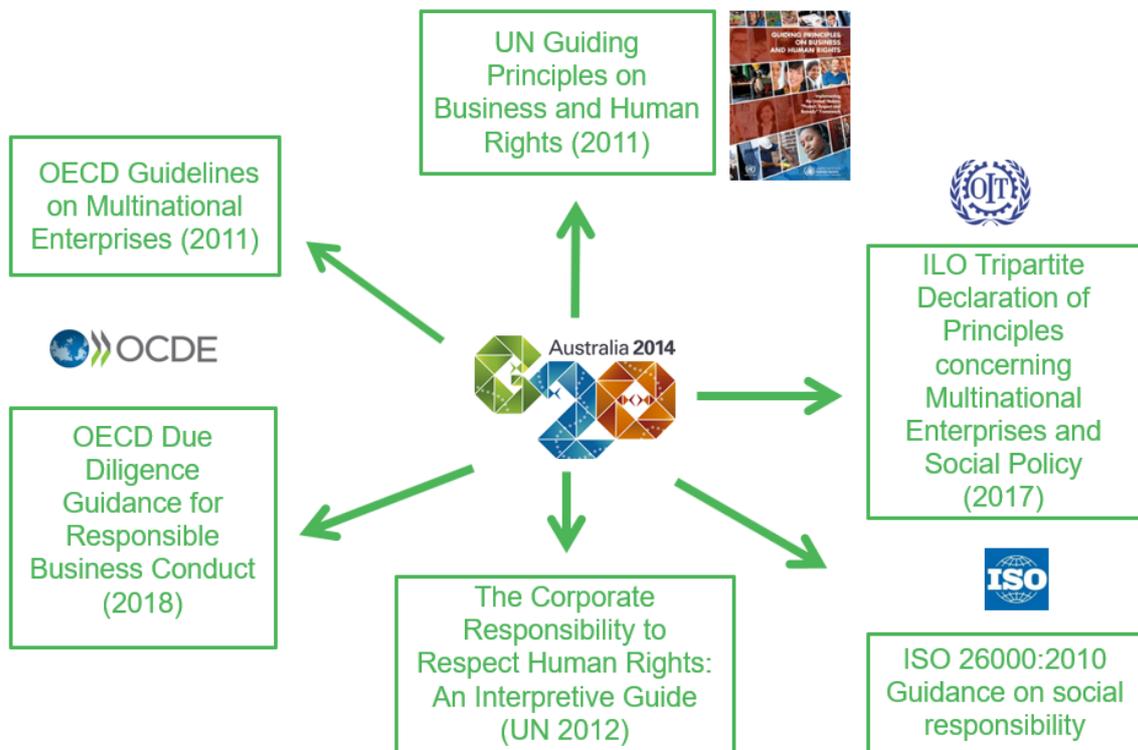


# COMPENDIUM WITH THE INSTRUMENTS ON BUSINESS, HUMAN RIGHTS AND OCCUPATIONAL SAFETY AND HEALTH

This document develops the Task IV-7 “Promote responsible business practices for safer and healthier workplaces”, foreseen in the "2022-2024 Work Plan for the G20 OSH Network".

In particular, it presents a compendium with instruments on business, human rights and occupational safety and health at work, in order to spread among the participants of the Network and other social actors.

We have compiled the titles cited in the “G20 Statement on Safer and Healthier Workplaces” (Annex C G20 Labour and Employment Ministerial Declaration, 2014),<sup>1</sup> other documents arising after the same and background related to the subject:



- UN Guiding Principles on Business and Human Rights (2011)
- OECD Guidelines on Multinational Enterprises (2011)
- ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (2017)
- ISO 26000:2010 Guidance on social responsibility
- The Corporate Responsibility to Respect Human Rights: An Interpretive Guide (UN 2012)
- OECD Due Diligence Guidance for Responsible Business Conduct (2018)
- Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work (2022)

<sup>1</sup> G20 Labour and Employment Ministerial Declaration “Preventing structural unemployment, creating better jobs and boosting participation”, Melbourne, 10-11 september 2014.

- ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022.
- Annex C G20 Statement on Safer and Healthier Workplaces (2014)

## Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework.

This publication contains the "Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework", which were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Special Representative annexed the Guiding Principles to his final report to the Human Rights Council (A/HRC/17/31), which also includes an introduction to the Guiding Principles and an overview of the process that led to their development. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011.<sup>2</sup>

Of this chapter II. The corporate responsibility to respect human rights section A. Foundational principles, we highlight: *"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"*.

