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Statement by Ms. Navi Pillay
United Nations High Commissioner for Human Rights



to the Employers' Group at the
International Labour Conference

7 June 2011

Distinguished Participants,
Ladies and Gentlemen,

I am very pleased to address the Employers' Group at the 100th session of the International Labour Conference. I commend the growing interest shown by the International Organization of Employers (IOE) in human rights issues, particularly regarding the process led by the Special Representative of the UN Secretary-General on business and human rights, Professor John Ruggie.

The unique format of the Conference, which gathers Governments, workers and employers, makes it a pre-eminent international platform for social dialogue.

The recent financial and economic crises have highlighted the need to build a sustainable and equitable world economy with the help of all social actors. The necessity of such social dialogue and collaboration is also underscored by the rising clout of emerging economies and transnational non-state actors, as well as the growing income disparities within and among nations that may further entrench inequalities. Calls for equal access to opportunities and fairness in allocation of resources in the globalization process must be addressed with a focus on solutions that can both protect and enhance human rights. This focus is a priority in my Office's advocacy of economic and social rights.

The questions on the 100th International Labour Conference's agenda, such as the situation of workers in occupied territories, equality at work, social security for all and

decent work for domestic workers fall within my mandate of promotion and protection of all human rights and are also important for the international human rights mechanisms. Recent events in North Africa have clearly illustrated the close relationship between respect for all human rights and the search for social justice. The experience vividly reiterates the lesson that civil and political rights *and* economic, social and cultural rights are interdependent and that freedom from fear and from want go hand-in-hand. In the Middle East and elsewhere, my Office is involved on the ground to support transitions towards societies founded on respect and protection of all internationally recognized human rights and the rule of law. Employers' organizations also have a positive role to play and, indeed, a responsibility to ensure that business and employment policies/practices are rooted in human rights.

I am particularly pleased to see that the International Labour Conference will be addressing the issue of decent work for domestic workers, with a view to adopting new international labour standards on domestic workers at this session.

Millions of domestic workers around the world are vulnerable to serious violations of their human rights. This vulnerability is compounded by the fact that most of them are women, many are migrants, and, of these, a significant number are in an irregular situation in their country of employment.

I recall that, at its thirteenth session, the Committee on Migrant Workers issued its first General Comment on migrant domestic workers, in which it noted that the trend over the past decades has been a growing prevalence of migrants amongst domestic

workers. The General Comment makes a number of pertinent recommendations for actions to be taken by States and other stakeholders to protect the rights of migrant domestic workers; including the issuance of standard employment contracts, the need for regulation of recruiting agencies, the inclusion of domestic work within national labour legislation, and ensuring that migrant domestic workers have access to justice and remedies in case of violations. Hidden away in private households, it is especially important to ensure that migrant domestic workers have access to decent work, to their right to health (including maternal health), to adequate housing and to all other relevant economic, social and cultural rights.

I urge you therefore to adopt robust labour standards protecting domestic workers, and ensuring that the rights of migrants are effectively addressed within such standards. Further, I reiterate my call on States to ratify and effectively implement relevant international human rights instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Ladies and Gentlemen,

The United Nations Human Rights Council is also considering a matter that relates directly to the role of employers with regard to human rights. Last week, the Special Representative of the Secretary-General, Professor Ruggie, presented his Guiding Principles on Business and Human Rights for implementation of the UN “Protect, Respect and Remedy” Framework to the Council. These Guiding Principles clarify the human rights responsibilities of business. They seek to provide the first global

standard for preventing and addressing the risk of adverse human rights impact linked to business activities. If endorsed, the Guiding Principles will constitute an authoritative normative platform which will also provide guidance regarding legal and policy measures that, in compliance with their existing human rights obligations, States can put in place to ensure corporate respect for human rights. In sum, the Principles set out ways for States to better fulfil their duty to protect against corporate human rights abuses, for businesses to meet their responsibility to respect human rights and to know and show that they do it, and for improving access to both judicial and non-judicial remedies for people harmed by corporate activities.

OHCHR has supported the six-year long process that led to the Principles under the stewardship of the Special Representative. This process included comprehensive research and extensive, inclusive consultations with governments, companies, business associations, investors, civil society, affected individuals and groups, and others around the world. The constructive engagement by the IOE and other business organizations along the way is welcomed.

The corporate responsibility to respect human rights applies directly to employers and business more generically. As outlined by the Special Representative, this means that business enterprises must avoid infringing on the rights of others and to address adverse human rights impacts that occur. In other words, a business must operate in a way that does not interfere with, or have an adverse impact on, people's human rights, be they employees, community members, consumers or others. This responsibility has been affirmed by the UN Human Rights Council. It has also been recognized by the

International Labour Organization, the UN Global Compact, and the Organization for Economic Cooperation and Development, which in May 2011 added a chapter on the human rights responsibilities of business in the updated OECD Guidelines for Multinational Enterprises.

The corporate responsibility to respect applies to all rights, simply because business enterprises can have an impact on virtually all internationally recognized human rights. This means to exercise due diligence to avoid infringing on rights and address negative impacts that have occurred. Not only should enterprises consider the human rights of workers, as codified in the ILO Core Conventions and Declaration on Fundamental Principles and Rights at Work. They must also take into account all the rights laid down in the Universal Declaration of Human Rights, which have been further elaborated in the two Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

Distinguished Participants,

Access to effective remedies for victims of human rights abuse is a core component of the international human rights approach. The Guiding Principles spell out what States have to do as part of their existing human rights obligations when it comes to making remedies more accessible and effective. They also require business enterprises to establish or participate in effective operational-level grievance mechanisms when rights may be adversely impacted by business activities. This makes it possible for grievances to be addressed early and directly. A number of business

enterprises have road-tested the effectiveness criteria for such grievance mechanisms to ensure that they are legitimate, equitable and rights-compatible, and many others have embarked on the process of establishing such mechanisms as part of their broader risk management.

In this situation with greater normative clarity with regard to the duties and responsibilities of Governments and business respectively to address the human rights impact of business activity, OHCHR seeks to continue to provide guidance on human rights to both States and business and foster corporate responsibility to respect human rights.

I look forward to our continuing collaboration and wish you a very successful conference.

Thank you.