

**GENERAL OBSERVATION BY THE INTERNATIONAL ORGANISATION
OF EMPLOYERS (IOE) UNDER THE 2012 ANNUAL REVIEW¹**



As in the 2011 Annual Review, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here *in extenso*².

The International Organisation of Employers (IOE) gives the highest priority and continues to fully support the ILO Declaration on Fundamental Principles and Rights at work and its follow up, and [it] again thanks the Office for giving [IOE] an opportunity to give our views under the Annual Follow-up concerning Non-Ratified Fundamental Conventions.

The IOE believes strongly in the Office having the resources allocated to both promote the Declaration as a whole but also to be able, through ACTEMP, to resource technical co-operation activities for Employers. [It] noticed for some years now that such resources are no longer being allocated sufficiently to allow the IOE to support promotional activities based on the 4 principles. [IOE] hope is that this should soon be corrected.

Below are some of the most important activities undertaken by the IOE in its efforts to promote the Declaration and its four principles. (For a better explanation, comments are divided into three parts):

- I. IOE efforts to support the Declaration
- II. IOE initiatives in relation to the four Fundamental Principles
- III. Areas of concern

¹Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

² With some light editing by the Office.

I. IOE efforts to support the Declaration

1. The IOE position paper.

The IOE used its updated position paper on the Declaration as a guide for the Employers Group 2010 debate on the future of the follow up. The Employers Group believes it is incumbent on the Office to take the consensus conclusions of that discussion forward as part of its efforts to ensure that the Declaration maintains its visibility and usefulness to Member States.

2. The Global Report. ILC Discussions

The IOE continues its role of supporting the Employers Group in the discussions of the Global Report during the annual International Labour Conference. This debate should be seen as the premier means of promoting the Declaration to the assembled constituents. However, problems persist with the nature of the ILC debate and (IOE) continue to look for ways of working with the Office, Governments and Workers to ensure the Declaration discussion is as dynamic and as useful as possible. The IOE sees the Office as having an important role in realizing this shared constituent objective.

3. Corporate Social Responsibility

The IOE through its member Employers' Organisations, continues to work to ensure the proper use of the Declaration within CSR activities, recognizing that the Declaration is itself a call to member States to promote the Principles.

The IOE continues to support members in the use of ISO 26000 as a guidance standard that incorporate the principles of the Declaration within its text.

Through ACTEMP TURIN, the IOE was involved in a series of seminars across Europe on Transnational Company Agreements, hosted by Business Europe, BDA, CEOE, MEDEF, FEB, VNO NCW that looked at developments surrounding European and International agreements where the Declaration is often a reference text to the parties concluding such agreements. Further seminars in London and Copenhagen will be undertaken by the end of this year.

In 2011, the IOE Guide for Employers on International Framework Agreements (IFA's) was again revised.

The IOE also continued to work closely with Prof. John Ruggie in the lead up to the UN Council for Human Rights adoption on the Guiding Principles on Business and Human Rights that includes a reference to the Declaration as a tool for companies to be cognisant of in this area. The IOE is developing resource material for its members on the Principles and will continue to ensure the clear identification of the labour rights aspects of the Declaration in conformity with the intent and purpose behind its creation. The IOE expects the Office to be vigilant to its efforts to also ensure the Declaration is used correctly by all actors in the wide human rights debate

4. Global Compact

The IOE is fully active in the support to the Global Compact. The IOE Secretary General is an standing member of the Global Compact Advisory Board as well as co-chair of the Global Compact Labour Group that continues to look for ways to promote the 4 labour principles in a manner consistent with the activities and political decisions of the ILO with regards to the promotion of the Declaration itself. The ILO, mainly through IPEC, MNE & ACTEMP, extensively collaborates in the delivery of the Global Compact. Many IOE members are active regionally and lead the local network offices of the Global Compact.

A guide on the labour principles has been created in conjunction with the ITUC to give practical guidance to Global Compact companies on the 4 labour principles.

II. IOE efforts to promote the four Fundamental Principles

Freedom of Association and the effective recognition of the rights to collective bargaining

[Reference is made to IOE's position in the Committee on Freedom of Association and in the Governing Body.]. It is important that the ILO itself, in its promotion efforts, recognizes that this principle does not only pertains to Workers' Organisations and that Employers can expect the same levels of ILO engagement and support when their Freedom of Association is infringed.

The elimination of all forms of forced or compulsory labour

Political events in the Arab region prevented an initiative of the Employers on this principle taking place this year. Notwithstanding this, the IOE continues to promote the joint ILO/IOE publication "*Combating Forced Labour: A Handbook for Employers and Business*" along with the complementary IOE guide "*Forced Labour: Why is it an issue for Employers*"

The effective abolition of child labour

The IOE continues to follow the outcomes of the Global Conference on Child labour held in the Hague last year and to work to ensure consistency in work arising from the action plan and the IPEC work programme.

IOE is working with IPEC on a special project concerning the application of due diligence tools to child labour consequent to the adoption of the Guiding Principles on Business and Human Rights.

The elimination of discrimination in respect of employment and occupation

IOE's long standing work on HIV/AIDS continues and will work closely with the Office on the follow up to the ILC Recommendation adopted in 2010.

The IOE worked with ACTEMP on an initiative to establish two disability networks in the US and Africa to help with the exchange of good practice amongst Employer's Organisations and companies.

Youth unemployment persists and is in fact further deteriorating. IOE and the Employer Group see this as a priority area for IOE action and were pleased to see its proposal for a discussion on youth employment to be included in the ILC agenda of 2012.

III. Areas of concern

The IOE sees the 1998 Declaration as an indispensable tool for the realization of the values of the ILO. It recognizes that this realization can come about regardless of the ratification of the Conventions from which the principles are drawn. Capturing these innovative steps are an important information resource for constituents and the Office to draw upon in their own promotional work.

However, such efforts require the Declaration department and the sections dealing with the 4 principles to have the means to do so, including resources to help Employers and the IOE in their own promotional work.

[IOE] remains ready as [it] always have to work with the Office in delivering Employers' needs with regards to the Declaration and welcome any Office initiative to reach out and better understand what the Employers Group need and expect from the Office with regard to its activities going forward

This Declaration as a solemn consensus statement of the constituents needs to continue to be seen as a valuable and well supported instrument both within and outside the ILO.