



Responsible Business
Toolbox

UNI Global Union's
Guide to International Codes of Practice



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At the World Congress in 2005 in Chicago, UNI transformed itself into UNI Global Union, with one of its aims being to ensure a strong trade union presence in the global companies that so dominate UNI sectors of activity.

The UNI Sector Global Unions have union building and negotiating global framework agreements with multinationals on their agendas.

UNI Global Union believes that the route to responsible business lies in global framework agreements. Too often companies produce their own codes on their own terms, with little or no monitoring or follow up.

There are a plethora of voluntary codes, which have no practical impact.

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I am sure that all affiliates will find this UNI Guide a valuable resource in their dealings with multinational corporations and the globalisation process.



Philip Jennings
UNI Global Union
General Secretary

Nyon, August 2008



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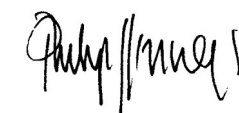


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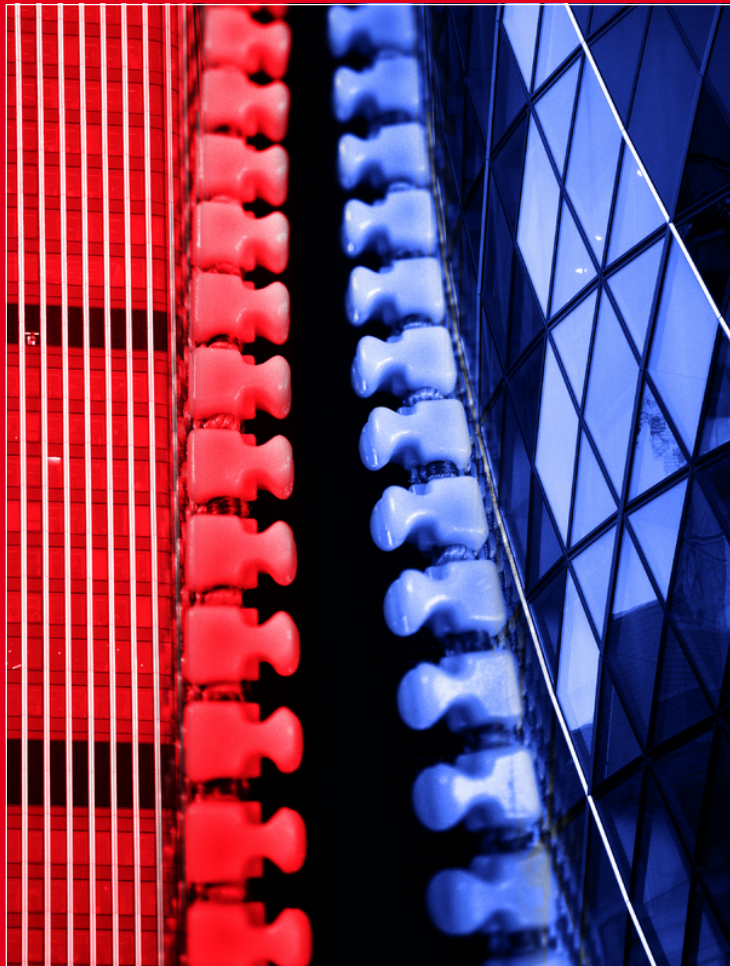
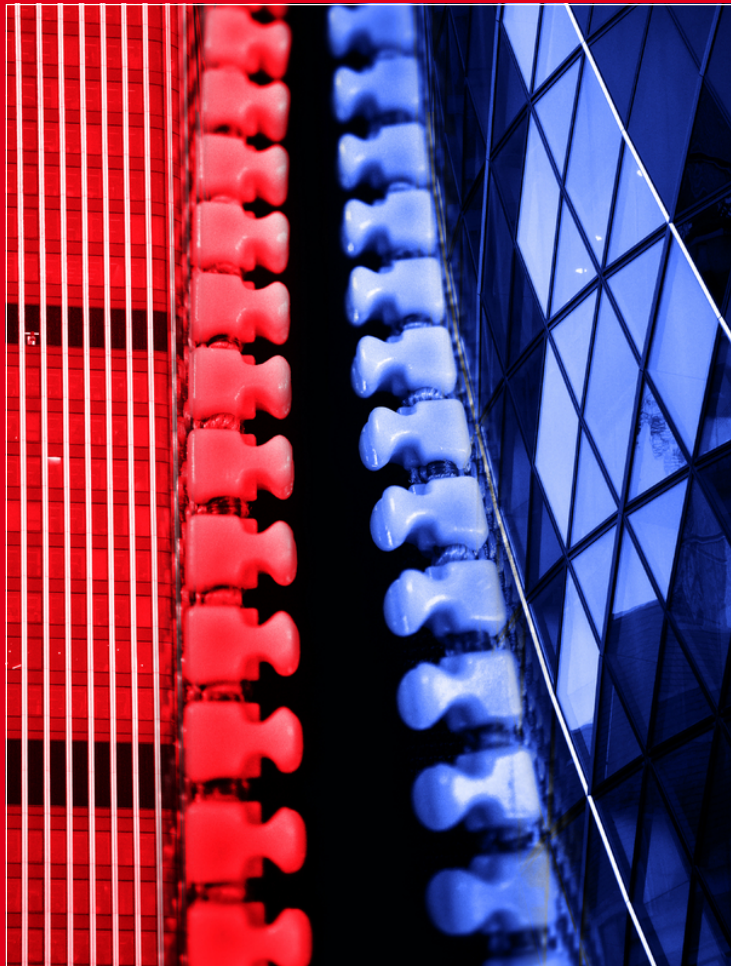
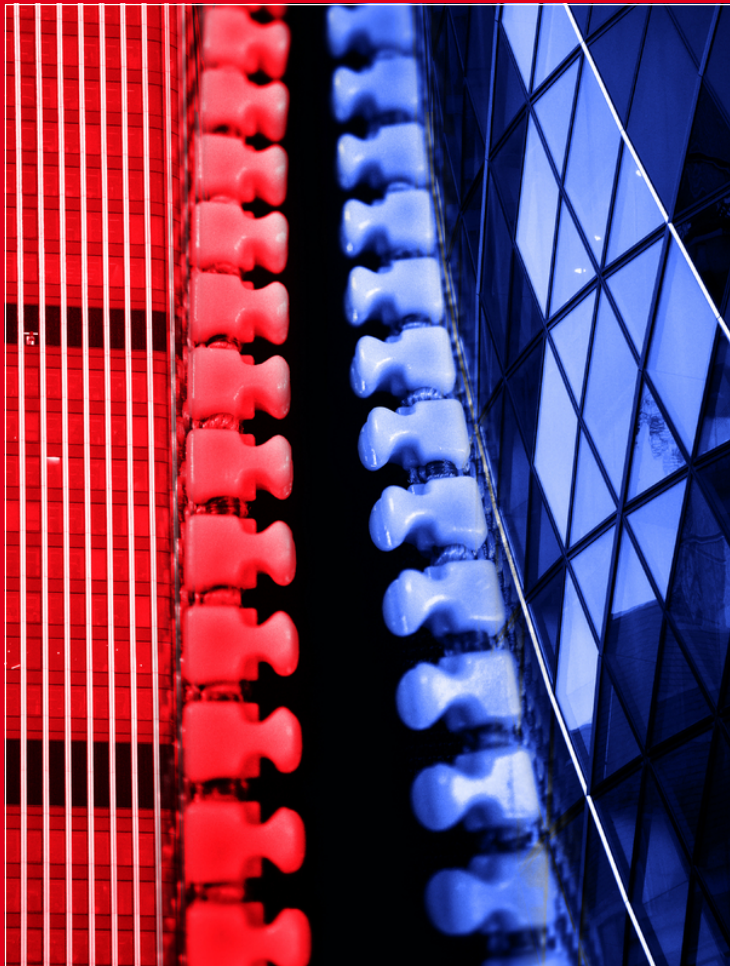
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Introduction

The anti globalisation pressure is one result of the campaigns and many years of effort that has been exerted by UNI and the workers from affiliated unions in trying to influence the behaviour of the companies for which they work. On the one hand, there is the very clear financial pressure coming from the stock market, the banks and those who provide the capital. On the other hand, there are pressures on companies not to act solely in line with their short-term financial interests. Part of this pressure comes from unions, organised at national, regional and global level. But companies are also influenced by governments, non-governmental organisations, particularly campaigning groups, like Greenpeace and Amnesty International, and public opinion itself.

There is substantial evidence that recently this pressure is growing, that more and more people are unwilling to see the financial interests of individual companies winning out over the wider interests of society. The strengthening of the World Social Forum and its European counterpart is one indication of this interest to strengthen the social dimension of globalisation. Another is provided by the consumer boycotts that have followed revelations of the human rights, employment and environmental practices of some of the world's biggest brands. Further UNI's campaign to bring transparency to the dealings of the private equity funds has found fertile ground with the news media and pressure groups wishing to see greater transparency in the dealings of these often faceless corporations and their investors.

As a result there is renewed interest in guidelines and codes of practice that seek to regulate the activities of individual companies. Codes of practice of this sort are not new. They stretch back at least as far as the period around the Second World War. There was a further increase in interest in the late 1960s and 1970s, when many felt multinationals needed to be controlled – a view reinforced by the role of US multinational company ITT in the anti-democratic

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coup in Chile in 1973. And since then the emergence of the private equity funds with their tendency to take over and delist companies so that their already murky dealings are even less available for public scrutiny, has led to a renewed interest in how unions, consumers and interested groups can hold multinational companies to account for their actions especially in respect of their social responsibilities. The second half 1990s saw a renewal of interest in the possibilities provided by codes of conduct. Consequently, a large range of different codes and guidelines, some adopted by individual companies, some taken up by trade associations or industrial sectors, and some with a much wider level of support has been produced.

This document looks at the most important current instruments, that is: guidelines, principles, declarations and codes of practice relevant to the operations of multinational companies. It also looks at the actions UNI has taken to find better ways for unions to hold these global corporations and companies to account, such as UNI Global Union Alliances and their work in developing, implementing and monitoring Global Framework Agreements. Also the work UNI is doing with other Global Union Federations in supporting their activities and determining the best tool in the "Responsible Business Toolbox" to use to deal with the particular problem or issue needing to be exposed or resolved.

The aim throughout is to concentrate on those issues which are most relevant to UNI unions and in doing so provide a valuable guide to UNI unions on which codes of conduct may be appropriate to use in a particular circumstance.

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Main international codes and guidelines

There are hundreds of codes of conduct and guidelines in existence for multinational companies. As well as the statements of corporate conduct which many multinationals publish for themselves, there are codes issued by intergovernmental bodies, by individual governments, by trade unions, by employers' associations, and by environmental, consumer, human rights' and many other organisations. The codes and guidelines cover a range of different areas including, labour standards, environmental standards, ethical issues, like forbidding bribery, human rights' standards and single issues. Some codes relate to individual sectors, others relate to goods manufactured under a specific licence, and still others relate only to multinationals from a single state.

It is impossible to deal with all these tools in this reader¹. Instead it examines those with the widest application and greatest credibility. The document concentrates in particular on the codes and guidelines that have come from the **Organisation for Economic Cooperation and Development (OECD)** and the **International Labour Organisation (ILO)**, the two main intergovernmental bodies which have a role in overseeing the operations of multinationals and setting and safeguarding international labour standards.

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The government recommends that companies operating in or from their territory allow workers to form or join a union and to engage in good faith collective bargaining with trade unions.

The company is not respecting this? Instead they fire worker representatives, obstruct union activities or hamper collective bargaining?

Then raise the specific instance at your country's National Contact Point (see list in Appendix Five) and they will encourage dialogue and help resolve it.

Each government is obligated to establish an implementation mechanism – labelled a National Contact Point (“NCP”) - through which it will handle allegations of breach of the Guidelines.

The NCP has the authority to investigate cases, make recommendations to the company concerning the implementation of the Guidelines, and to make those recommendations public.

The results of this process vary widely, depending on the NCP involved.

In cases alleging breach of the Guidelines, the complaint must be submitted to the NCP of the home country of the MNE as well as the NCP (where one exists) of the country in which the alleged breach has occurred. If the breach occurred in a non-OECD country, only the “home country” NCP will handle the case. If there are two NCPs involved, typically the NCP in the country where the breach is alleged to have occurred will take the primary role in the case.

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The two documents are particularly significant because the organisation brings together 30 of the richest and most powerful states in the world, producing two-thirds of the world's goods and services. As well as government representatives, the OECD also has advisory committees representing business and industry on one side and the trade unions on the other. Both have been heavily involved in the discussions on the Guidelines, including their recent revision and the Corporate Governance Principles.

2 The OECD guidelines are available at the OECD website: <http://www.oecd.org/daf/investment/guidelines>.

3 The Principles are available at: http://www.oecd.org/document/49/0,3343,en_2649_34813_31530865_1_1_1_1,00.html.

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UNI has used the Guidelines in a recent case as part of an ongoing campaign concerning violations of worker rights. In December, 2006 UNI brought a complaint to the UK NCP regarding the conduct of multinational, British-based security service provider G4S. UNI's submission to the NCP argued that G4S too often violates national laws and denies its employees' freedom of association, claiming a violation of the Guidelines on sustainable development (Chapter II, Para. 1) and workers' right to organise into unions (Chapter IV, Para. 1(a)). The initial complaint concerned 8 countries, and a second complaint, filed in January, 2007, concerned 3 additional countries.

On January 25, 2007 the office of the UK National Contact Point (NCP) , which is responsible to enforce the OECD Guidelines for Multinationals, posted its first "assessment" of the case brought by UNI concerning G4S in December, 2006. The link to the assessment is http://www.csr.gov.uk/docs/20080118_UNI_G4S_Final_Initial_Assessment_P1-5.doc The assessment does not cover the second complaint.

The NCP's office decided to pursue the allegations in connection with 4 countries, Nepal, Congo, Mozambique and Malawi. These allegations include non-payment of back pay, overtime, severance pay, holiday bonuses, refusal to allow leave and refusal to schedule union elections.

In Israel and the US, the assessment finds that the issues have been resolved through legal proceedings. In Uganda, the company has recognised the union. And in Greece, the parties were unable to get enough information from the union to proceed.

In an unusual development, - perhaps a first under the Guidelines- the NCP recommended that both parties agree to formal Conciliation and Mediation, and, as reflected in the assessment, both parties agreed. The UK NCP contracted with a professional mediator, and the Terms of Reference for the process specify that if a conciliated settlement is not possible, the mediator will make proposals that both parties will be "pre-disposed to receive sympathetically". If this process (ongoing at the time of writing) does not succeed, the UK Government has the authority to conduct an independent investigation.

The UK NCP's office has recently been reorganised in response to complaints from the UK labour movement and NGOs that it did not take its responsibilities seriously enough.

UNI has used the Guidelines in a recent case as part of an ongoing campaign concerning violations of worker rights. In December, 2006 UNI brought a complaint to the UK NCP regarding the conduct of multinational, British-based security service provider G4S. UNI's submission to the NCP argued that G4S too often violates national laws and denies its employees' freedom of association, claiming a violation of the Guidelines on sustainable development (Chapter II, Para. 1) and workers' right to organise into unions (Chapter IV, Para. 1(a)). The initial complaint concerned 8 countries, and a second complaint, filed in January, 2007, concerned 3 additional countries.

