending to the Governing Body the adoption of the following Addendum:*

**Addendum to the Tripartite Declaration of Principles concerning
Multinational Enterprises and Social Policy,
adopted by the Governing Body of the International Labour Office
at its ... Session (Geneva, ..)**

The International Labour Conference adopted in June 1998 the ILO Declaration on Fundamental Principles and Rights at Work. By this adoption, Members renewed their commitment to respect, promote and realize the following fundamental principles and rights at work, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation. The ILO Declaration on Fundamental Principles and Rights at Work applies mainly to States. Nevertheless, the contribution of multinational enterprises to its implementation can prove an important element in the attainment of its objectives. In this context, the interpretation and application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, whose objective is to encourage multinational enterprises to make a positive contribution to economic and social progress, should fully take into account the objectives of the ILO Declaration on Fundamental Principles and Rights at Work.

¹ GB.264/MNE/3, and GB.264/13, paras. 11-15; GB.234/MNE/1/5, and GB.238/16/23, paras. 18-26.

This reference does not in any way affect the voluntary character or the meaning of the provisions of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

Geneva, 6 March 2000.

Point for decision: Paragraph 8.