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Mr John G. Ruggie
Special Representative of the Secretary-
General on the issue of Human rights and
transnational corporations and other
business enterprises
John F. Kennedy School of Government
Mailbox 83 79 JFK Street
Cambridge, MA 02138

E-mail: john_ruggie@harvard.edu

ESP/DJ

27 May 2011

Dear John,

We are writing to strongly support the Guiding Principles on Business and Human Rights. Our affiliates, and the working people that they represent, have a deep interest in the respect of human rights by business. Far too often, workers are victims of human rights abuse by business. This is particularly true when governments do not effectively protect human rights.

The “Protect, Respect, Remedy Framework” adopted in 2008 changed the entire discussion on human rights and business in a positive way. We see the Guiding Principles as the next important step at the international level.

Our position on the Guiding Principles follows from our support for the “Framework”. As Global Unions maintained in their written submission to the business and human rights consultation process at the beginning of this year:

“The essential feature of this framework is the clear distinction it establishes between the responsibilities of states and business enterprises, while at the same time linking those responsibilities. It grounds them firmly in international human rights instruments, including labour standards. The Framework is a fresh approach that is quite different from the usual Corporate Social Responsibility (CSR) practices. Its emphasis on due diligence with respect to established standards of human rights offers a more satisfactory basis for addressing the responsibility of business for its impacts on society.”

We also welcomed the fact that the framework is grounded in the international human rights instruments and that the responsibility of business to respect human rights applies “to the entire spectrum of internationally recognised human rights”. It is clear that there is great potential for due diligence, a concept familiar to business, as the basis of responsibility and the obligation of business to actually address adverse human rights impacts with which they are involved. This is particularly relevant given the rapid changes in the global organisation of work. Changes in business structures and shifts in and diffusion of responsibility (with the related explosion of precarious work) erode the respect for human rights of workers and inhibit or “chill” the exercise of those rights.

An early effect of the powerful set of ideas in the Framework is the recently adopted revision of the OECD Guidelines for Multinational Enterprises. The important considerations which you presented related to procedures and the need for more effective National Contact Points remain highly relevant for the action of NCPs, but also for future review of the Guidelines. The framework has already had an important impact on CSR as manifest in the ISO 26000 standard on social responsibility adopted last year. In addition, the framework had an important, positive impact on the recently revised IFC Performance Standards.

The Guiding Principles are an important complement to the Framework. We and other Global Unions appreciated the open and thorough consultation process, including the possibility to discuss the special concerns of trade unions that derive from the fact that we are, at the same time, part of industry and of civil society. It was clear that you and your team were not simply "going through the motions", but seriously considered views and arguments that were presented.

The Guiding Principles and their commentaries provide an important elaboration of the framework and a foundation for further action and progress. Implications of the framework that must be taken into account are elevated into Principles that cannot be ignored. The strength of that elaboration and the prospects of real action and progress will be determined by the authority given to the Principles by the Human Rights Council. We hope that there will be unqualified support for these principles by the Council. The legitimacy and authority granted to those principles by the Human Rights Council will help to command the attention of the entire business community and to take the international consensus to a new level.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary

Cc: Mr Lene Wendland, OHCHR, E-mail: lwendland@ohchr.org