On January 25, 2007 the office of the UK National Contact Point (NCP) , which is responsible to enforce the OECD Guidelines for Multinationals, posted its first "assessment" of the case brought by UNI concerning G4S in December, 2006. The link to the assessment is http://www.csr.gov.uk/docs/20080118_UNI_G4S_Final_Initial_Assessment_P1-5.doc The assessment does not cover the second complaint.

The NCP's office decided to pursue the allegations in connection with 4 countries, Nepal, Congo, Mozambique and Malawi. These allegations include non-payment of back pay, overtime, severance pay, holiday bonuses, refusal to allow leave and refusal to schedule union elections.

In Israel and the US, the assessment finds that the issues have been resolved through legal proceedings. In Uganda, the company has recognised the union. And in Greece, the parties were unable to get enough information from the union to proceed.

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OECD Guidelines for Multinational Enterprises

Background

The OECD Guidelines for Multinational Enterprises were adopted in 1976 and revised in June 2000.

The Guidelines are part of a wider series of declarations and decisions on multinationals, which also cover how national governments should treat multinationals, how conflicting national regulations on multinationals should be resolved and recommendations on incentives for foreign investment.

The Guidelines were agreed after a period of growing concern about the activities of multinationals, particularly in the developing world. The intention was that the Guidelines should contribute towards a legally binding UN code of practice for multinational companies.

However, by the 1980s the political climate had changed and work on a binding UN code for multinationals was abandoned.

More recently there has again been growing concern about the influence multinationals exert in a globalised economy. Consequently, the revised Guidelines have seen some sound improvement. It is now possible to also apply them to the supply chain of a company; human rights and all core labour standards were added and, of particular importance, the implementation system has been strengthened.

Scope

The Guidelines are a set of recommendations addressed by the signatory governments to multinational enterprises. These are not defined precisely in the Guidelines but they are described as companies or other entities which operate in several countries and are linked in such a way that they can co-ordinate their operations. They can be both privately and publicly owned.

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The Guidelines are not just addressed to the central management of these bodies, but to all levels of the enterprise and the supply chain. Certainly all companies that fall under the European Works Council Directive are multinational enterprises for the purposes of the Guidelines⁵.

In terms of geographic coverage, the Guidelines state that “international co-operation in this field should extend to all states”. They definitely adhere to the 30 OECD countries, plus the 10 non-member countries, Argentina, Brazil and Chile, Egypt, Estonia, Israel, Latvia, Lithuania, Romania and Slovenia. In 2006, a number of countries in the Middle East, East Asia and South America submitted their applications and a new OECD project aims at promoting responsible business in China⁶.

Legal status

The Guidelines are not legally enforceable. However, the fact that they were agreed as a declaration by OECD Member States means that OECD governments and others signing the Guidelines have agreed to promote them and encourage their use. A committee at OECD level, the Committee on International Investment and Multinational Enterprises, is also intended to deal with problems which arise in relation to their operation. The government-backed implementation mechanisms are the most significant new development to come out of the latest review. They oblige **National Contact Points (NCPs)** to solve cases where multinationals breach the Guidelines, including the ability to make recommendations to the company concerning the implementation of the Guidelines, and to make those recommendations public (address list see **Appendix Five**). Thus far, 130 instances have been mediated by NCPs⁷. “The Guidelines are not an alternative to effective legal regulation of companies, workers' capital strategies or the negotiation of collective agreements, but they can be an important complement. In the end, their effectiveness depends on governments and if they will make sure that they have properly functioning NCPs”, concluded John

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Preface

The preface draws attention to the important role that multinationals of all sizes now play in the world economy and it states that these activities bring “substantial benefits to home and host countries”. However, it also points to the danger that, in the face of “intense” competitive forces, some companies “may be tempted to neglect appropriate standards and principles of conduct in an attempt to gain undue competitive advantage”. The Guidelines are therefore intended to provide a “point of reference” for multinationals.

Concepts and principles

This states that the recommendations are addressed to multinational enterprises and that they “provide principles and standards of good practice consistent with applicable laws” but that they are voluntary and not legally enforceable. Individual multinationals are obliged to obey the laws of the countries in which they operate and the intention is not to seek different treatment for multinationals.

General policies

This deals with relations between multinational enterprises and host governments and other stakeholders.

Companies should

- contribute to sustainable development;
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- develop local links;
- encourage training;
- not seek special treatment;
- support good corporate governance;
- develop management systems that foster trust;
- promote employee awareness of company policies;
- not discipline “whistle-blowers”;
- encourage business partners to operate in line with the Guidelines; and
- abstain from improper involvement in local political activities.

Disclosure

This requires multinationals to disclose “timely regular, reliable and relevant information” on their “activities, structure, financial situation and performance”. Additionally, they are encouraged to communicate additional information covering “social, ethical and environmental policies, information on complying with laws and codes of business conduct and information on relationships with “employees and other stakeholders”.

Employment and industrial relations

This requires multinational enterprises to meet a range of obligations, they should, for instance, respect the four core labour standards.

These are that:

- employees have the right to be represented by trade unions and companies should engage in “constructive” collective bargaining;
- companies should “contribute to the effective abolition of child labour”;
- companies should “contribute to the elimination of all forms of forced or compulsory labour”; and
- companies should not discriminate on such grounds as “race, colour, sex, religion, political opinion, national extraction or social origin”, other than where specific government initiatives aim to redress inequalities or it is a genuine occupational qualification.

Enterprises should provide employee representatives with the facilities and information they need to negotiate collective agreements and also enable them to negotiate on labour-management issues. Enterprises should promote consultation with employees “on matters of mutual concern” and consultation should be with representatives of

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management who have the power to take decisions on the matters under discussion. Employees and their representatives should be given information on the performance of their own part of the business as well as the enterprise as a whole where appropriate.

Multinationals should not use the threat of transferring production or moving employees to other countries in order unfairly to influence the outcome of ongoing negotiations with employee representatives or to hinder employees' attempts to organise in unions.

The standards adopted by multinationals in their operations abroad in terms of employment and industrial relations should not be lower than those of other comparable local employers and they should ensure health and safety.

Multinational enterprises should recruit, train and develop local employees and this should be done in co-operation with employee representatives and government bodies.

Where multinationals are considering changes which would have a major impact on their employees, in particular closures, they should give reasonable notice of such changes to employee representatives and, where appropriate, government authorities. They should also co-operate with them to reduce the impact of such changes as far as possible.

Environment

This states that multinationals should:

- establish and maintain an appropriate system of environmental management;
- provide the public and employees with "adequate and timely" information on the environmental and health and safety consequences of its actions and consult with affected communities;
- assess environmental impacts over the life-cycle of products;
- not use the lack of full scientific knowledge as an excuse for not taking action to minimise environmental damage;
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- contribute to public policies on the environment.

Combating bribery

This requires that multinational enterprises should not directly or indirectly, offer, promise, give or demand a bribe.

Consumer interests

This states that multinational enterprises should deal fairly with consumers in terms of marketing and advertising practices and should take steps to ensure their goods and services are safe.

Science and technology

This calls on multinational enterprises to try to ensure that their activities help the development of scientific and technology capacity in the countries in which they operate; allow a rapid diffusion of new technologies; and transfer technology on reasonable terms; and develop links with local research institutions.

Competition

This requires multinational enterprises not to get involved in cartels or price fixing to reduce competition. They should take account of local competition laws and co-operate with the relevant national competition authorities.

Taxation

Under this requirement multinational enterprises should comply with the local tax laws and should provide the appropriate information to national tax authorities to enable their tax levels to be properly assessed.

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Then you are one of its stakeholders and expected to act as a "whistle-blower".

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You are employed or represent employees in a company listed on the stock market?

Then you are one of its stakeholders and expected to act as a "whistle-blower".

The company for example does not consider the employee viewpoint in key decisions, or it prevents employees from voting their shares, or it deprives shareholders of important information about corporate operations and possible future liabilities?

Then reveal these abusive practices and transactions in full confidence to your government or union.

OECD Principles of Corporate Governance

Background

The OECD Principles of Corporate Governance were first adopted in 1999. They were drawn up by a taskforce, which included representatives from the World Bank, the International Monetary Fund, major companies, investment bodies and the unions, as well as OECD countries. Trade unions have been involved in their world-wide promotion right from the beginning.

The Principles present a set of recommendations about what rules companies should follow to give investors confidence to invest in them long-term. Originally conceived as a tool to help western investors to get their money out of crisis-hit Asian companies, the TUAC representatives on the Principles' negotiating group managed to turn the instrument away from protecting and promoting shareholder rights, into a platform for the future development of a stakeholding view of a corporation.

After corporate scandals in a number of countries, the need for improvement in standards of corporate governance became obvious. The revised Principles of 2004 are now designed to underpin the stability and integrity of stock markets as well as the management of companies whose shares are listed on them. One additional improvement is the release of an assessment methodology that governments can use to measure how effectively the Principles are implemented.

Purpose and scope

The Principles are primarily intended to help governments draw up a legal framework for the corporate sector. However, they may provide guidance for stock exchanges, investors and individual companies.

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that countries which have incorporated these Principles into their own legislation should find it easier to attract long term capital investment, primarily from countries within the OECD. A joint World Bank-OECD Global Forum on Corporate Governance has been created to promote the Principles among low and middle income countries. The International Trade Union Confederation (ITUC) and Trade Union Advisory Committee (TUAC) are in discussions with both organisations in an effort to work out the best way of involving developed and developing country trade unions alike in the work of the Forum.⁹

Legal status

The Principles are not legally binding. Neither countries nor companies are required to adopt them in full. However, the OECD describes them as representing “the core elements ... essential for good corporate governance” which should be widely applied.

Contents

The revised Principles consist of a preamble, the Principles themselves and a set of notes and commentaries intended to explain the Principles in greater detail and make it easier for them to be applied.

The Principles and notes are set out under six headings: ensuring the basis for an effective corporate governance framework;

- the rights of shareholders and key ownership functions;
- the equitable treatment of shareholders;
- the role of stakeholders in corporate governance;
- disclosure and transparency; and
- the responsibilities of the board.

From the point of view of a European Works Council the most important are those which deal with the role of stakeholders, which cover the position of employees. However, there are useful elements under other headings, particularly on information disclosure and the responsibilities of the board of directors.

On stakeholders, the Principles state that the “corporate governance framework should recognise the rights of stakeholders as established by law or through mutual

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agreements and encourage active co-operation between corporations and stakeholders in creating wealth, jobs, and the sustainability of financially sound enterprises.” Individual employees and their representative bodies are stakeholders, along with investors, creditors and suppliers.

The notes explain that employees make a clear contribution to the competitiveness and ultimate success of a corporation and suggest that it is in the long-term interest of companies to recognise this.

The Principles call for the interests of stakeholders to be protected by law and the notes point out that in all OECD companies the interests of stakeholders are legally protected. Employees are protected by labour law and companies frequently go beyond what the law requires.

The Principles state that stakeholders should have access to effective legal remedies where their rights are violated and the notes state that the legal framework should be transparent and not “impede the ability of stakeholders to communicate”.

The Principles state that the framework of corporate governance should permit “performance-enhancing mechanisms for employee participation” and the notes give a list of examples as to how this can be achieved. This list specifically includes “employee representation on boards; and governance processes such as works councils that consider employee viewpoints in certain key decisions. With respect to performance enhancing mechanisms, employee stock ownership plans or other profit sharing mechanisms are to be found in many countries.”

The Principles also state that where stakeholders participate in the process of corporate governance, they should have access to relevant information. This is necessary, as the notes point out for them to fulfil their responsibilities.

On disclosure of information, the Principles require that the framework for corporate governance should guarantee timely and accurate disclosure of important information about the corporation. The notes suggest that this should include, but not be limited to, material information on management/employee relations, and relations with other stakeholders and point out that some countries require extensive disclosure of information on human resources. They state that information about policies, like programmes

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Monitoring

The OECD has established five regional roundtables in order to raise awareness and to develop a regional self-assessment. The roundtables are structured discussion among senior policy makers, academics and business leaders and, according to the OECD, they have proven to be an effective way for policy-dialogue and multilateral exchange of experience. The five regions are Asia, Russia, Latin America, Eurasia, and South East Europe.¹⁰

The World Bank has been working for several years with the OECD in promoting certain corporate governance standards in developing and transition countries. In 2007, the Bank completed assessments for 40 countries, ranging from Armenia to Zimbabwe, and posted them on its web site. They are part of the World Bank and International Monetary Fund (IMF) program on Reports on the Observance of Standards and Codes (ROSC).¹¹

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As with the OECD Guidelines and Principles, the ILO Declarations have greater weight than similar codes put forward by other organisations because of the nature of the ILO and the process followed to agree the Declarations.

The ILO was set up in 1919 after the First World War and brings together the vast majority of countries in the world, including all EU states and most external investors in the EU. As it states in the Declaration on Fundamental Principles and Rights at Work, the ILO is “the constitutionally mandated international organisation and the competent body to set and deal with international labour standards”.

It is a tripartite body bringing together representatives of government, employers and unions. (Governments have 50% of the votes in any contested decision, with the unions and employers each having 25%). Employers played a direct role in agreeing both the Tripartite Declaration and the Declaration on Fundamental Rights.

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ILO Tripartite or MNE Declaration

A union represents workers in a company but they do not recognise this union?

From the press a union learns about the closure of a plant but staff, unions and authorities concerned were only informed afterwards?

Then claim your rights for advanced notice and consultation by submitting a request for interpretation of the «actual situation» to your government.

If they do not react or do not forward the request within three months, address it to the ILO *Sub-committee on Multinational Enterprises* directly (see Appendix Seven for the contact point).

A reply approved by the Governing Body of the ILO will be sent to all parties concerned and the case will be made public.

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ILO Tripartite Declaration on Multinationals

Background

The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (also called ILO Tripartite or MNE Declaration) was adopted by the governing body of the ILO in 1977, after what the ILO itself describes as “years of research, consultations and negotiations”.¹² It is the compromise which was reached at that time between representatives of governments, employers and workers (in effect the trade unions).

The background to this Declaration was, like the OECD Guidelines for Multinational Enterprises, growing concern about the activities of multinationals, particularly in developing countries. The intention, certainly among the workers’ representatives, was that the ILO Declaration, like the OECD Guidelines, should contribute to a binding UN code of practice for multinationals.

The Tripartite Declaration was last revised in March 2006. Now the 4th edition includes references to relevant ILO instruments.

Purpose

The Declaration is a set of recommendations aimed not just at governments but also at employers’ and workers’ organisations (unions), and at the multinational enterprises themselves. As in the OECD Guidelines, the term multinational enterprises is not precisely defined. Instead multinationals are described as including “enterprises, whether they are of public, mixed or private ownership, which own or control production, distribution, services or other facilities outside the country in which they are based”. The Declaration is addressed to all levels of the enterprise.

¹² The MNE Declaration text is available at: <http://www.ilo.org/public/english/employment/multi/tripartite/declaration.htm>. In the light of the 30th anniversary of the MNE Declaration, an ILO examination is underway to explore how effective practices in promoting labour principles can stimulate growth and enhance competitiveness: <http://www.ilo.org/public/english/employment/multi/index.htm>.

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The Declaration is a voluntary measure and is not legally binding either on governments or on the multinationals themselves. However, the fact that it represents an agreed compromise between governments, employers and unions gives it a moral authority.

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The Declaration consists of an introduction, a preamble, and a series of more detailed sections covering general policy; employment; training; conditions of work and life; and industrial relations. There is also an annex listing other ILO Conventions and Recommendations referred to in the document.

For a European Works Council, much of the recommendations in the more detailed sections are of direct relevance.