De su capítulo II. La Responsabilidad de las Empresas de Respetar los Derechos Humanos, apartado A. Principios Fundacionales, destacamos: *"12. La responsabilidad de las empresas de respetar los derechos humanos se refiere a los derechos humanos internacionalmente reconocidos – que abarcan, como mínimo, los derechos enunciados en la Carta Internacional de Derechos Humanos y los principios relativos a los derechos fundamentales establecidos en la Declaración de la Organización Internacional del Trabajo relativa a los principios y derechos fundamentales en el trabajo."*

This principle receives special attention from the “Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work”, adopted by International Labour Conference 6 June 2022.

## OECD Guidelines for Multinational Enterprises (edition 2011)

The OECD Guidelines for Multinational Enterprises are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.<sup>3</sup>

Of the matter that occupies us we highlight the Title V. Employment and Industrial Relations, which, among other recommendations, expresses "Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices and applicable international labour standards: ... 4. c) *Take adequate steps to ensure occupational health and safety in their operations*".

<sup>2</sup> [https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>3</sup> <https://www.oecd.org/daf/inv/mne/48004323.pdf>

## Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, ILO (2017)

Adopted by the Governing Body of the International Labour Office at its 204th Session (Geneva, November 1977) and amended at its 279th (November 2000), 295th (March 2006) and 329th (March 2017) Sessions.<sup>4</sup>

The amendments introduced have served to add a statement on a culture of prevention in matters of health and safety in companies, on the importance of combating violence in the workplace and on the granting of compensation to workers who have suffered accidents at work or professional illnesses.

Paragraphs 43 to 46 on Safety and health are transcribed, from the chapter Working and living conditions:

43. Governments should ensure that both multinational and national enterprises provide adequate safety and health standards and contribute to a preventative safety and health culture in enterprises progressively achieving a safe and healthy working environment. This would include steps to combat workplace violence against women and men and attention to building safety. The relevant international labour standards, including the list of occupational diseases, and the ILO codes of practice and guidelines in the current list of ILO publications on occupational safety and health, should also be taken into account. Compensation should be provided to workers who have been victims of occupational accidents or diseases.
44. Multinational enterprises should maintain the highest standards of safety and health, in conformity with national requirements, bearing in mind their relevant experience within the enterprise as a whole, including any knowledge of special hazards. They should also make available to the representatives of the workers, and upon request, to the competent authorities and the workers' and employers' organizations in all countries in which they operate, information on the safety and health standards relevant to their local operations, which they observe in other countries. In particular, they should make known to those concerned any special hazards and related protective measures associated with new products and processes. They, like comparable domestic enterprises, should be expected to play a leading role in the examination of causes of industrial safety and health hazards and in the application of resulting improvements within the enterprise as a whole.
45. Multinational enterprises should cooperate in the work of international organizations concerned with the preparation and adoption of international safety and health standards.
46. In accordance with national practice, multinational enterprises should cooperate fully with the competent safety and health authorities, the representatives of the workers and their organizations, and established safety and health organizations. Where appropriate, matters relating to safety and health should be incorporated in agreements with the representatives of the workers and their organizations.

## ISO 26000:2010 Guidance on social responsibility

Organizations around the world, and their stakeholders, are becoming increasingly aware of the need for and benefits of socially responsible behaviour. The objective of social responsibility is to contribute to sustainable development.

An organization's performance in relation to the society in which it operates and to its impact on the environment has become a critical part of measuring its overall performance and its ability to continue operating effectively. This is, in part, a reflection of the growing recognition

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<sup>4</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

of the need to ensure healthy ecosystems, social equity and good organizational governance. In the long run, all organizations' activities depend on the health of the world's ecosystems. Organizations are subject to greater scrutiny by their various stakeholders.

This International Standard provides guidance to users and is neither intended nor appropriate for certification purposes. Any offer to certify to ISO 26000 or any claim to be certified to ISO 26000 would be a misrepresentation of the intent and purpose of this International Standard.<sup>5</sup>

The ISO 26000 Guide within its section 6.4 "Labor Practices" includes 6.4.6 "Issue 4 on labor practices: occupational health and safety":

#### **6.4.1 Labour practices issue 4: Health and safety at work**

##### **6.4.1.1 Description of the issue**

Health and safety at work concerns the promotion and maintenance of the highest degree of physical, mental and social well-being of workers and prevention of harm to health caused by working conditions. It also relates to the protection of workers from risks to health and the adaptation of the occupational environment to the physiological and psychological needs of workers.

