



2019 Workers' Capital Conference
8-9 September
Paris, France

Session Summary

Session Title	How can investors implement the OECD Guidelines for MNEs and the Due Diligence Recommendation?
Time	Sept. 9, 9:30-10:45
Location	CC6
Interpretation	Spanish/French/Japanese
Moderator	Blake Harwell, Senior Policy Advisor, TUAC
Speakers	<ul style="list-style-type: none">• Barbara Bijelic, Legal Expert, Responsible Business Conduct, OECD• Gerard Roest, Pensions Officer, FNV (Netherlands)• Liz Umlas, Senior Advisor, IndustriALL• Lisa Nathan, Investor Engagement Advisor, UNI

Session Overview

The OECD Guidelines for Multinational Enterprises (The Guidelines) were revised in 2011, setting the standard for how responsible business conduct (“RBC”) should be practiced in the global economy. The Guidelines and subsequent implementation guides serve as the template for policymaking around RBC OECD adherent countries and responsible investors.

To monitor and promote the Guidelines, the OECD established a network of OECD national contact points (NCPs) in governments for all of its thirty-five member states plus an additional thirteen nations seeking to adhere to the Guidelines. The NCP network monitors business conduct and fields complaints of conduct that is alleged to be inconsistent with the Guidelines. Since the release of the Investor Guidance there have been NCP cases filed involving investors.

The OECD made investor responsibilities clear in 2017 with the release of the “[Responsible Business Conduct for Institutional Investors: Key considerations for due diligence under the OECD Guidelines for Multinational Enterprises](#)”, which details a dynamic and ongoing form of RBC due diligence, to identify and mitigate actual and potential adverse environmental and social impacts.

Requirements for investor due diligence are being bolstered by the steps that a growing number of Governments are seeking to promote the Guidelines with the adoption of [mandatory due diligence](#) legislation. At the forefront is the 2017 French duty of vigilance law, which requires that French MNEs identify and prevent human rights risks linked to their activities.

This session will offer a unique opportunity for union trustees and “RBC Practitioners” to share views on investor approaches and strengthened mandatory due diligence frameworks. It will begin with an update from the OECD Secretariat on (a) progress in ongoing work since the guidance for investors and (b) observations of the various mandatory due diligence legislation and the ways in which the OECD intervenes. Subsequently, it will turn to IndustriALL for specific cases where unions have used these frameworks to address business activities that cause or contribute to adverse impacts on workers. It will highlight an example from the Netherlands, where pension funds, together with trade unions and the Dutch Government, signed a Responsible Business Conduct Agreement to carry out and report on their due diligence in implementing the OECD guidelines. Finally, the session will examine UNI’s approach to engaging investors on Teleperformance, a French company it has placed “on notice” for failure to comply with the minimum requirements of the French duty of vigilance law regarding human rights.

Source Documents

- [OECD Guidelines for Multinational enterprises](#)
- [OECD Responsible business conduct for institutional investors](#)
- [Responsible Business Conduct Agreement on responsible investment by Pension Funds](#)
- [TUAC: Database of Specific Instances](#)
- [Syndex Report on Teleperformance: Executive Summary - Issues, context and due diligence plan for 2019 \[français\]](#)
- [Syndex Report on Teleperformance: Issues, context and due diligence plan for 2019 \[français\]](#)

Speaker Bios

Barbara Bijelic, OECD

For the past five years Barbara has been working as a Legal Expert for the OECD leading standard-setting processes and developing implementation tools for responsible business conduct. In this respect she had led the development and negotiation of widely recognised standards of due diligence for enterprises in various sectors. To support these processes she manages several multi-stakeholder advisory groups comprising over 150 representatives from government, the business community, worker organisations and civil society. She provides technical advice and develops trainings for businesses, including Fortune 500 companies on implementation of supply-chain due diligence processes, human rights reporting and assessments, and stakeholder engagement. She also regularly provides advice to high-level policy makers from leading as well as emerging economies on developing enabling frameworks for responsible business conduct.

Lisa Nathan, Investor Engagement Advisor, UNI

Lisa Nathan is an Investor Engagement Advisor for UNI Global Union, a global trade union federation, engaging with investors on labour risks in companies in the skills and services sectors. She previously was a Senior Consultant with Impactt, working with a range of businesses on improving the quality of jobs in their supply chains. Before that, she led ShareAction’s Good Work Programme which encouraged and organised institutional investors to act on improving quality of jobs in investee companies. For her work with institutional investors on living wages, Lisa won the Sheila McKechnie Foundation Economic Justice award in 2017.

Elizabeth Umlas, Senior Advisor, IndustriALL

Elizabeth Umlas is a senior advisor to IndustriALL Global Union in the area of investor engagement on workers' fundamental rights, as well as an independent researcher and consultant with 18 years of experience in the field of business and human rights. She teaches business and human rights at the University of Fribourg and is a member of the faculty at Oxford University's Masters program in international human rights law. Before becoming an independent consultant, Liz spent several years as a senior research analyst at KLD Research & Analytics, a leading US-based responsible investment firm, where she oversaw research on the impact of corporations on human rights.