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The introduction summarises the origin and character of the text and offers contact for assistance in its interpretation. It also states that adhering to the ILO Tripartite or MNE Declaration "by all concerned would contribute to a climate more conducive to economic growth and social development".

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The preamble draws attention to previous work done by the ILO and other international bodies on the issue and the steps taken to get to the Declaration. It also formally "invites governments of States Members of the ILO, the employers' and workers' organisations concerned and the multinational enterprises operating in their territories to observe the Principles embodied" in the Declaration.

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contributions. But it also highlights the fact that their operations may “lead to abuse of concentrations of economic power and to conflicts with national policy objectives and with the interest of the workers”. It also points out that the complexity of multinationals’ operations may of itself sometimes give cause for concern.

It states that the aim of the Declaration is “to encourage the positive contribution which multinational enterprises can make to economic and social progress and to minimise and resolve the difficulties to which their various operations may give rise”. Progress towards this aim can be made by governments but also through co-operation between unions and employers’ organisations.

General policies

This section deals with a range of general principles. It calls on governments, employers, unions and multinationals to obey national laws and respect a range of international declarations and conventions. In particular it states that “freedom of expression and association are essential to sustained progress”. “Governments and States which have not yet ratified Conventions Nos. 29, 87, 98, 100, 105, 111, 122, 138 and 182 are urged to do so and in any event to apply, to the greatest extent possible, through their national policies, the principles embodied therein and in Recommendations Nos. 35, 90, 111, 119, 122, 146, 169, 189 and 190”.¹³

It also calls on multinationals to take into account the policies of the countries where they operate and suggests that they should hold consultations with these governments and with national unions and employers’ associations. It states that the principles in the Declaration should apply equally to multinationals and companies operating in a single state.

Employment

This section is divided into three separate headings covering employment promotion; equality of opportunity; and treatment and security of employment.

¹³ The ILO Conventions as well as tables of the signatory countries are available at ILOLEX: <http://www.ilo.org/ilolex/english/convdisp1.htm>, the ILO Recommendations at: <http://www.ilo.org/ilolex/english/recdisp1.htm>.

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Under **employment promotion** the Declaration calls on governments, particularly in developing countries to pursue an active policy promoting full employment.

Multinationals should try to increase employment opportunities and standards and should consult with national governments and trade unions about their employment plans. They should give priority to the recruitment and training of citizens from the countries where they are operating and they should, as far as possible adapt the technologies they use to the needs of the host countries. They should also try to use local materials and suppliers in developing countries.

Under **equality of opportunity and treatment** governments are urged to “pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin”. These policies should also be taken up by multinational enterprises, although they should in addition take account of government policies intended to counteract past discrimination.

Under the heading **security of employment** both governments and multinationals themselves are required to take suitable measure to deal with the employment impact that multinational operations may have.

Multinationals should aim to provide “stable employment” and indeed play a leading role in promoting the security of employment. Where there are major changes including take-overs or transfers of production with significant employment, multinationals should provide “reasonable notice” to the government authorities, employee representatives and unions. This is in order to make possible a joint examination of the implications and to look for ways of minimising the adverse effects. This is particularly the case for closure with consequent job losses.

The Declaration also states that “arbitrary dismissal procedures should be avoided” and governments should cooperate with multinationals and other companies to provide some form of income protection for those who have lost their jobs.

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Training

Governments are urged to develop national policies for training and multinationals should provide “relevant training” for all levels of employees in their operations. It may be appropriate for unions and other bodies to be involved in this training. In developing countries, multinationals should participate in national training programmes aimed at improving skills and provide opportunities for local managers, including a broader experience of industrial relations.

Conditions of work and life

This section is divided into three headings covering: wages, benefits and conditions of work; minimum age; and safety and health.

Under **wages, benefits and conditions of work** offered, the Declaration states that they should be no worse in multinationals than those offered by comparable employers in the country concerned. Governments are again urged to additionally ratify and apply ILO Conventions Nos. 119, 115, 136 and 139, as well as ILO Recommendations Nos. 118, 114, 144 and 147 and take into account the latest list of ILO publications on occupational safety and health.

In developing countries, multinationals should offer the best possible wages, benefits and conditions of work. At the very least they should be enough to meet the basic needs of workers and their families and governments should try to ensure that the benefits of the operations of multinationals are as widely spread as possible.

Under **minimum age**, multinational and national companies should “as a matter of urgency” secure the abolition of child labour by respecting the “minimum age for admission to employment or work”.

Under **safety and health**, governments are required to ensure “both multinational and national enterprises provide adequate safety and health standards for their employees”. Multinationals should have the highest standards of health and safety and should make use of the expertise and information they have obtained from other parts of their operations. Where relevant this information should be supplied on request to national authorities and unions and employers’ associations.

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Industrial relations

After a general statement that “multinational enterprises should observe standards of industrial relations not less favourable than those observed by comparable employers in the country concerned”, this section deals with the issues under five headings. These are: freedom of association and the right to organize; collective bargaining; consultation; examination of grievances; and settlement of industrial disputes.

Under the heading **freedom of association and the right to organise**, the Declaration makes clear that workers in multinationals, like those in national companies, should “have the right to establish and ...join organisations of their own choosing”. They should be protected against “acts of anti-union discrimination”. Multinationals are encouraged to join employers’ organisations, where appropriate, and neither unions nor employers’ organisations representing multinationals should interfere in one another’s affairs. Governments should apply ILO Convention No. 87, Article 5, by permitting employers’ and employees’ organisations the affiliation to international organisations of their own choice.

Governments are encouraged to allow unions representing multinational employees or employers’ organisations representing the multinationals themselves to affiliate to the international union and employer bodies of their choice. Governments should not limit employees’ freedom to join unions or to engage in collective bargaining in order to attract foreign investment.

Employee representatives in multinationals should be able to meet one another and governments should not restrict the entry of employee or trade union representatives from other countries.

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Multinationals should not threaten to transfer production or move employees from one country to another either to influence the course of negotiations or to prevent workers from joining unions.

Collective agreements should include arrangements' provisions for settling disputes on how they are to be interpreted and applied and how rights and responsibilities are mutually respected.

On **consultation**, the Declaration simply states that there should be "regular consultation on matters of mutual concern" using systems agreed between the employers and employees and their representatives, "in accordance with national law and practice". It also states that "such consultation should not be a substitute for collective bargaining".

Under the heading **examination of grievances**, the Declaration states that any worker with a grievance either individually or with others should have the right to submit that grievance and have it appropriately examined without suffering any detriment. This is particularly important in countries which do not guarantee rights on joining unions, bargaining collectively and prohibiting forced labour.

On the **settlement of industrial disputes**, the Declaration calls on multinationals and unions to set up appropriate voluntary conciliation machinery, including arbitration in some cases to prevent and settle industrial disputes. This ma-

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Originally developed in 1980 and revised in 1986, there is an agreed system for deciding on the interpretation of the MNE Declaration in specific cases. Requests for interpretation of an “actual situation” on the meaning or application of the Declarations’ provisions can be submitted to the “Office”, that is in this case the ILO Governing Body and its Subcommittee on Multinational Enterprises. A request must meet certain criteria. Once they are verified, an internal procedure starts and at the end a reply approved by the Governing Body is forwarded to the parties concerned and published in the *Official Bulletin* and the electronic ILOLEX of the ILO. But if there is no approval by the Subcommittee, no interpretation is issued.¹⁴

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¹⁴ For interpretation procedure, cases and the **Interpretation Request Form** go to: <http://www-ilo-mirror.cornell.edu/public/english/employment/multi/dispute.htm>.

¹⁵ “Eighth Survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy: Analytical report of the Working group on the reports submitted by governments and by employers’ and workers’ organizations (Part 1)”, ILO Subcommittee on Multinational Enterprises, GB.295/MNE/1/1, Geneva, March 2006.

ILO Declaration on Fundamental Principles and Rights at Work

Background

The ILO Declaration on Fundamental Principles and Rights at Work¹⁶ was adopted in June 1998 as a 1 response, in the words of Michel Hansenne, the ILO's Director General at that time, to "the challenges of globalisation".

The Declaration emerged out of a growing discussion as to how minimum labour standards could be linked with increasing free trade in goods and services. There was concern that these standards could not be guaranteed, because many countries had not adopted the binding ILO Labour Conventions, which would make them legally enforceable. At the same time some countries feared that if labour standards were incorporated into trade agreements they would be used as a form of protectionism.

The Declaration is seen by the ILO as the culmination of this process in that it covers the core labour standards but also includes clear commitment to a mechanism for enforcing them through a system of country and global reports.

Purpose and scope

The Declaration deals primarily with the duties of governments to promote and protect four core labour standards, although in practice it is employers who must abide by the standards set (see below).

It applies to all 181 states belonging to the ILO, in effect the vast majority of countries in the world.¹⁷

Legal status

Unlike ILO Conventions, which, once a Member State has ratified them, are legally binding, the terms of the Declara-

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ILO Declaration

Is the government one of the 181 ILO Member States? Then they must report annually to the ILO on the efforts they make to promote and implement the fundamental principles and rights at work and on their intention to ratify the core labour Conventions.

You encounter, for instance, a form of child or forced labour in the country? Then report your observation to the government and/or the ILO. It will be considered in the Declaration Annual Review and thus made public.

Complaints regarding any ILO conventions are considered by the Committee of Experts on the Application of Conventions and Recommendations.

However, because freedom of association is so central to labour rights, there is a special ILO Committee on Freedom of Association (CFA) that considers complaints regarding Conventions 87 and 98 which concern freedom of association and collective bargaining.

The CFA consists of 10 members, 3 from each group (workers, employers, government) plus an independent chairman. It meets twice a year and considers evidence submitted from all interested parties.

The submissions of the parties are not publicly available, nor even available to other parties in the case.

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ILO Declaration

Is the government one of the 181 ILO Member States? Then they must report annually to the ILO on the efforts they make to promote and implement the fundamental principles and rights at work and on their intention to ratify the core labour Conventions.

You encounter, for instance, a form of child or forced labour in the country? Then report your observation to the government and/or the ILO. It will be considered in the Declaration Annual Review and thus made public.

Complaints regarding any ILO conventions are considered by the Committee of Experts on the Application of Conventions and Recommendations.

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The Declaration is divided into a preamble, the main text body and an annex, which is described as an “integral part of this Declaration” which deals with how the Declaration is to be followed-up. For members of a European Works Council, the key issues are likely to be the core labour standards themselves and the clear statement of their application to all ILO Members.

Preamble

The preamble outlines the general convictions and objectives of the ILO.

Main body

This states first that, by their membership of the ILO, states have endorsed certain key principles and rights and have agreed to work towards achieving these objectives.

It then points out that these principles and rights have been set out in binding Conventions, which some states have ratified, but that all Members, even if they have not ratified them, have a duty “to respect, to promote and to realise” certain key principles.

These four core labour standards are:

- “freedom of association and the effective recognition of the right to collective bargaining [Nos. 87 and 98];
- the elimination of all forms of forced or compulsory labour [No. 29];
- the effective abolition of child labour [No. 182]; and
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The Declaration then commits the ILO to help Member States to attain compliance with these core labour standards by:

- offering technical advice and assistance;
- assisting Member States which have not ratified the appropriate conventions to abide by the principles which underlie them; and
- helping in the creation of a climate for economic and social development.

The ILO also promises to encourage other international institutions, in effect bodies like the World Bank and the International Monetary Fund, to support Member States' efforts to comply with these standards.

Annex

The Declaration contains a commitment to an effective "promotional follow-up" the details of which are set out in the annex; one important element is the Annual Review which also includes information from governments, employers' organisations and unions.¹⁸

Finally the Declaration stresses that labour standards and the Declaration itself should not be used as a cover for protectionism or a mechanism for questioning any country's comparative advantage in trade. In other words the Declaration should not be used to question developing countries' lower wages.

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Global Compact

Background and purpose

The Global Compact was proposed by former Secretary-General of the United Nations, Kofi Annan, in January 1999 at the World Economic Forum in Davos, Switzerland. Talking to the chief executives of some of the world's largest multinationals, he called on them to "initiate a global compact of shared values and principles, which will give a human face to the global market". In particular he asked them to "embrace, support and enact, within their sphere of influence, a set of core values in the areas of human rights, labour standards, the environmental, and anti-corruption".

UNI was one of three union bodies involved in a meeting to launch the initiative in New York in July 2000 and is consistently including the Global Compact's principles in its Global Framework Agreements.

Legal status and scope

Global Compact is not a regulatory instrument but a joint voluntary initiative or network of all relevant social actors, with the Global Compact Office and six UN agencies at its core.¹⁹ The UN clearly accredits unions to play a role because they are "part of both industry and civil society" and because "they offer substantive knowledge, problem-solving capacity and practical reach. Also, they provide a checks-and-balance system and lend credibility to the initiative".²⁰

Today, Global Compact has more than 4,000 stakeholders in 116 countries and as the Participant Survey 2007 puts it "we are now witnessing the dawn of a new era in corporate innovation... there is growing recognition that the

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Is the company participating in the Global Compact?

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You can check the information your company is supplying in the Global Compact annual reports at: <http://www.unglobalcompact.org/COP/index.html>.

If they fail to report, they will be listed as inactive on the Global Compact website.

Remind them of their commitment.

Does a Local Global Compact network exist?

Is the company involved?

Are you involved?

Networks are another opportunity to strengthen the dialogue.

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The ten UN-identified Global Compact principles which businesses are asked to implement are:

On human rights to

1. support and respect the protection of internationally proclaimed human rights; and
2. make sure their own corporations are not complicit in human rights' abuses.

On labour standards

3. to uphold 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.

On the environment to

7. 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.

On anti-corruption to

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

In fact all of these principles are drawn from existing declarations. For the principles on labour, the source is the ILO Declaration on Fundamental Principles and Rights at Work. The human rights' principles come from the Universal Declaration of Human Rights. The environmental points come from the Declaration on Environment and Development adopted at the Rio summit and the anti-corruption one derives from the UN Convention Against Corruption. This reflects the overall aim of the Global Compact, not to develop new detailed demands but rather to increase the

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Implementation

As a result, there is no specific way laid down for companies to implement the Global Compact principles. Instead a range of suggestions is made which companies can take up. On labour issues, these include accepting specific commitments such as ensuring union-neutral recruitment and promotion procedures and providing facilities for unions, like notice boards and time-off with pay for union activities. It is also suggested that companies should inform the media of their endorsement of the Global Compact and their intention to respect its provisions.

One key commitment of a company is to report to all stakeholders every year on the progress they have made in implementing the ten principles. The so-called Communication on Progress (COP) reports are available publicly.²²

Since November 2003 some 70 local networks have been founded as part of the management and governance of the Compact. Each network is made up of a cluster of participants within a particular geographic context. There are clearly defined minimum criteria to set up a network and since 2005 the Barcelona Centre for the Support of the UN Global Compact coordinates and organizes their annual meetings, the Annual Local Network Forum. The meeting reports are publicly available.²³

In 2006 and 2007, UNI Finance conducted an industry-wide survey on the implementation of UN Global Compact Principle Three. The survey enabled UNI Finance to define major trends in the implementation and monitoring of labour rights within the industry.

Three outstanding trends could be identified.

First, companies' replies were, in general, particularly poor in providing a global perspective.

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The fund manager of your pension plan is not integrating RI/ESG analysis into the investment decision making?

A company is not disclosing sufficient information on their exposure to and management of key environmental, social and corporate governance risks?

Management is not complying with ILO Conventions and standards on workers' rights?