The financial and social burden on society of work-related illness, injuries and death is heavy. Accidental and chronic pollution and other workplace hazards that are harmful for workers may also have impacts on communities and the environment. (For more information on environmental hazards, see 6.5.) Health and safety concerns arise over dangerous equipment, processes, practices and substances (chemical, physical and biological).

##### **6.4.1.2 Related actions and expectations**

An organization should:

- develop, implement and maintain an occupational health and safety policy based on the principle that strong safety and health standards and organizational performance are mutually supportive and reinforcing;
- understand and apply principles of health and safety management, including the hierarchy of controls: elimination, substitution, engineering controls, administrative controls, work procedures and personal protective equipment;
- analyse and control the health and safety risks involved in its activities;
- communicate the requirement that workers should follow all safe practices at all times and ensure that workers follow the proper procedures;
- provide the safety equipment needed, including personal protective equipment, for the prevention of occupational injuries, diseases and accidents, as well as for dealing with emergencies;
- record and investigate all health and safety incidents and problems in order to minimize or eliminate them;
- address the specific ways in which occupational safety and health (OSH) risks differently affect women (such as those who are pregnant, have recently given birth or are breastfeeding) and men, or workers in particular circumstances such as people with disabilities, inexperienced or younger workers;
- provide equal health and safety protection for part-time and temporary workers, as well as subcontracted workers;
- strive to eliminate psychosocial hazards in the workplace, which contribute or lead to stress and illness;
- provide adequate training to all personnel on all relevant matters;
- respect the principle that workplace health and safety measures should not involve monetary expenditures by workers; and
- base its health, safety and environment systems on the participation of the workers concerned

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<sup>5</sup> <https://www.iso.org/obp/ui/#iso:std:iso:26000:ed-1:v1:en>

(see Box 9) and recognize and respect the rights of workers to:

- obtain timely, full and accurate information concerning health and safety risks and the best practices used to address these risks;
- freely inquire into and be consulted on all aspects of their health and safety related to their work;
- refuse work that is reasonably considered to pose an imminent or serious danger to their life or health or to the lives and health of others;
- seek outside advice from workers' and employers' organizations and others who have expertise;
- report health and safety matters to the appropriate authorities;
- participate in health and safety decisions and activities, including investigation of incidents and accidents; and
- be free of the threat of reprisals for doing any of these things.

#### **Box 9 — Joint labour-management health and safety committees**

An effective occupational health and safety programme depends on the involvement of workers.

Joint labour management health and safety committees can be the most important part of an organization's health and safety programme. Joint committees can:

- gather information;
- develop and disseminate safety manuals and training programmes;
- report, record and investigate accidents; and
- inspect and respond to problems raised by workers or management.

Worker representatives on these committees should not be appointed by management but elected by the workers themselves. Membership in these committees should be equally divided among management and worker representatives and should include both men and women, whenever possible. The committees should be of sufficient size for all shifts, sections and locations of the organization to be represented. They should not be considered a substitute for works councils or workers' organizations.

## **The Corporate Responsibility to Respect Human Rights: An Interpretive Guide, UN, 2012)**

In June 2011, the United Nations Human Rights Council endorsed the Guiding Principles on Business and Human Rights presented to it by the Special Representative of the United Nations Secretary-General, Professor John Ruggie. This move established the Guiding Principles as the global standard of practice that is now expected of all States and businesses with regard to business and human rights. While they do not by themselves constitute a legally binding document, the Guiding Principles elaborate on the implications of existing standards and practices for States and businesses, and include points covered variously in international and domestic law.

This Guide does not change or add to the provisions of the Guiding Principles or to the expectations that they set for businesses. Its purpose is to provide additional background explanation to the Guiding Principles to support a full understanding of their meaning and intent.

The Guide's content was the subject of numerous consultations during the six years of Professor Ruggie's mandate and was reflected in his many public reports and speeches, but has not previously been brought together.<sup>6</sup>

In Chapter II of the guide (Foundational Principles) it is oriented on Guiding Principles 11 and 12, it answers the question 'Is the responsibility to respect human rights optional for business enterprises?': *"No. In many cases the responsibility of enterprises to respect human rights is reflected at least in part in domestic law or regulations corresponding to international human rights standards. For instance, laws that protect people against contaminated food or polluted water, or that mandate workplace standards in line with the ILO conventions and safeguards against discrimination, or that require individuals' informed consent before they take part in drug trials, are all different ways in which domestic laws can regulate the behaviour of enterprises to help ensure that they respect human rights"*.