Then alert the PRI (see Appendix Seven for contact details).

Engagement Clearinghouse

The PRI Engagement Clearinghouse is an on-line forum for signatories to share information about how they are implementing the Principles and to provide a means for pooling resources and influence to promote a change in behaviour or policy.

As there are relatively few institutional investors who have shareholdings which are sufficiently large to allow them to influence corporate conduct on ESG issues, in theory the Clearinghouse renders investors engagement with the PRI more effective by facilitating collective action amongst signatories. (However, the Clearinghouse has not yet been used to organize an approach to a particular company, rather it has been focused on policies or issues.)

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Principles for Responsible Investment

Background and purpose

We have included this chapter to show that there are not only tools that unions can use directly, but also tools they can use to put pressure on companies to be socially responsible by influencing the investment decisions of institutional investors. Unions often have considerable influence with these investors through union trustees on pension funds and trust funds. To ensure its effectiveness unions should be alerting the Principles for Responsible Investment (PRI) to companies that are not socially responsible and to which they believe institutional investors should be warned about. After all pension fund money is workers money and it should be invested in socially responsible companies.

Launched in April 2006, the Principles are in essence a set of global best-practices for responsible investment. Rising numbers of institutional investors have wanted to ensure that their investments are going into companies that respect certain standards. The PRI aims to ensure investors are incorporating environmental, social and governance (ESG) criteria into their investment decision-making and ownership practices so that the signatories to the Principles for Responsible Investment are directly influencing companies to improve performance in these areas.

The Principles complement the UN Global Compact (see chapter II.3.) and are also an extension of the work of the UN Environment Programme Finance Initiative, which as one of its roles is working sensitise capital markets to the importance of environmental and social issues.

The PRI is governed by a 13-person board made up of 11 elected asset owner signatory representatives and two UN representatives from the UN Environment Programme and the UN Global Compact. Currently the Chair of the PRI is a union appointed trustee from a large pension fund.

Principles for Responsible Investment

Background and purpose

We have included this chapter to show that there are not only tools that unions can use directly, but also tools they can use to put pressure on companies to be socially responsible by influencing the investment decisions of institutional investors. Unions often have considerable influence with these investors through union trustees on pension funds and trust funds. To ensure its effectiveness unions should be alerting the Principles for Responsible Investment (PRI) to companies that are not socially responsible and to which they believe institutional investors should be warned about. After all pension fund money is workers money and it should be invested in socially responsible companies.

Launched in April 2006, the Principles are in essence a set of global best-practices for responsible investment. Rising numbers of institutional investors have wanted to ensure that their investments are going into companies that respect certain standards. The PRI aims to ensure investors are incorporating environmental, social and governance (ESG) criteria into their investment decision-making and ownership practices so that the signatories to the Principles for Responsible Investment are directly influencing companies to improve performance in these areas.

The Principles complement the UN Global Compact (see chapter II.3.) and are also an extension of the work of the UN Environment Programme Finance Initiative, which as one of its roles is working sensitise capital markets to the importance of environmental and social issues.

The PRI is governed by a 13-person board made up of 11 elected asset owner signatory representatives and two UN representatives from the UN Environment Programme and the UN Global Compact. Currently the Chair of the PRI is a union appointed trustee from a large pension fund.

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Legal status and scope

There are no legal or regulatory sanctions associated with the universal Principles. They are designed to be voluntary and aspirational. The PRI claims that there may be reputational risks associated with signing up and then failing to take any action at all, but it remains to be seen if this is the case and it will very much rely on unions providing information and evidence about companies and investment funds that do not meet the standards they have signed up to. The commitments are promoted by the PRI as a direction to head in rather than a prescriptive checklist with which to comply.

On the basis of a comprehensive survey carried out amongst more than 200 institutional investor signatories representing more than US \$9 trillion in assets in 2007, James Gifford, Executive Director of the PRI Initiative, concludes that they “understand that ESG issues can be material to long-term results and therefore must be factored into investment processes”.²⁵

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The PRI consists of an introductory note giving the history and the main benefits of signing the Principles, followed by a section on the four key support activities for implementation which are offered to signatories: providing guidance; building networks; enhancing collaboration; and evaluating progress. The main body contains the six Principles with suggestions for possible actions for each. The document concludes with Frequently Asked Questions and key contact addresses.

By adopting the PRI, institutional investors commit themselves to the following six Principles:

1. Incorporate ESG issues into investment analysis and decision-making processes;
2. Be active owners and incorporate ESG issues into their ownership policies and practices;
3. Seek appropriate disclosure on ESG issues by the entities in which they invest;

25 See also the PRI Report on Progress 2007 with some best practice examples available at: <http://www.unpri.org/report07/media-release-July07.php>; or the report “Responsible investment in focus: How leading public pension funds are meeting the challenge” with fifteen case studies, most of which focus on PRI signatories: <http://www.uneppi.org/fileadmin/documents/infocus.pdf>.

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4. Promote acceptance and implementation of the Principles within the investment industry;
5. Work together to enhance their effectiveness in implementing the Principles.
6. Each to report on their activities and progress towards implementing the Principles.

Categories and requirement of signatory

There are three main categories of signatory.

Asset owner: Organizations that represent end-asset owners who hold long-term retirement savings, insurance and other assets. Examples include pension funds, government reserve funds, foundations, endowments, insurance and reinsurance companies and depository organizations.

This is the principal category of signatory.

Investment manager: Investment management companies that serve an institutional and/or retail market and manage assets as a third-party provider.

Professional service partner: Organizations that offer products or services to asset owners and/or investment managers.

The minimum requirement to remaining a PRI signatory is participation in the annual PRI Reporting and Assessment survey. PRI signatories are also part of a network, with opportunities to pool resources and influence, and increasing the effectiveness of research into which are the companies they should be promoting investment in. The PRI also supports investors in working together to address systemic problems.

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Union rights for World Bank and IFC

The World Bank and its private lending arm, the IFC, provide loans to various companies and governments for a wide range of projects. The requirements of these loans are that they must meet certain performance standards which include comprehensive labour rights such as no forced labour or child labour and freedom of association. Unions have the right to make comments about the proposed loans and demand that the Bank ensures the companies concerned are meeting these performance standards. It is also possible to challenge whether companies who have received loans are meeting the performance standards throughout the duration of the loan and, if not, the loan contract can be cancelled.

This is a very powerful tool for unions. The agreement that the unions have with the World Bank and the IFC is that they advise the International Trade Union Confederation (ITUC) of an impending loan, in turn the ITUC advises UNI so we can consult with the unions concerned about whether the performance standards are being met in respect of labour. Unions can also see from the IFC and World Bank web pages which loans are current and which projects they are supporting and they have the right to comment on the adherence or otherwise to the performance standards.

The ITUC office in Washington is notified 30 days prior to a contract being signed that a loan is being considered. At that stage unions are able to take action to ensure the performance standards are being met. In many cases it will be a case of noting that there is a loan for a certain project and monitoring to ensure the union rights are observed on the project, but also of course there is the opportunity to challenge the validity of the loan and to demand the performance standards are met.

The following information on the IFC Performance Standards and how they can be used is available by going to the following Internet links:

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Purpose and legal status

The Global Reporting Initiative (GRI) dates back to 1997 and is “a practical expression of the Global Compact”. Both are voluntary initiatives and are supposed to complement each other. The basic idea behind the GRI is to develop common standards of reporting a company’s economic, environmental and social performance, in the way that there are common standards for reporting its financial performance, regardless of size, type and location of a company. The aim is to develop “a widely accepted common framework of principles and practices as to what should be reported ... how, when and where”.

Scope

The Global Reporting Initiative is a collaborating centre of the United Nations Environment Programme (UNEP) and has a multi-stakeholder governance structure. In 2007 some 14,600 reports across 3,910 companies were registered and more than 1,000 organisations from nearly 60 countries have formally declared to use the GRI Guidelines.²⁶

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“Our company is maybe one of the few companies in the country that has almost all its personnel working on a stable payroll, paying their human resources all the concepts required by law....”.

“The company encourages and provides its employees with financial aid for training programs and professional courses on all levels of the company's hierarchy and for all educational levels.”

“There are explicit policies of non-discrimination (of race, gender, age, religion and sexual orientation), in the policies referring to salary, admission, promotion, training and dismissal of employees.»”

Verify these statements with the help of colleagues, unions or experts and if the statements aren't correct, you should advise the GRI (Contact details can be found in Appendix Seven).

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They define key elements of each indicator named in the Guidelines and explain how to use them.

Sector Supplements

They do not replace the Guidelines but give space for some sector-specific complements.

Performance indicators

The performance indicators are considerably detailed. On economic performance the GRI proposes for instance reporting on employee compensation that is the total payment for wages, including employee taxes, levies and unemployment funds as well as for benefits like contributions to pensions, insurance, company vehicles, and private health (EC1).

On the environmental performance the company should state, among other aspects, the extent of its greenhouse gas emissions by weight (EN16).

On social performance the GRI identifies key aspects covering labour practices and decent work, human rights, society, and product responsibility. Amongst the 14 indicators for labour practices and decent work the following might be of special interest:

On employment

- workforce by type, contract, and region (LA1);
- employee turnover by age group, gender, and region (LA2);

On labour / management relations

- employees covered by collective bargaining (LA4);

On occupational health and safety

- rates of injury, occupational diseases etc. (LA7);
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- composition of governance bodies (LA13);
- ratio of basic salary of men and women (LA14).

The GRI accepts that initially companies may not be able to cover all these issues for all its operations. It therefore recommends that, where this is the case, companies should adopt an incremental approach, either in terms of its operations (gradually covering more and more of its plants) or in terms of issues perhaps starting with environmental questions and then moving on to economic and social issues. However, it stresses that, where companies are only providing a partial report, they should make it clear exactly what is covered and what is excluded.

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Social Accountability 8000 (SA8000)

Purpose and status

The approach of Social Accountability 8000 (SA8000) is very different, although it has links with the Global Compact as it provides a mechanism by which companies can ensure that they implement the Global Compact principles. SA8000 is an international standard against which conditions for employees can be measured. The overall motto is *Human Rights @ Work™*.

Social Accountability International (SAI), the body behind SA8000, sees a parallel between setting standards for working conditions and setting standards for quality and would like SA8000 to become the working conditions equivalent to the ISO 9000 stand for quality. As with the ISO 9000 Standard under SA8000 there is also a system of independent auditing to ensure that the standard has been met.

SAI is an independent body but it has an advisory board. Its members include both employers from companies such as the German catalogue company Otto-Versand and the US toy company Toys 'R' Us and global trade union leaders like Philip Jennings, the General Secretary of UNI.

Scope

Independent bodies, who must themselves be evaluated and accredited by SAI, audit whether or not a factory meets the SA8000 standards. If it does, it displays a SA8000 certificate, which it can use as a selling point, either directly to consumers or to other companies. Since its founding in 1997 it has been revised once in 2001 and some 1,300 facilities in 63 countries with almost 650,000 employees have been certified.²⁸

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Social Accountability 8000 (SA8000)

Purpose and status

The approach of Social Accountability 8000 (SA8000) is very different, although it has links with the Global Compact as it provides a mechanism by which companies can ensure that they implement the Global Compact principles. SA8000 is an international standard against which conditions for employees can be measured. The overall motto is *Human Rights @ Work™*.

Social Accountability International (SAI), the body behind SA8000, sees a parallel between setting standards for working conditions and setting standards for quality and would like SA8000 to become the working conditions equivalent to the ISO 9000 stand for quality. As with the ISO 9000 Standard under SA8000 there is also a system of independent auditing to ensure that the standard has been met.

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Is a company listed as an SA8000 certified facility?

Then its worker representatives can ask, in collaboration with their unions, for SAI training and plant-level discussion groups on the use of corporate codes of conduct to avail themselves of their rights in the workplace and to document, analyze and publish a report on workers' feedback on the codes in principle and in practice.

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The core elements of the SA8000 standard are:

- no child labour;
- no forced labour;
- health and safety;
- freedom of association and right to collective bargaining;
- freedom from discrimination;
- disciplinary practices restricted;
- working hours;
- remuneration to meet basic needs;
- management systems for continuous improvement.

The SA8000 requirements are set out in detail, with companies needing to meet specific standards. The provisions on working time give an example of the precise standards set. As well as requiring companies to comply with “applicable laws and industry standards”, they also state that a normal workweek “shall not on a regular basis exceed 48 hours. Personnel shall be provided with at least one day off in every seven-day period. All overtime work [more than 48 hours a week] shall be reimbursed at a premium rate and under no circumstances shall exceed 12 hours per employee per week.” The provisions on the other areas covered by SA8000 are equally precise.

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Global Sullivan Principles

Background and purpose

The Global Sullivan Principles of Corporate Social Responsibility (GSP) provide a much less detailed code for company conduct. They carry the name of the Reverend Leon Sullivan, who in 1977 drew up a code of conduct for US companies operating in South Africa.

The Global Sullivan Principles were launched in November 1999. The Reverend Sullivan, who is an Afro-American pastor who became a member of the board of General Motors, did not draw up the Principles himself. Instead representatives of major multinationals developed them during a three-year period of consultation. The aim is not to punish bad companies but to reward the good ones.

Scope and status

These Principles are reported here as some 200 companies already endorsed them but they have some serious deficiencies for unions. For example they make no mention whatsoever of collective bargaining and the right to bargain collectively. Further they use a term “voluntary freedom of association”, supposedly from a philosophical perspective that no one should be forced to join a union. This is of course the spurious claim that many anti union companies now use to discredit union organising as trying to force people to belong to unions. The Principles do not comply with ILO Conventions in some respects (certainly the Freedom of Association Convention), and are often used by companies to avoid other instruments such as SA8000, the Global Compact and the OECD Guidelines, all of which refer to standards.

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- support for universal human rights, particularly those of employees, communities, customers and suppliers concerned;
- promotion of equal opportunities and avoidance of “unacceptable worker treatment such as the exploitation of children, physical punishment, female abuse, involuntary servitude”;
- respect for employees’ freedom of association (but this is worded as “voluntary”);
- pay to be at least at a level to allow employees to meet their basic needs and have an opportunity to improve their skills;
- provision of a safe and healthy workplace;
- fair competition, avoiding bribery and respect for intellectual and other property rights;
- working with governments to improve the quality of life;
- promoting the Global Sullivan Principles among “those with whom we do business”.

The implementation and monitoring of the Global Sullivan Principles are left to individual companies. There is no external auditing or verification. However, companies which support the Principles need to provide an annual update to the Reverend Sullivan on progress towards meeting the Principles and they should meet other participating companies annually to share their experiences.

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EU Charter of Fundamental Rights

Background and purpose

The Charter of Fundamental Rights of the European Union (EU) brings together in a single document a range of civil, political, economic and social rights drawn from a variety of international, European and national sources. The decision to draft an EU Charter was taken in order to “make their overriding importance and relevance more visible to the Union’s citizens”. A drafting group, with a majority of members drawn from the European Parliament and individual national parliaments took evidence from a range of interested bodies, including the European Trade Union Confederation (ETUC). Its draft text was endorsed by the European Parliament and the European Commission and finally agreed by the summit in Nice in December 2000.

Unlike some of the other codes and guidelines, the EU Charter of Fundamental Rights is not primarily aimed at multinational companies. However, some of the issues it takes up are certainly relevant to their activities and often go well beyond the core labour standards set out in the ILO Declaration on Fundamental Principles and Rights at Work.

Status and scope

In June 2007 the Heads of States and Governments of the European Union adopted a mandate for an Intergovernmental Conference (IGC) to prepare a "Reform Treaty". The new Treaty to reform the EU's institutions will amend the existing treaties and cancel out the existence of a constitutional Treaty which was rejected by the Netherlands and France in referendums in 2005.³⁰

With this, the Charter of Fundamental Rights will become legally binding, but not applicable to the UK. The Charter will not be in the Treaty itself, but in the annexes, never-

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For the treaty to enter into force, it must be ratified by all 27 member states. Ireland was the only EU country to require that the Lisbon Treaty be ratified through a nation-wide referendum. In all other EU member states, national parliaments are dealing with ratification. In June 2008 Ireland rejected the text by a 53-37% majority. At a summit later that month, European leaders made clear there would be no new treaty and agreed to give the Irish time to reflect and start exploring possible solutions at their next meeting in October 2008. The ratification process has therefore continued in the remaining EU countries. It will be mainly in the hands of the French Presidency to lead the search for a way out. The Irish government is expected to present its proposal for a resolution of the issue to the European Council on 15 October 2008.

In the meanwhile, the fact that it was approved by the leaders of the EU Member States in December 2000 already gives it the status of setting out “common values” which apply both to the 27 existing members and those countries which are seeking to join. The European Court of Justice has also made reference to the Charter in its case law, in particular Article 28, which states that fundamental rights are to be protected in accordance with Community law and national law and practices.

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The Charter sets out rights in six chapters³¹:

- dignity - including the right to life, the prohibition of torture and the prohibition of forced or compulsory labour;
- freedoms - including freedom of thought, expression and association, as well as the right to asylum and to own property;
- equality - covering among other issues non-discrimination and rights for children;
- solidarity - including working conditions, prohibition of child labour, the right to health care and the right to engage in collective bargaining and strike action;
- Citizens' rights - such as the right to vote and freedom of movement; and
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There are important rights for employees throughout the Charter. For example, as well as a prohibition of forced labour in the chapter “dignity”, there is “the right of everyone to form and to join trade unions for the protection of his or her interests” in the chapter “freedoms”. Under “equality” the Charter contains a broad definition of what could constitute discrimination. This is to be prohibited where it is based on “any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”.

However, most of the issues which are of direct concern to employees are in the chapter “solidarity”.

These include:

- rights to information and consultation, where “workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Community law and national laws and practices”;
- rights to collective bargaining and collective action “to defend their interests, including strike action”;
- protection against unjustified dismissal, “in accordance with Community law and national laws and practices”;
- a right to fair and just working conditions, including health and safety protection, limits on working time, daily and weekly rest breaks and annual leave;
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Corporate Social Responsibility Reports

Now many companies carry out Corporate Social Responsibility (CSR) reporting and publish CSR reports in a similar way to their annual reports. While some of the reports are quite comprehensive and cover issues that unions are interested in, such as employee relations, human rights' compliance etc., the best we could say about them is that they are helpful in seeing what the company is not doing in its CSR reporting. Many companies use these reports as "greenwash" to try and convince investors, shareholders, governments and clients that they are socially responsible. In most instances these reports concentrate on environmental issues and this is becoming much more prevalent as the public debate on global warming gets more intense. Companies do not want to be seen to be harming the environment and contributing to global warming.

However, they also try to satisfy several other criteria, such as their role in the community, whether they do additional activities to promote their products and service to the disabled, sponsorship of community projects, and their commitment to several of the CSR instruments we show in more detail in this guide, such as the UN Global Compact.

Many companies also try to include some information about employee relations. In most instances that we are aware of, this is not verified with trade unions or workers' representative bodies, such as works councils. Often there is some reference to employee satisfaction surveys, which in our experience are notoriously bad for not showing how employees really feel about the company. Most of the company-generated CSR reports also do not use any systematic form of reporting on labour rights or human rights, such as the Global Reporting Initiative (GRI) criteria. But even though there is no systematic reporting criteria (unlike their financial reports which have stock exchange and financial regulators accounting requirements to comply with) CSR reports also usually are "verified" and companies attempt to give them legitimacy by statements that they

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However, they also try to satisfy several other criteria, such as their role in the community, whether they do additional activities to promote their products and service to the disabled, sponsorship of community projects, and their commitment to several of the CSR instruments we show in more detail in this guide, such as the UN Global Compact.

Many companies also try to include some information about employee relations. In most instances that we are aware of, this is not verified with trade unions or workers' representative bodies, such as works councils. Often there is some reference to employee satisfaction surveys, which in our experience are notoriously bad for not showing how employees really feel about the company. Most of the company-generated CSR reports also do not use any systematic form of reporting on labour rights or human rights, such as the Global Reporting Initiative (GRI) criteria. But even though there is no systematic reporting criteria (unlike their financial reports which have stock exchange and financial regulators accounting requirements to comply with) CSR reports also usually are "verified" and companies attempt to give them legitimacy by statements that they

CSR reports

Verify and remind management on its promises and good intentions where necessary.

Find out if any of your members have company shares (very often they do) and use Annual General Shareholders meetings (AGM) as an opportunity to ask questions about the validity of the CSR report and to expose instances where the report is flawed or fails to disclose information on compliance with labour rights.

To find out when the Annual General Shareholders meeting is being held, check the Investor Relations part of the company web page. If the AGM is being held in another country, contact UNI to see if another UNI affiliate can assist by attending the meeting.

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Unless they comply and are part of reporting under the GRI, SA8000 or other such verifiable standards, then take these CSR reports for what they are, marketing and publicity exercises by the companies.

However, for the European Commission, CSR covers social and environmental issues and companies are the primary actors. Consequently, since 2001 the Commission is promoting a European Framework for CRS.³² The European Trade Union Confederation (ETUC) is demanding that CSR “must not be used to avoid dialogue with workers organised in trade unions, or as an alternative to labour legislation and collective bargaining”.³³

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Global Agreements

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Global Agreements

Background and purpose

When companies were local, unions had local agreements; when companies were national, unions had national agreements. Now where companies operate globally, unions need to organise globally. A Global Framework Agreement (GA, sometimes also called IFA - International Framework Agreement) is negotiated and agreed between a multinational company and a global union, for instance UNI. It is an instrument developed by unions to promote, implement and secure fundamental workers' and union rights at all sites of the company around the world. In the absence of a binding global regulation for labour standards, Global Agreements are the unions' preferred instrument to build a continuous dialogue with a company, improve working conditions, establish trade union structures, launch organising campaigns and develop and expand communication and cooperation networks amongst workers and their representatives at national, regional and global levels.

Status and scope

A Global Agreement is a voluntary commitment but once concluded, companies should acknowledge their social responsibility for their workers along the entire production and value chain. The Agreement is a way for the company to say: wherever we go in the world, we will observe civilised internationally recognised standards; we will offer decent work and jobs. In short, "we will be decent global corporate citizens".

However, negotiations are sometimes tough and the results depend on the bargaining power and experiences of the parties involved. Experience has shown that a well-prepared and broadly campaigned Global Agreement is of much more value and impact than an agreement that was mainly discussed and concluded between Headquarters.

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The contents of a GA vary, depending on the needs of workers and company, the characteristics and traditions in the industry as well as the strength and experiences of the parties negotiating. However, every Agreement would as a minimum be in compliance with the core ILO labour standards.

In practice this means a commitment to:

- observe International standards for the recognition of the right to join a trade union, to bargain collectively and to non-discrimination in employment;
- never use child labour or forced labour;
- observe decent working conditions;
- adhere to good environmental standards.

Some unions have negotiated specific clauses for their Global Agreement, for instance on the issue of outsourced work:

- any off-shoring must be the subject of prior discussion with the union;
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- assurances that the ILO standards, including the right to organise, will be respected in those countries to which work is transferred.

Reputation and adverse publicity

Many companies already have CSR commitments. A Global Agreement provides credibility to a company's claims that it is a socially responsible corporation. It is a positive measurable sign that the company respects minimum standards and has a credible reputation that is respected and can be relied upon with the support of the

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By facilitating the exchange of information, by letting workers know what the long-term plans of the company are, what the company and the workers see as problems – before they become problems – can help to prevent conflict arising. Global Agreements could reduce the risk of industrial conflicts by communicating concerns before they escalate into conflict situations. Improved relationships and better communications between the company and the unions world-wide also reduce the risk of unions making adverse publicity about the company. Even management consultants argue like this in their trainings on Global Agreements: “While those employers that currently have no unions often believe that this does not concern them, they are frequently blindsided by the negative publicity engendered by a well orchestrated union corporate campaign directed against them.”³⁵ A Global Agreement gives early warning pathways and opportunities to resolve issues before they become publicity nightmares for all concerned. Even where conflict occurs, the dialogue between unions and company, the mutual confidence built up, can mean that intervention by the global management with the global union can help resolve conflicts more quickly.

Enforcement and monitoring

Global Agreements achieve their full value only when they are put into practice and monitored effectively. The monitoring systems can range from simple agreements for the company and the global union to meet when and wherever necessary to fully fledged internal audit systems operating at all levels in the company. But the most important monitors are the members of a global union. “A global agreement is an important tool but it will only be as good as the network, the strengths and the solidarity. That is why global

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The UNI Graphical [justice@quebecor](#) campaign is a positive example of how global membership mobilisation and grassroots solidarity can make a difference. In 2002, graphical unions representing Quebecor World employees around the world came together and formed the UNI Network @ Quebecor World in order to seek a Global Agreement. But efforts were ignored and it soon became obvious that the company had a split personality. While it accepted unions and treated its workers somewhat fairly in Canada and Europe, it operated by a lower standard in the United States, India and Latin America.

“We have organised in the USA, in Brazil and Peru as a result of this campaign and we will continue to organise”, says Duncan Brown of CEPU Canada. “This ability to organise and mobilise our members into action on a global level has empowered and strengthened all of our unions. We have developed the ability of our unions and members to think and act globally”, summarises Adriana Rosenzvaig. In May 2007 Quebecor and UNI Graphical finally signed a Global Agreement. The same network is now active to ensure the implementation and monitoring of the agreement throughout the company worldwide and amongst suppliers and contractors.³⁶

Resources

Building global union networks and undertaking such campaigns requires enthusiastic and energetic leadership, not just from the global union but from the affiliates as well. It also requires organisation, administration, time and resources which again require a major commitment from the affiliates.

But that it is worthwhile doing so is shown by the positive example from UNI’s telecom sector. The telecom giant Grupo Telefónica has committed itself to recognise trade unions and to negotiate with them where they exist in their

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Telefónica has a large call centre business in Brazil, operating through different call centres. The same Agreement allowed UNI's Brazilian affiliate Sinetel to gain considerably in organising skills and to raise membership over the past 5 years by more than 80,000 members. Not all new members come from call centres though. Sinetel was able to use the new members they gained in the Telefónica centres, as a springboard to get other call centre workers in the union.³⁷

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Conclusions

We have tried to give you an overview of all the tools that you may encounter in the "Responsible Business Tool Box". As you will have seen, there is no perfect tool, but like any job you do, you need to pick the right tool for the job. Each of these tools has a particular application that may help you to gain rights, justice or recognition for the workers in a particular company. What this guide has tried to do is to give you some guidance on which tool is best for which job. We have also tried to paint a few scenarios for you to help you in picking the right tool and give you details of where to find information and how to go about taking action to use a particular code or instrument.

These instruments are not used often enough, perhaps because unions need a guide like this to highlight to them the best one to pick or how they can go about making a complaint to the OECD, for example. The intention of this guide therefore, and its predecessor the first version of "Responsible Business", has been to make this easier for you and to stimulate more activities to take globalisation to a more socially responsible level. We have also tried to show where you can go for more help and information and we would welcome feedback on how successful this guide has been and how we can improve the next version.

From experience, however, we have found that there is no substitute for collective activities to highlight bad practices by companies, or to give strength to workers wishing to change the way companies are doing business to bring them into line with socially acceptable practices and to ensure they respect workers' rights. In that regard, recent experience has shown that the UNI Global Union Alliances and the Global Framework Agreements that those Alliances have negotiated with companies have been the most effective instruments for unions and their members in getting global corporations to respect and practice fundamental workers' rights and human rights.

Conclusions

We have tried to give you an overview of all the tools that you may encounter in the "Responsible Business Tool Box". As you will have seen, there is no perfect tool, but like any job you do, you need to pick the right tool for the job. Each of these tools has a particular application that may help you to gain rights, justice or recognition for the workers in a particular company. What this guide has tried to do is to give you some guidance on which tool is best for which job. We have also tried to paint a few scenarios for you to help you in picking the right tool and give you details of where to find information and how to go about taking action to use a particular code or instrument.

These instruments are not used often enough, perhaps because unions need a guide like this to highlight to them the best one to pick or how they can go about making a complaint to the OECD, for example. The intention of this guide therefore, and its predecessor the first version of "Responsible Business", has been to make this easier for you and to stimulate more activities to take globalisation to a more socially responsible level. We have also tried to show where you can go for more help and information and we would welcome feedback on how successful this guide has been and how we can improve the next version.

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These Global Union Alliances have not come about just because UNI has decided that they should happen; they have come about because UNI's affiliates and their members have put considerable time and effort into developing the networks, activities and support mechanisms that are needed to make any union activity successful. If you are reading this and you want to find out more about whether there is a UNI Global Union Alliance for your company or how to go about forming one, you can in the first instance contact UNI at contact@uniglobalunion.org, or visit the UNI web page at www.uniglobalunion.org for more information and local contact details.

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Appendix One

ISS

03/06/2008

ISS, one of the world's leading providers of Facility Services, and UNI Global Union have entered into a new global agreement concerning labour and organising rights.

The new agreement is the most advanced so far between a global company and UNI Global Union, and takes the mutual commitment to a new and higher level. The agreement aims at enabling all ISS employees worldwide to be able to exercise rights to union membership and collective bargaining. ISS will work with and support Unions to ensure that they get the best possible access to inform employees about union membership and to recruit those employees, who may wish to join a union. As part of the agreement ISS will annually donate 100,000 Euros to a jointly managed fund aimed at monitoring and raising standards in specific markets, where current conditions are inadequate.

"ISS fundamentally supports not only employees' rights but also proper opportunities to organise. As one of the big employers in the world, with 440,000 people under the ISS flag and more joining everyday, we want to spearhead the raising of standards and better conditions in our industry globally. Whether our employees join a union or not is their free choice, but we want to make that choice available to them in the best possible way. That is essentially what this agreement is about," said Group CEO Jørgen Lindegaard from ISS.