The guide has two annexes that list: I. The rights contained in the International Bill of Human Rights and the International Labour Organization's core conventions, and II. Examples of external expert resources.

## OECD Due Diligence Guidance for Responsible Business Conduct, 2018

The objective of the OECD Due Diligence Guidance for Responsible Business Conduct (Guidance) is to provide practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises by providing plain language explanations of its due diligence recommendations and associated provisions. Implementing these recommendations helps enterprises avoid and address adverse impacts related to workers, human rights, the environment, bribery, consumers and corporate governance that may be associated with their operations, supply chains and other business relationships. The Annex to the Guidance includes additional explanations, tips and illustrative examples of due diligence.

This Guidance also seeks to promote a common understanding among governments and stakeholders on due diligence for responsible business conduct. The UN Guiding Principles on Business and Human Rights as well as the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy also contain due diligence recommendations, and this Guidance can help enterprises implement them.

The Guidance responds to the G7 Leaders' Declaration adopted on 7-8 June 2015 in Schloss Elmau, which recognised the importance of establishing a common understanding on due diligence, in particular for small and medium-sized enterprises, and encouraged enterprises active or headquartered in their countries to implement due diligence in their supply chains. In their Declaration adopted on 8 July 2017 in Hamburg, G20 Leaders committed to fostering the implementation of labour, social and environmental standards and human rights in line with internationally recognised frameworks in order to achieve sustainable and inclusive supply chains, and underlined the responsibility of businesses to exercise due diligence in this regard.<sup>7</sup>

The Table 2. Examples of adverse impacts on matters covered by the OECD Guidelines for MNEs on Employment and industrial relations:

- Failing to adapt machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of workers. (OECD, 2011, Chapter V, 1.e; ILO, 1981, No. 155).
- Failing to replace hazardous substances by harmless or less hazardous substances wherever possible. (ILO, 1988, No.167).

He also mentions other examples linked to:

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<sup>6</sup> [https://www.ohchr.org/sites/default/files/Documents/Publications/HR.PUB.12.2\\_En.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR.PUB.12.2_En.pdf)

<sup>7</sup> <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

- Disclosure: Failing to provide the public and workers with adequate, measureable and verifiable (where applicable) and timely information on the potential environment health and safety impacts of the activities of the enterprise.
- Preventing adverse impacts and mitigating adverse impacts: With respect to occupational health and safety the removal of the hazard is recognised as the best means to prevent injuries and ill health in the first instance.
- Difference between an early warning system and a process to enable remediation: an enterprise might establish a worker hotline to provide an opportunity for workers to raise concerns about issues affecting their rights, such as health and safety conditions.

## Resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, adopted 6 June 2022<sup>8</sup>

The General Conference of the International Labour Organization, meeting at its 110th Session, 2022,

Recalling the adoption at its 86th Session (1998) of the ILO Declaration on Fundamental Principles and Rights at Work, which marked a defining moment for the realization of the Organization's objectives;

Recalling the ILO Centenary Declaration for the Future of Work, adopted in 2019 with a view to promoting a human-centred approach to the future of work and shaping a future of work that realizes the Organization's founding vision, in which the Conference declared that safe and healthy working conditions are fundamental to decent work;

Mindful of the vital importance of occupational safety and health, as compellingly demonstrated by the COVID-19 pandemic and its profound and transformative impact on the world of work;

Noting that a safe and healthy working environment requires the active participation of governments, employers and workers through a system of defined rights, responsibilities and duties, as well as through social dialogue and cooperation;

Desirous to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work as a means of furthering the visibility and impact of the ILO's core values and Decent Work Agenda;

Considering that this should take the form of an amendment to the ILO Declaration on Fundamental Principles and Rights at Work,

1. Decides to amend paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work to include, after the words "the elimination of discrimination in respect of employment and occupation", the words "and (e) a safe and healthy working environment", and to make the consequential amendments to the Annex to the ILO Declaration on Fundamental Principles and Rights at Work as well as to the ILO, Declaration on Social Justice for a Fair Globalization and to the Global Jobs Pact, as specified in the Annex to the present resolution;
2. Decides that the above-mentioned instruments should henceforth be referred to as the "ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022", the "ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022" and the "Global Jobs Pact (2009), as amended in 2022";
3. Declares that the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

<sup>8</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_848632.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_848632.pdf)

shall be considered as fundamental Conventions within the meaning of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022;

4. Invites the Governing Body to take all appropriate action with a view to introducing certain amendments consequential upon the adoption of the present resolution to all relevant international labour standards, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, as appropriate; and
5. Declares that nothing in this resolution shall be construed as affecting in any unintended manner the rights and obligations of a Member arising from existing trade and investment agreements between States.