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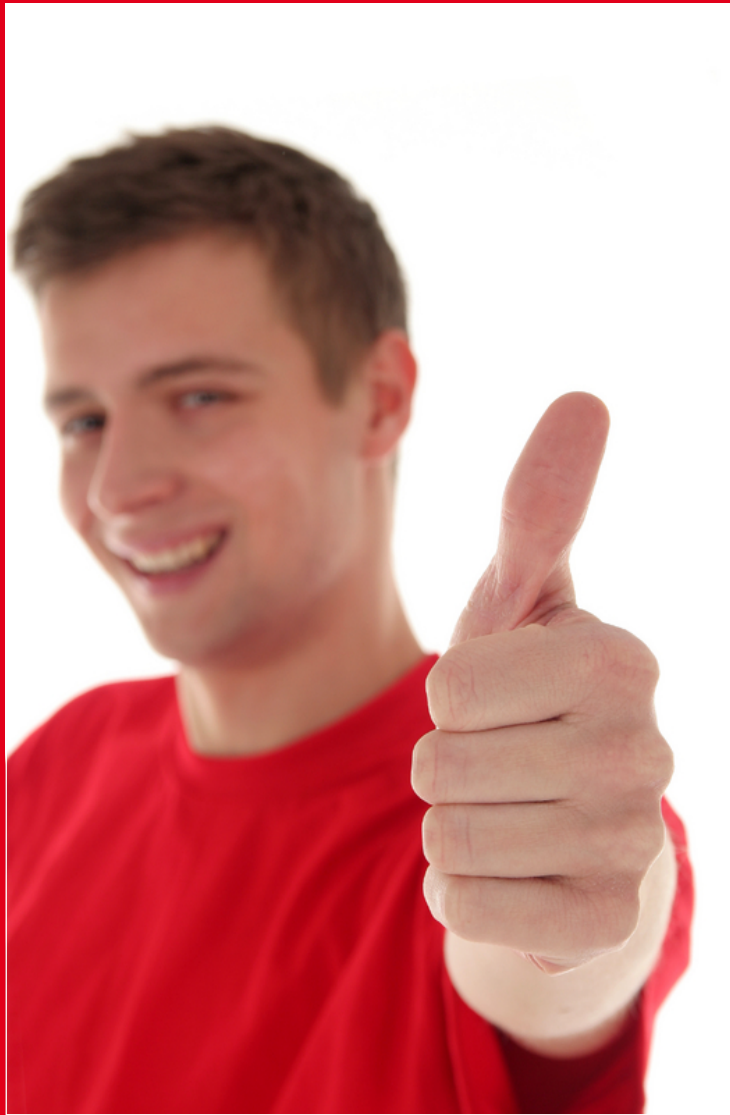
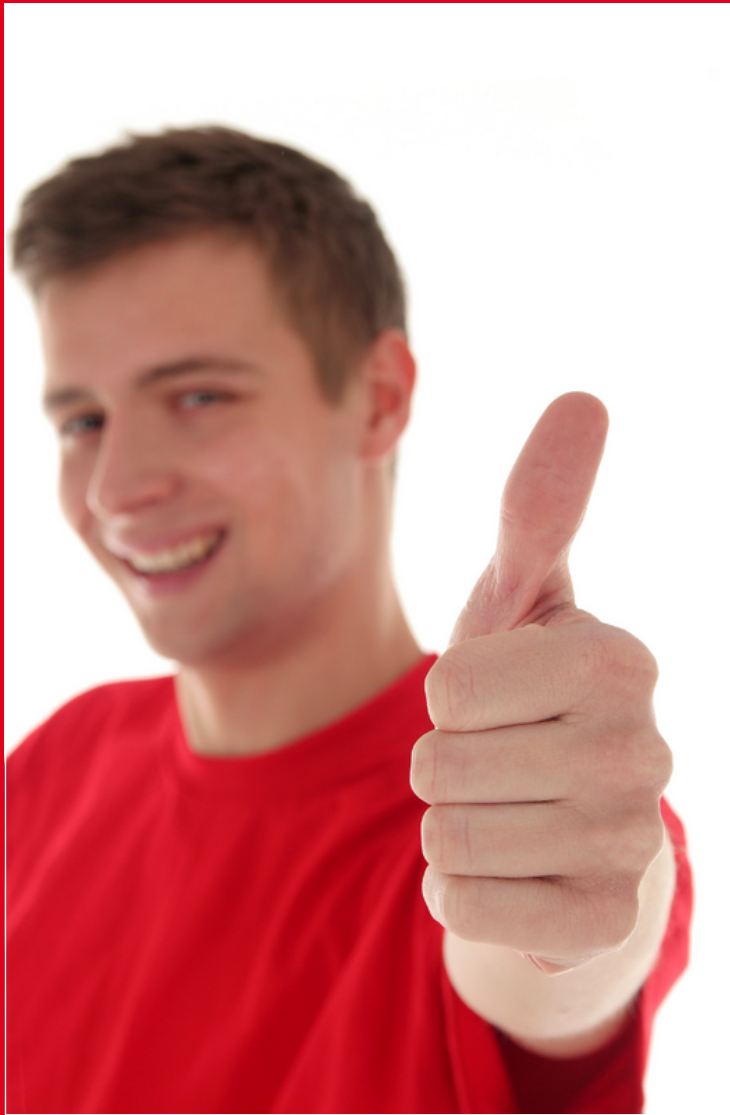
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ISS — UNI Global Agreement

Purpose

ISS and UNI have enjoyed a positive relationship for many years, having first signed a global agreement in 2003.

As ISS expands, however, and as union organising activities among service staff increase, it has become clear that the original global agreement needs additional clarity and specificity in order to provide meaningful guidance to ISS managers and UNI unions.

Therefore the parties agree to take an important step to revise the global agreement in order to provide concrete commitments in the area of organising rights, and specific commitments on UNI's part to actively monitor standards in markets where ISS is operating.

Both parties are committed to a market for service employment in which workers receive decent work, and a decent wage. Both parties recognize the important role that unions play in raising and maintaining standards for these typically low wage service workers. Finally, both parties recognise that because of obstacles to the creation of unions in this industry, the employer must agree to facilitate the process of union access to workers in order to ensure that the promise of freedom of association may be fulfilled.

1. Scope

1.1 This global agreement is between UNI Global Union and ISS.

1.2 "Union" refers to UNI Global Union and its affiliated unions and "ISS" refers to ISS A/S and its subsidiaries.

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employees in the various countries in which it operates. This commitment includes, but is not limited to, a commitment to pay the legally required minimum wages and to respect limitations on the hours of work and overtime obligations.

2.2 ISS further recognizes its obligation to respect the rights set forth in the ILO Conventions, including those comprising the Declaration of Fundamental Rights at Work (1), and ILO Convention 135. As such ISS agrees that it will not use child labour or forced labour (as those terms are understood within the meaning of the ILO Conventions) and that there shall be no discrimination in employment.

2.3 Finally, ISS agrees to adhere to the commitment to engage in constructive negotiations with trade unions as outlined in the OECD Guidelines for Multinational Enterprises.

2.4 In particular ISS agrees that ISS workers and workers providing services to ISS facilities are able to exercise rights to union membership and collective bargaining. All workers shall have the right to form and join trade unions (ILO Convention 87).

Subject to the terms and conditions set out in this global agreement ISS recognises the right of unions to represent union members in:

- a) Collective bargaining (ILO Convention 98);
- b) Dispute settlement procedures;
- c) Negotiations and consultations in those matters affecting jobs and training, where unions have a stake.

2.5 ISS and the Union jointly affirm that these union membership and collective bargaining rights can be exercised within the ISS without fear of retaliation, repression or any other form of action or discrimination.

3. Union Rights and Union Recognition

3.1 In order to make it practicable for ISS employees to exercise the rights described above, when a UNI affiliated union notifies ISS of its intention to organise and provided, however, that there is no existing recognition of a (non-UNI affiliated) union, the parties will designate representatives to negotiate a recognition and recruitment policy based upon the following basic principles:

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- 3.1.1 Representatives of the Union will be allowed unaccompanied access to meet with workers and outline the benefits of union membership (including the right to distribute union recruitment material); Meetings with workers shall be allowed at a mutually agreed time, in agreed upon areas and shall be conducted in a non-disruptive manner. The parties agree that meetings shall be arranged either in breaks or after/before hours of work and, whenever possible, not within hours of work. The Union recognizes and agrees that any Union access to the premises of an ISS customer is conditional on the prior consent of the customer in question. Consequently, the parties agree that in the event UNI or its affiliated unions want to meet with workers at the premises of an ISS customer, UNI or, as the case may be, its affiliated union shall ask ISS to obtain the requisite consent from the customer. In the event that the customer will not agree to such access, the parties will make alternate arrangements.
- 3.1.2 ISS will agree to an ongoing mechanism for informing new employees about the possibility of union memberships, such as distributing union recruitment material in connection with induction meetings and/or training of new employees.
- 3.1.3 ISS will remain positive in the face of union organizing activities. Local ISS management will issue a written statement, which says that (within the terms and conditions of this global agreement) workers are free to meet the Union's representative(s), attend meetings and freely determine their own decision to join or not to join a union without fear of any form of recrimination;
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4. Union commitments

The Union recognises that the company operates in a highly competitive environment. In many markets, there are hundreds of small firm competitors, many of which do not honour wage and hour laws, let alone commitments to a union. The Union agrees to seek to raise and monitor standards among all of the companies in the markets in order to reduce the pressure on wages and conditions for ISS and to create an environment in which ISS will be able to raise standards and not compromise its competitive position.

5. Resources

In support of this effort described in Section 4 above the parties agree to create of a jointly managed fund which will aim to monitor and raise standards in specific markets. The parties will make good faith efforts to determine the basic principles for the purpose, decision-making, activities and financing of the fund within 3 (three) months of the signing of this global agreement. ISS intends to donate an annual amount of Euro 100,000 to the fund.

6. Implementation and Procedures.

6.1 The Union and ISS commit to publicize this global agreement throughout its membership and corporate structures respectively. Such a process shall stress the requirement that all levels of both organizations fully respect the terms of the global agreement.

6.2 In the event that either party shows clear evidence of failure so to publicize this global agreement at any level both parties commit themselves to ensure that remedial action is put speedily in place.

6.3 In order to assess implementation and address any disputes which may arise concerning the application of this global agreement, senior corporate representatives will meet a team of representatives from the Union twice yearly. Senior labour relations management will maintain ongoing communications with the Union between those meetings. This meeting will amongst other things review mutual respect for and implementation of this global agreement.

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6.5 For the avoidance of doubt, the dispute resolution procedure set out in Section 6.4 above shall not apply to disputes, which – directly or indirectly - relates to, affects or involves any collective bargaining agreement and/or any other local agreement. Such disputes shall be settled in accordance with the dispute resolution procedures set out in the relevant collective bargaining agreements and/or local agreements. However, the parties agree that the local ISS management and Union officials should first attempt to resolve the matter at the local or, as the case may be, national level.

6.6 UNI agrees that it will not take any public or legal action against or affecting ISS without a fair prior notice to ISS leaving ISS a reasonable period of time to resolve the dispute before any such public or legal actions are taken against the company. UNI will honour the same commitment as regards any dispute arising at a local or national level, and UNI will encourage its affiliated unions to honour the same commitment towards ISS.

7. Term

7.1 This global agreement is for an indefinite period, but it may be terminated or renegotiated by either party upon giving the other party at least three months' written notice of termination.

7.2 Nothing in this global agreement shall in any way reduce or undermine existing labour relations practices or agreements relating to union rights or facilities already established by any Union members or any other union within ISS.

7.3 The parties agree that this global agreement shall replace the Global Agreement signed by the parties in 2003.

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6.6 UNI agrees that it will not take any public or legal action against or affecting ISS without a fair prior notice to ISS leaving ISS a reasonable period of time to resolve the dispute before any such public or legal actions are taken against the company. UNI will honour the same commitment as regards any dispute arising at a local or national level, and UNI will encourage its affiliated unions to honour the same commitment towards ISS.

7. Term

7.1 This global agreement is for an indefinite period, but it may be terminated or renegotiated by either party upon giving the other party at least three months' written notice of termination.

7.2 Nothing in this global agreement shall in any way reduce or undermine existing labour relations practices or agreements relating to union rights or facilities already established by any Union members or any other union within ISS.

7.3 The parties agree that this global agreement shall replace the Global Agreement signed by the parties in 2003.

For UNI Global Union:

For ISS A/S:

Explanatory notes.

The ILO Conventions are:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (Convention No. 87);
- Right to Organise and Collective Bargaining Convention, 1949 (Convention No. 98);
- Workers' Representatives Convention, 1971 (Convention No. 135);
- Forced Labour Convention, 1930 (Convention No. 29);
- Abolition of Forced Labour Convention, 1957 (Convention No. 105);
- Minimum Age Convention, 1973 (Convention No. 138);
- Worst Forms of Child Labour Convention, 1999 (Convention No. 182);
- Equal Remuneration Convention, 1951 (Convention No. 100);
- Discrimination (Employment and Occupation) Convention, 1958 (Convention No. 111).

For the avoidance of doubt UNI and ISS agree that the term "union" as used in Section 3.1 to describe previously recognised unions will also include unions, which are limited to a single site or a single employer, as well as unions with a broader recognition.

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Appendix Two

France Telecom

21/12/2006

More than 200,000 employees worldwide are covered by a global agreement signed on December 21 between UNI, telecom unions around the globe and France Telecom. France Telecom Chief Executive Didier Lombard and UNI General Secretary Philip Jennings signed the agreement - which recognises labour rights - in Paris, along with French telecom affiliates and UNI Telecom's global alliance of France Telecom unions. France Telecom is big across Europe (particularly in France, Poland and the UK) and in francophone Africa and owns the Orange mobile phone company. 80,000 of its employees work outside France.

The agreement is a major success for UNI's global alliance of France Telecom unions - headed by Gabou Gueye of Senegal - which has been leading the negotiations with the company.

Dialogue is an important part of the agreement, with employees and their unions recognised as stakeholders by the company, alongside the State, professional bodies and shareholders. The role of the France Telecom global union alliance launched at the UNI Telecom World Conference in Zagreb in 2003 in monitoring the agreement with France Telecom management is acknowledged. The company will meet UNI and the alliance twice a year to review the operation of the agreement and discuss progress reports.³⁸

38 Watch a video on the signing ceremony:
<http://www.uniglobalunion.org/unitelecom.nsf/1eec6d83918954ebc125701a0032807b4397c73393807a7fc125724b005bda1f?OpenDocument>

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Worldwide agreement on fundamental labour rights within the France Telecom Group

Introduction

The France Telecom Group applies its social responsibility as an international group by deploying a consistent worldwide social policy that recognises labour rights and respects the rights of individuals and labour organisations. Consequently, the company undertakes to respect and encourage the men and women throughout the world who work in the company, to make access to information as free as possible within the limits of business confidentiality and to apply equality in compliance with International Labour Organisation Standards, with the principles of the Universal Declaration of Human Rights and with the Global Compact. It was in this context that the Group began discussions with the France Telecom Worldwide Trade Union Alliance-UNI, grouping the unions represented within the France Telecom Group who are members of UNI (Union Network International).

France Telecom Group is implementing a strategy for growth and competitiveness based on its business excellence, the quality of its services, customer satisfaction, its international activity, the commitment of its employees and the mobilisation of its partners.

Scope of the agreement

The present agreement applies to companies directly controlled by the France Telecom Group, i.e. companies in which France Telecom Group holds the majority of the capital or a majority of voting rights or in which it appoints more than half the members of the administrative, management or monitoring bodies.

1 - Respect for fundamental human rights

The France Telecom Group undertakes to respect the dignity of its staff and ensure that its management applies this principle.

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The France Telecom Group shall ensure that dialogue is maintained with all the stakeholders, and particularly: employees, trade union organizations and staff associations elected by their peers, as well as the State, professional bodies and shareholders.

When applying fundamental ILO agreements, France Telecom Group shall particularly:

- prevent the use of forced labour,
- prohibit child labour and exploitation,
- combat unfair discrimination,
- seek to ensure health and safety at work
- uphold the principle of freedom of association and the effective recognition of the right to collective bargaining,

This commitment shall also apply to countries which have not ratified these agreements.

- **Social dialogue and relations with trade union organisations**

The France Telecom Group recognizes its staff's right to freedom of association, of representation and union membership in compliance with the principles laid down by ILO convention n°87 of 1948 on freedom of association and the protection of union rights. Employees are free to join or not join a staff or union organization of their choice. When a trade union is not present in one of the Group companies, the France Telecom Group shall adopt a neutral position designed neither to assist nor prevent the establishment of the trade union.

The France Telecom Group applies the national laws and regulations regarding recognition of the representative character of trade union organizations in the companies which it comprises and shall comply with the local agreements signed with the Group. The signing of the present agreement does not change in any way the recognition or otherwise at local level.

France Telecom Group also undertakes to comply with the terms of ILO convention n°98 on the rights of collective organization and negotiation. In this context, the Group is seeking to develop collective social dialogue with the representative Trade Unions and/or the staff representatives.

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- **Combating all forms of compulsory and forced labour**

The France Telecom Group condemns and will not use any type of forced or compulsory labour in compliance with ILO agreements n°29 and 105 on forced labour.

- **Prohibition of child labour**

The France Telecom Group shall not, as set out in ILO agreements n°138 and 182 on the minimum working age, use children under the age where compulsory schooling ends in any country concerned, or in any case, before the age of 15. The commitment of suppliers and service providers to this policy is a selection criterion.

- **Non-discrimination**

The France Telecom Group does not discriminate in its labour relations and particularly recruits men and women according to their specific skills and treats each with dignity, in a non-discriminatory manner, respecting the age, social origin, family situation, sex, sexual orientation, disability, political, trade union or religious opinions, their actual or supposed membership or non-membership of an ethnic group, nation or race in compliance with ILO convention n° 111.

Concerning these last three points, the commitment of suppliers and providers to this policy is one of the selection criteria.

This policy should contribute to the diversity of people and cultures within the different group entities.

- **Health, safety and working conditions**

The France Telecom Group constantly monitors the health and working conditions of its staff and provides occupational health services for its employees in compliance with local legislation.

Respect for the health and safety of its employees is part of France Telecom's commitment to human rights within its sphere of influence. To ensure this, France Telecom has introduced a specific policy which is applied to all the companies in the Group throughout the world.

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The aim of this policy is to integrate the health and safety of personnel and sub-contractors in an opportune manner in all the Group's activities by:

- Respecting the applicable laws and regulations and taking the necessary additional measures to ensure good practices.
- Developing appropriate management of health and safety at work, including fundamental rules, procedures and recommendations.
- Striving to improve working conditions and consulting the employees and their representatives in an appropriate manner.
- Ensuring that the health and safety of its employees and subcontractors are effectively managed in a proactive manner (control, audit, etc.)

The France Telecom Group will actively inform and participate in preventive campaigns on risks to health, particularly in countries where the risk of pandemic is high.

2 – Employment policy

To encourage its development, the France Telecom Group has dynamic employment policies, particularly in the specific areas below:

- **International mobility**

International mobility, on a voluntary basis, should be encouraged between the different companies within the Group as it contributes to team diversity and is a source of creativity and synergy.

- **Access to training**

To favour the employability of its employees within the company, the France Telecom Group facilitates access to the training necessary for them to carry out their work and for their professional development throughout their career.

- **Working time and rights to holiday pay**

According to the company's requirements and in compliance with local agreements and national legislation, the France Telecom Group undertakes to organize its employees' working time while taking the operational constraints and their preferences into account as far as possible.

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- **Remuneration**

The France Telecom Group recognises the principle of a fair reward for work and respects the prescriptions of ILO convention n°100 on equal pay for equal work.

- **Anticipating and providing social support during restructuring**

In the context of its responsibility towards staff and local economies, the France Telecom Group endeavours to anticipate change and restructuring within the different Group companies to minimise as far as possible any consequences on employment. To this end, the following principles will be applied to companies covered by this agreement.

Principle of anticipation through:

- integration of social consequences in strategic decisions,
- training to facilitate the necessary changes.

Principle of social dialogue with local union organisations recognized as representative and elected staff representatives by means of information and dialogue on economic issues, the consequences of decisions and suitable individual and collective support.

Principle of social support: to limit the consequences for the staff concerned, the Group will implement as quickly as possible internal mobility measures (redeployment within the Group, suitable training) designed to avoid or limit lay-offs.

3 – Relations with suppliers and sub-contractors

The France Telecom Group will inform its suppliers and subcontractors of the existence of this agreement.

Effectively demonstrating the adoption of these principles is a favourable foundation for long-term partnerships.

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4 – Conflict anticipation and resolution

Should UNI or the France Telecom Group Worldwide Trade Union Alliance-UNI consider that this agreement or one of its principles is not applied in one of the Group's entities, they undertake to contact the France Telecom Group management before any outside communications so that the necessary discussions can take place. For its part, the Group undertakes to implement any measures necessary to ensure compliance with the content of this agreement.

5 - Implementation and monitoring of the agreement

The present agreement shall be made known to all the staff of the entities in the France Telecom Group and will be communicated to the management teams of all the subsidiaries concerned.

The France Telecom Group's management and the Worldwide Trade Union Alliance will jointly ensure that this agreement is effectively implemented.

In companies where France Telecom Group has a significant presence without exercising direct control, the signatories undertake to promote the present agreement and to encourage its implementation, while respecting the independence of those companies.

Monitoring of the agreement and regular progress reports will be provided by the signatories in half-yearly meetings between the France Telecom Group Worldwide Trade Union Alliance-UNI and the Group's management. These reports will notably be based on indicators drawn from the corporate social responsibility reporting.

In the event of interpretation difficulties, the French version of this agreement shall be considered authentic.

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In line with the France Telecom Group Code of Ethics and its support for the Global Compact, the directors and employees ensure compliance with the principles of fairness, integrity and objectivity in their relations with customers and suppliers. They undertake not to seek gifts or advantages and not to accept any such gifts or advantages if they are of significant economic value. They abstain from any illegal action and from any participation in acts of corruption.

4 – Conflict anticipation and resolution

Should UNI or the France Telecom Group Worldwide Trade Union Alliance-UNI consider that this agreement or one of its principles is not applied in one of the Group's entities, they undertake to contact the France Telecom Group management before any outside communications so that the necessary discussions can take place. For its part, the Group undertakes to implement any measures necessary to ensure compliance with the content of this agreement.

5 - Implementation and monitoring of the agreement

The present agreement shall be made known to all the staff of the entities in the France Telecom Group and will be communicated to the management teams of all the subsidiaries concerned.

The France Telecom Group's management and the Worldwide Trade Union Alliance will jointly ensure that this agreement is effectively implemented.

In companies where France Telecom Group has a significant presence without exercising direct control, the signatories undertake to promote the present agreement and to encourage its implementation, while respecting the independence of those companies.

Monitoring of the agreement and regular progress reports will be provided by the signatories in half-yearly meetings between the France Telecom Group Worldwide Trade Union Alliance-UNI and the Group's management. These reports will notably be based on indicators drawn from the corporate social responsibility reporting.

In the event of interpretation difficulties, the French version of this agreement shall be considered authentic.

This agreement is signed for an indefinite period; it can be cancelled by either of the parties at three months' notice. The agreement will be registered with the Paris Departmental Work, Employment and Professional Training Directorate (Direction Départementale du Travail de l'Emploi et de la Formation Professionnelle de Paris).

Drawn up in Paris, on 21 December 2006

Signatories:

For France Télécom

Didier LOMBARD
CEO

Olivier BARBEROT
Senior Vice President in
charge of Human Resources
and Poland operations

For UNI

Philip JENNINGS
General Secretary

**For the "Alliance Syndicale
Mondiale France Télécom"**
Gabou GUEYE
President

And the French employee representatives represented
respectively by:

For F3C-CFDT Hervé MORLAND – General Secretary
For CGT Colette DUYNLAEGER – General
Secretary

For FO-COM Jacky ARCHES – Federal Secretary in
charge of International affairs

Useful links

International Labour Organisation
<http://www.ilo.org/public/french/index.htm>
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<http://www.francetelecom.com/fr/groupe/responsabilite/valeurs/charte.html>
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Appendix Three

Nampak

29/05/2006

A global agreement between UNI Global Union and Nampak, the South African-based multinational that is big in packaging, was signed on 29 May 2006. Nampak covers a broad range of packaging operations in 19 countries on four continents and employs more than 17,000 workers. "We believe this agreement represents a serious tool to help unions organise," said UNI Graphical's Adriana Rosenzvaig. "We have established a good working relationship with this company and the agreement has extra significance as Nampak expands further into Africa, the Middle East and Latin America.

ILO core labour standards outlaw child and forced labour, outlaw discrimination and provide the rights of workers to form or join unions and to bargain collectively. The UNI-Nampak agreement commits the company to respect ILO Convention 98, where no union currently exists, to not interfere or oppose worker efforts to form a union. The position of union representatives is also protected in the agreement - in line with ILO Conventions 135 and 143.³⁹

³⁹ Read more here: <http://www.union-network.org/unigraphical.nsf/a7e95e80bac348a0c12572c6003372da/e130ee88cf05f319c125717d005980a7?OpenDocument>

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**Global Agreement on the Respect
and Promotion of International
Labour Standards**

**Between Nampak Ltd.
And Union Network International**

1. Preamble

- 1.1 Nampak is a multinational Packaging Company with some 160 operations in 19 countries, spanning 4 continents, and employing over 17,000 people (2005).
- 1.2 Union Network International (UNI) is a global union representing workers in the graphical and services sectors, bringing together over 900 different unions and over 15.5 million members (2004).
- 1.3 This agreement sets out the guiding principles by which UNI and Nampak will complement existing workplace and national agreements in order to secure fundamental human rights and working conditions at the workplace, in the industry and in the community.
- 1.4 Nampak and UNI affirm their mutual interest in the development and sustainability of the packaging,

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- 1.4 Nampak and UNI affirm their mutual interest in the development and sustainability of the packaging,

printing and graphical industries, and in good industrial relations practice.

- 1.5 In working together Nampak and UNI agree to give practical effect to their common interest, and accordingly enter into this agreement to:
- Create an effective channel for an ongoing dialogue between them to protect and advance their mutual interests;
 - Affirm and implement the principles and values of internationally accepted industrial relations practices.

2. Application

- 2.1 This agreement will apply to all Nampak operations where UNI has members and its subsidiaries, regardless of where they are located.
- 2.2 The parties unequivocally affirm that this agreement neither supersedes nor replaces any existing workplace and national agreements.
- 2.3 The parties recognize that different countries have different laws governing employment, thus both UNI and Nampak undertake to operate within the framework and jurisdiction of the applicable laws, whilst respecting all ILO standards.

3. Fundamental Human Rights in the Community and Workplace:

UNI and Nampak support fundamental rights in the community and the workplace. That is:

- 3.1 Employment is freely chosen**
There shall be no use of forced labour or bonded labour (ILO Convention 105).
- 3.2 There is no discrimination in employment**
All workers shall have equality of opportunity and treatment regardless of the ethnic, origin, colour, gender, religion, political opinion, nationality, social origin, sexual orientation or other distinguishing characteristics. (ILO Convention 100).

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There shall therefore be no pay discrimination on the basis of these characteristics.

3.3 Child Labour is not used

Child labour shall not be used. Only workers above the age of 15 years, or over the compulsory school-leaving age if higher, shall be employed (ILO Convention 182).

3.4 Freedom of Association and the right to Collective Bargaining are respected

All workers shall have the right to form and join trade unions (ILO Convention 87).

Nampak recognizes the right of unions to represent employees in:

- a) Collective Bargaining (ILO Convention 98);
- b) Dispute settlement procedures;
- c) Negotiations and consultations in those matters affecting jobs and training, where unions have a stake;
- d) Where no trade union exists Nampak reaffirms its acceptance of the principle of freedom of association. It will respect the right of trade unions to organize employees (ILO Convention 98). Therefore :

The company agrees not to interfere with or oppose its workers' efforts to form a union, The implementation and specific procedures of this section will be subject to negotiation between the company and the individual national union(s).

3.5 The right to represent workers

Nampak shall not discriminate against duly elected or appointed representatives of the workers and they shall have access to all workplaces necessary to enable them to carry out their representation functions (ILO Convention 135 and Recommendation 143).

Unions are also allowed reasonable access to organize workers and to distribute information, including by electronic means, where such information is legitimate union business.

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3.6 Remuneration

Workers shall be paid wages and benefits that are at least as favourable as those established by national legislation or other collective agreements. Workers will, as is the current practice, continue to negotiate their wages and benefits at the appropriate forums.

Deductions from wages, unless permitted or required under national law, shall not be made in any circumstances without the express permission of the worker concerned. All workers must be provided with clear written information about wage conditions.

3.7 Hours of work

Hours of work shall be agreed with applicable unions and shall, as a minimum, meet the requirements of appropriate national legislation, national agreements and industry standards. Overtime shall be voluntary wherever possible and shall be compensated in line with local, national and other collective agreements.

4. Conditions in the Workplace and Community

Nampak and UNI support high standards applicable to the environment, security, health and safety at the workplace. That is:

4.1 Working conditions are decent

A safe, hygienic and sustainable working environment shall be provided (ILO Convention 155). Best occupational health and safety practice shall be promoted, including the provision of necessary safety equipment and adequate training. Practices shall comply with ILO Conventions and proper Health and Safety standards.

4.2 Respect for others at work

A workplace shall be provided that is free from physical abuse, the threat of physical abuse, unusual penalties or punishments, sexual or other forms of harassment. Nampak will ensure that its policies are aimed at creating respect at the workplace.

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All workers should be given the opportunity to participate in appropriate education and training programmes, for example, IT and technical skills' development.

4.4 Respect for the environment

Nampak and UNI are committed to continuously improving the environmental performance of Nampak operations.

5. Implementation

In order to achieve the objectives and undertakings given in this document, Nampak and UNI will engage in an on going dialogue and will meet regularly, for purposes of sharing relevant information about Nampak's business and its strategies, according to the following principles.

- a) Nampak and a UNI delegation will meet as necessary, but at least once a year. These meetings will be held in South Africa.
- b) Nampak and a UNI delegation shall meet at the request of either party to resolve any dispute or disagreement regarding the implementation of this agreement.
- c) The joint annual meeting will last as long as necessary, but not more than a day, and will be preceded by a preparatory meeting of the UNI delegation, which shall comprise UNI officials and the National Co-ordinators of the UNI affiliated unions.
- d) At the joint annual meeting Nampak management will communicate general information in the form of an oral presentation and written documents regarding the company's world wide activities and prospects and their impact on employees' interests. The information will include the following:
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- Current performance and future prospects of the main operating activities, focusing on the most significant geographical areas and the key figures regarding employment.
 - Ongoing development of the group's industrial relations in the different countries and the areas where it operates with particular attention to potentially critical situations.
 - A report by Nampak of activities and programs of Corporate Social Responsibility, as well as initiatives involving health and safety at the workplace.
- e) A discussion and an exchange of views will follow the oral presentation by Nampak management.
- f) Nampak and UNI will exchange agenda items for discussion at the joint meetings, at least two weeks before each scheduled meeting.
- g) Nampak and UNI will each appoint a contact person, who will be responsible for making practical preparations for the meetings, including the advance distribution of background documents.
- h) The meetings will be conducted in English and all written documentation will be in that language.
- i) UNI will bear all costs arising out of this agreement for its delegation and Nampak will do likewise. These costs include the necessary travel costs, accommodation and other expenses of an agreed number of UNI delegates, the facilities necessary to hold the joint and preparatory meetings, and the costs of the contact persons. Any UNI delegates who are Nampak employees will receive their normal pay during their absence to attend meetings in line with local agreements on such leave. The Nampak employees are limited only to the National Coordinators of the UNI affiliated unions.
- j) The above meetings are not intended in any way to supersede or replace existing local and national agreements.