## ILO Declaration on Fundamental Principles and Rights at Work , adopted in 1998 and amended in 2022 <sup>9</sup>

The International Labour Conference,

### 1. Recalls:

(a) that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;

(b) that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, 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;
- (d) the elimination of discrimination in respect of employment and occupation; and
- (e) a safe and healthy working environment.

## Epilogue: G20 Statement on Safer and Healthier Workplaces, 2014<sup>10</sup>

Preventing structural unemployment, creating better jobs and boosting participation

### Introduction

1. We, the Ministers of Labour and Employment from G20 member and invited economies, met in Melbourne on 10–11 September 2014 to discuss labour and employment policies, and strategies to address the challenges before us, nationally and globally.

### Promoting safer workplaces

17. Improving workplace safety and health is an urgent priority that protects workers and contributes to increased productivity and growth. We agree to take further steps to

<sup>9</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/normativeinstrument/wcms\\_716594.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf)

<sup>10</sup> <https://www.mofa.go.jp/files/000059880.pdf>

reduce the substantial human and economic costs associated with unsafe workplaces and work-related illnesses. We endorse the attached G20 Statement on Safer and Healthier Workplaces (Annex C), and we commit, as appropriate, to implement its recommendations in collaboration with governments, international organisations and social partners.

#### Annex C G20 Statement on Safer and Healthier Workplaces

Safe and healthy workplaces are an essential element of strong, sustainable, and inclusive growth. Work-related accidents and diseases result in the deaths of more than 6,300 workers every day and the loss of 4 per cent of global GDP in direct and indirect costs each year, according to the International Labour Organization (ILO). Not only are these accidents and illnesses a terrible human tragedy, they also contribute to lost workdays, diminished productivity, poor relations between employers and workers, and other consequences that harm individuals, families, enterprises, communities, and national economies.

G20 members are committed to improving occupational safety and health (OSH) in our own economies and across the globe. In this regard, we underscore the need for appropriate and robust legal frameworks for OSH as well as effective systems for enforcement and compliance, safety and health management, and data collection. We also note the vital role played by social partners in bringing about safe and healthy workplaces. We encourage countries to consider ratification of relevant ILO conventions and to make effective use of the UN Guiding Principles on Business and Human Rights, ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the OECD Guidelines on Multinational Enterprises. We commit to taking action to improve OSH through the following country-level and collective measures, taking into account each country's national context.

We further commit to reviewing progress with respect to these measures during future G20 presidencies.

1. Seek to ensure that national safety and health bodies are responsive to the needs of workers and employers through ongoing assessments and effective incentives and advisory services regarding potential hazards, preventative and protective measures, and risk management and control
2. Strengthen legislation and provide adequate resources for prevention and compensation, training, compliance assistance, and enforcement efforts
3. Improve data collection and use empirical data to inform programme design and effectively target enforcement and outreach efforts
4. Take targeted measures to improve OSH conditions for vulnerable workers and in high-risk sectors
5. Raise awareness, particularly among small and medium enterprises, about the importance of OSH and the positive impact that safer and healthier workplaces have on productivity, workforce participation, economic growth, and sustainable development
6. Compile and share best practices among G20 members and interested non-G20 countries, and support studies on new challenges resulting from technological advancements and demographic changes
7. Support voluntary national and international efforts to implement exchanges, share relevant technologies, and coordinate technical cooperation
8. Partner with the ILO to improve global OSH and promote collaboration among national, bilateral, and collective G20 efforts
9. Continue to engage closely with social partners regarding collective and national actions to improve OSH

10. Promote responsible business practices and effective supply chain engagement to improve OSH, with reference to UN, ILO, and OECD guidelines and standards, as appropriate.

All full texts of the instruments in  
[https://www.argentina.gob.ar/sites/default/files/work\\_plan\\_for\\_g20\\_osh\\_network\\_2022\\_2025\\_full\\_texts](https://www.argentina.gob.ar/sites/default/files/work_plan_for_g20_osh_network_2022_2025_full_texts)