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6. Distribution of this agreement

Nampak will distribute copies of this agreement to all of its UNI affiliated local plant Management in English, and other languages on request. UNI will also distribute the agreement as appropriate.

7. Code of business conduct

UNI and its affiliates undertake to abide by Nampak's worldwide Code of Business Conduct. Nampak will demonstrate the principles of this Agreement in its behaviour towards all its stakeholders.

8. Representativity

The following Unions, which are active in the plants listed below, are currently affiliated to UNI, which here-with undertakes to update this list at the beginning of January each year.

6. Distribution of this agreement

Nampak will distribute copies of this agreement to all of its UNI affiliated local plant Management in English, and other languages on request. UNI will also distribute the agreement as appropriate.

7. Code of business conduct

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Appendix Four

Securitas

30/03/2006

Respect for the worldwide rights of workers to join trade unions is a key ingredient in UNI Global Union's agreement with Swedish-based security services company Securitas. The agreement covers 225,000 workers in this rapidly globalising company. UNI General Secretary Philip Jennings, Securitas Chief Executive Thomas Berglund and the Swedish Transport union's Per Winberg signed the agreement on March 30 in Nyon, Switzerland.

The agreement draws on the UN's Declaration of Human Rights and the International Labour Organisation's fundamental principles and provides for regular global dialogue between unions and Securitas. The agreement recognises that unions need access to workers in order to organise effectively and recruit members. The company also agrees to recognise unions under the easiest process available. There will be joint monitoring of the agreement with a global implementation team and local monitoring to include local management, unions and health and safety representatives.⁴⁰

⁴⁰ Read more here: <http://www.uniglobalunion.org/uniproperty.nsf/6c298bec6506962ec12571e10041b03f/56745616cacf858bc12571a7004deb20?OpenDocument>

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Agreement between

SECURITAS AB (publ)

And Union Network International
And Swedish Transport Workers' Union

on the development of good working
Relations in the Securitas Group

Preamble

This agreement (the "Agreement") has been concluded between Securitas AB (publ) ("Securitas"), parent company in the Securitas Group and Union Network International ("UNI") / The Swedish Transport Workers' Union ("Transport").

Securitas' operations are based on three fundamental basic values: Integrity, Vigilance and Helpfulness.

Integrity: Securitas insists on honesty in the way it conducts its business. The success of any business is largely dependent upon the honesty and integrity of its employees. A Securitas employee must be honest in order to be trusted to work unsupervised on the customer's premises and with valuables. Securitas can never compromise in its demand for integrity and truthfulness. Integrity also includes openly expressing one's opinion and reporting improprieties and other relevant information.

Vigilance: Securitas insists on professionalism in the way it conducts its business. A Securitas employee must always be attentive and able to observe, listen and evaluate in order to protect the customer's premises and property and the ethics and values Securitas stands for.

Helpfulness: Securitas is committed to making peoples lives safer. A Securitas employee should always be ready to help and assist. We must be ready to support and take care of our colleagues, clients and others who need assistance.

The Agreement is based on the signatories' joint commitment to respect and secure the fundamental basic values and principles reflected in Securitas' Code of Conduct (the "Code").

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This Agreement sets out, by reference to the Securitas Code, guiding core principles by which Securitas and UNI / Transport will work in order to secure the compliance of the rights and principles established therein.

Implementation

The parties agree that Securitas' business is based on trust. To make sure that Securitas is trusted in the countries and communities in which it operates and by its customers, employees and other stakeholders, all employees must respect and protect Securitas' ethical philosophy and basic values as reflected in the Code and in Securitas' employee guide "Basic Values".

The parties expect all employees to respect the norms and principles reflected in the Code which is to be respected and applied throughout the Securitas Group and, within Securitas' sphere of influence, by all those with whom Securitas does business. If a business partner does not fulfil the requirements set out in the Code and does not undertake to comply with the Code upon written request from Securitas, Securitas shall consider not doing business with that particular partner.

UNI / Transport will publicly support companies that they consider to be leaders and frontrunners in the security services industry.

Securitas will ensure that appropriate translations of the Code and this Agreement are available throughout its organisation.

UNI / Transport undertake to inform affiliated trade unions as well as other trade union organisations representing employees of the Securitas Group about the content of the Code and this Agreement.

The parties believe in co-operation and Securitas will respect the rights of all employees to form and join trade unions of their choice and to bargain collectively in accordance with local laws and principles. In order to ensure harmonious labour relations, the parties agree that when a UNI affiliated union notifies Securitas of its intention to organise security officers in a given area, the local parties should, in accordance with local laws and principles, designate appropriate representatives to meet in order to establish a relation

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built upon a professional and respectful manner. The local parties will adhere to the following basic principles:

- a) The organisational process shall ensure that the company shall remain competitive within the market being organized.
- b) The company shall recognise the union as the representative of the employees so long as the union satisfies the minimum legal requirements for recognition under applicable law. Upon recognition, the local parties will agree on the principles for the continuous cooperation and, after recognition, the ongoing mechanism for union access to employees. This could include, for example, access to company sponsored training and access to introduction meetings.
- c) The company will provide assistance in the organizational process in accordance with local laws and principles. Such assistance shall, if possible in accordance with local laws and principles, include the supply of relevant employee related information. The company will enable local union representatives to arrange meetings with employees in a non-disruptive manner.
- d) In cases of non-compliance with the norms and principles of the Code, the parties are prepared to cooperate in order to find acceptable and practicable solutions in each individual case.

The parties acknowledge that social, cultural, legal and other factors may differ from country to country and that such differences naturally have to be taken into consideration in the application of the Code.

In order to fulfil the implementation of the Code, the parties agree to set up an implementation group consisting of two members from UNI / Transport and two members from Securitas (the "Implementation Group").

The Implementation Group will meet annually to review the implementation of this Agreement and any reported breaches of its terms. The meeting of the Implementation Group will be held in conjunction with the annual meeting of Securitas' European Works Council. In exceptional cases the Implementation Group will meet by mutual agreement.

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The Implementation Group may, if required in order to fulfil the implementation of the Code in a particular country, decide to establish a local implementation group consisting of members from Securitas' senior local management and members from the appropriate local UNI affiliated trade union.

The parties accept that effective local monitoring of this Agreement must involve the local management, the employees and their representatives, health and safety representatives and local trade unions.

Although Securitas may, at any time, make necessary changes or amendments to the Code, Securitas undertakes to consult the employee representatives of the Implementation Group prior to any changes or amendments.

Each party will, in accordance with applicable local legislation and principles, ensure that the other party is provided with information to enable monitoring of the compliance with this Agreement.

Infringements

- a) It is the responsibility of each Securitas employee to observe and promote the Code. Each employee is requested to report violations of the Code to his/her manager for investigation. If a complaint is not resolved within a reasonable time or where the allegation can be considered to be of a serious nature it must always be reported to local senior management who will ensure that a comprehensive investigation is carried out and, when necessary, that relevant corrective measures are implemented.
- b) If the complaint is not resolved with local senior management according to Clause a) above, the union representatives may refer the matter to the appropriate national union organisation who may raise the issue with Securitas' country president.
- c) If the complaint is still unresolved after the measures in Clauses a) and b) above, representatives of the national union will inform the union representatives of the Implementation Group about the matter who may then

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decide to raise the matter with Securitas' representatives in the Implementation Group.

Administration, Interpretation and Duration etc.

Securitas and UNI / Transport are responsible for the administration of this Agreement.

The parties agree that all conversations and negotiations taking place pursuant to this Agreement shall be held in a professional and respectful manner. Information exchanged between the parties which is of a confidential nature shall remain in confidence and shall not be disclosed to third parties.

The parties agree that any differences with respect to the implementation or interpretation of this Agreement shall be discussed in the Implementation Group, for the purpose of making recommendations to the parties concerned.

For the avoidance of any doubt, it is acknowledged that this Agreement shall not in any way replace any applicable collective bargaining procedures or other labour related procedures or regulations or local industry practice under national law or otherwise be used as a parallel route to solve local or national issues or disputes related to labour matters.

This Agreement shall come into effect as from the date of signing. The period of agreement shall be two (2) years. In the event that neither party has given written notice of termination to the other party six (6) months prior to the expiration date, this Agreement shall continue in full force during successive periods of one (1) year until terminated at the end of each such one year period by either party giving to the other party a written termination not less than six months in advance. After negotiations a party may also terminate this Agreement with immediate effect upon any material breach of contract by the other party.

This Agreement shall be governed and construed in accordance with the laws of Sweden.

Any notice relating to this Agreement shall be made in writing and sent to the address shown below or such other address as such addressee shall have designated in writing to the other party:

decide to raise the matter with Securitas' representatives in the Implementation Group.

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Lindhagensplan 70
P.O. Box 12307
SE-102 28 Stockholm
Sweden

If to UNI / Transport:
Union Network International
Ave. Reverdil 8-10
CH 1260 Nyon
Switzerland

Swedish Transport Workers' Union
Box 714
101 33 Stockholm
Sweden

This Agreement has been executed in three (3) copies, of which the parties take one each.

Securitas AB (publ) Union Network International /
Swedish Transport Workers Union

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Appendix Five

National Contact

(29 June 2007 / 29 juin 2007)⁴¹

Allemagne - Germany

Bundesministerium für Wirtschaft und Technologie
- Auslandsinvestitionen VC3
Scharnhorststrasse 34-37
D-10115 Berlin
Tel: (49-30) 2014 7577, 75 21
Fax: (49-30) 2014 5378
Email: buero-vc3@bmwi.bund.de
Web: www.bmwi.de/BMWi/Navigation/aussenwirtschaft,did=177082.html

Argentine - Argentina

Ambassador Enrique J. de la Torre
National Direction of International Economic Negotiations (DINEI)
Ministry of Foreign Affairs, International Trade and Worship
Esmeralda 1212, 9th floor
Buenos Aires
Tel: (54-11) 4819-8124/7610/7607
Fax: (54-11) 4819 7566
Email: dlt@mrecic.gov.ar, inm@mrecic.gov.ar, gnt@mrecic.gov.ar

Australie - Australia

The Executive Member
Foreign Investment Review Board
c/- The Treasury
Canberra ACT 2600
Tel: (61-2) 6263 3763
Fax: (61-2) 6263 2940
Email: anpc@treasury.gov.au
Web: www.ausncp.gov.au

Autriche - Austria

Director
Export and Investment Policy Division
Federal Ministry of Economics and Labour Abteilung C2/5
Stubenring 1
1011 Vienna
Tel: (43-1) 711 00 5180 or 5792
Fax: (43-1) 71100 15101
Email: POST@C25.bmwa.gv.at
Web: www.oecd-leitsaetze.at

⁴¹ For NCP updates see : http://www.oecd.org/document/60/0,3343,en_2649_34889_1933116_1_1_1_1,00.html

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(29 June 2007 / 29 juin 2007)⁴¹

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Fax: (49-30) 2014 5378
Email: buero-vc3@bmwi.bund.de
Web: www.bmwi.de/BMWi/Navigation/aussenwirtschaft,did=177082.html

Argentine - Argentina

Ambassador Enrique J. de la Torre
National Direction of International Economic Negotiations (DINEI)
Ministry of Foreign Affairs, International Trade and Worship
Esmeralda 1212, 9th floor
Buenos Aires
Tel: (54-11) 4819-8124/7610/7607
Fax: (54-11) 4819 7566
Email: dlt@mrecic.gov.ar, inm@mrecic.gov.ar, gnt@mrecic.gov.ar

Australie - Australia

The Executive Member
Foreign Investment Review Board
c/- The Treasury
Canberra ACT 2600
Tel: (61-2) 6263 3763
Fax: (61-2) 6263 2940
Email: anpc@treasury.gov.au
Web: www.ausncp.gov.au

Autriche - Austria

Director
Export and Investment Policy Division
Federal Ministry of Economics and Labour Abteilung C2/5
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⁴¹ For NCP updates see : http://www.oecd.org/document/60/0,3343,en_2649_34889_1933116_1_1_1_1,00.html

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Appendix Six

Trade Union Contact Points

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Global Unions

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the International Trade Union Confederation (ITUC), which represents most national trade union centres. Most individual unions relate to the ITUC through their national union centre.
the ten Global Union Federations (GUFs), the international representatives of unions organising in specific industry sectors or occupational groups (BWI, EI, ICEM, IFJ, ITGLWF, PSI, ITF, IMF, IUF, & UNI – for full names, see below).
the Trade Union Advisory Committee to the OECD

Global Unions is also the name of a website, which is jointly owned and managed by the 12 Global Unions organisations:
<http://www.global-unions.org>.

The members of Global Unions are:

Education International (EI)
www.ei-ie.org

International Trade Unions Confederation (ITUC)
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Building and Wood Workers International (BWI)
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www.bwint.org

International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM)

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International Federation of Journalists (IFJ)

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International Metalworkers' Federation (IMF)

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International Transport Workers' Federation (ITF)

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International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)

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Fax: 52 55 52 80 04 80
Email: mexico.contact@oecd.org
Website: www.oecd.org/centrodemexico

OECD Tokyo Centre - For Asia
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Chiyoda-ku, Tokyo 100-0011
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Email: tokyo.contact@oecd.org
Website: www.oecd.org/tokyo

OECD Washington Center - For Northern America
2001 L Street, NW, Suite 650
Washington DC 20036-4922
Tel.: 1 202 785 6323
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Email: washington.contact@oecd.org
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Appendix Seven

International Organisation Contacts

OECD – Organisation for Economic Cooperation and Development

2, rue André Pascal
F-75775 Paris Cedex 16, France
Main Switchboard, tel.: +33 1.45.24.82.00
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For inquiries originating in North America, Latin America, Asia, Germany or Austria, consider contacting one of the [OECD Centres](#):

OECD Berlin Centre - For Austria, Germany and Switzerland
Schumannstrasse 10, D-10117 Berlin
Tel.: +49-30- 28 88 35 3
Fax: +49-30- 28 88 35 45
Email: berlin.centre@oecd.org
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OECD Mexico Centre - For Latin America
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TUAC - Trade Union Advisory Committee to the OECD

15, rue Lapérouse
75016 Paris, France
Tel : (33) 01.55.37.37.37
Fax : (33) 01.47.54.98.28
Email: tuac@tuac.org
Website: www.tuac.org

ILO - International Labour Organization

ILO Headquarters
4 route des Morillons
CH-1211 Genève 22, Switzerland
Switchboard: +41 (0) 22 799 6111
Fax: +41 (0) 22 798 8685
Email: ilo@ilo.org
Website: www.ilo.org

Contact Details for the ILO Tripartite or MNE Declaration:

ILO Multinational Enterprises Programme

Teamleader Mr. Dominique Michel
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Contact Detail for the ILO Declaration on Fundamental Rights:

In Focus Programme on Promoting the Declaration

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Email: declaration@ilo.org

UN - United Nations

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Website: www.un.org

Global Compact of the UN

Gavin Power, Senior Advisor
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Network Contact:

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Head of Networks
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Network Contact:

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PRI - Principles for Responsible Investment

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GRI – Global Reporting Initiative

GRI Secretariat
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Amsterdam, The Netherlands
Tel: +31-(0)20-5310000
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SAI - Social Accountability International (SA8000)

United States Main Office
Social Accountability International
220 East 23rd Street Suite 605
New York, NY 10010
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PRI - Principles for Responsible Investment

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