

JTUC-RENGO's Views on Business and Human Rights

I. Introduction

- There is a broad awareness that the *Guiding Principles on Business and Human Rights* (hereafter "UN Guiding Principles"), adopted unanimously by the United Nations Human Rights Council in 2011, has become the international norm on the subject. In the document, the duty and responsibility of the state and corporation, respectively, are clearly stated as the three pillars of business and human rights, which are "the state duty to protect human rights," "the corporate responsibility to respect human rights," and "access to remedy."
- Efforts toward business and human rights have drawn attention, for instance with the Japanese government formulating its Guidelines for Respecting Human Rights in Responsible Supply Chains (hereafter "Guidelines") in September 2022.
- Trade unions are special stakeholders within corporate activities and have a responsibility to take positive action, including to lobby employers through industrial relations and to cooperate with other stakeholders.

II. Current Status of and Issues in Business and Human Rights

1. Current Status

- Due to advancing globalization, multinational corporations have appeared that have an economic scale that surpasses that of states, and a diversity of corporate transactions are increasing both domestically and internationally. While the activation of corporate activity has beneficial aspects, it is becoming impossible to ignore negative impacts on human rights.
- Human rights violations in Xinjiang Uyghur Autonomous Region, Myanmar, and other countries and regions have become international issues, resulting in action being required throughout the entire supply chain. Further, with workplace harassment and human rights violations against foreign workers also becoming apparent in Japan, greater attention is being given to business and human rights both domestically and internationally in recent years.
- Along with the enactment of the Supply Chain Due Diligence Act in Germany, the upgrading of legislation is accelerating in the West in recent years. Further, in the aftermath of the Rana Plaza collapse accident (April 2013) in Bangladesh, "accords on fire and building safety" are being concluded between global union federations (GUFs) and corporations, and efforts are being made to expand targeted countries.
- Based on this situation, efforts are moving forward, with, for example, the Japanese government formulating an "Action Plan (2020 to 2025) on 'Business and Human Rights'" (hereafter "Action Plan") and Guidelines, and KEIDANREN (Japan Business Federation) revising its Charter of Corporate Behavior.

2. Issues

- There is a deep-rooted awareness that efforts for business and human rights issues are the responsibility of business enterprises and there is insufficient

awareness among both labor and employers that this is a problem that trade unions should be involved in.

- In general, the awareness that problems concerning business and human rights occur overseas is as yet deep-seated. At the same time, including in trade unions, there is as yet only a weak awareness that problems such as contempt for trade union rights, harassment and discrimination, and human rights violations against foreign workers inside Japan are also problems of business and human rights.
- While the government has formulated the Action Plan and Guidelines, the situation is that it is hard to say that these have fully permeated into all business enterprises and are being implemented. In addition, it cannot necessarily be said that understanding of business and human rights is moving forward within JTUC-RENGO as a whole.
- Responses to business and human rights among small and medium enterprises (SMEs) are also lagging. While enterprises in general may be the perpetrators of problems such as contempt for trade unions inside the enterprise, harassment and discrimination, and human rights violations against foreign workers, SMEs may be the victims of fair-trade problems, but efforts for this are not spreading. In addition, there is an increased possibility that a company may suddenly become the target of human rights due diligence and that, for example, ordering companies may require appropriate responses and the disclosure of information, but support for SMEs in the form of publicity for the government's Guidelines and assistance in resolving issues is inadequate.

III. JTUC-RENGO's Basic Views on Business and Human Rights

1. Efforts toward the Respect for Human Rights are JTUC-RENGO's Inherent Social Responsibility

Article 5 of the RENGO Principles clearly states, "We will respect human rights and not discriminate based on factors such as race, sex, physical traits, age, creed, or family origin, nor allow such discrimination to occur." JTUC-RENGO's inherent social duty is to create a society where human rights are respected by having each organization of JTUC-RENGO make multilayered efforts to that end.

In addition, when talking about business and human rights, there is a tendency to emphasize the viewpoint of the suppression of management risks and increases in corporate value, but the UN Guiding Principles requires efforts from the viewpoint of tackling the risks of human rights violations against rights holders, including workers. On this basis, JTUC-RENGO will take action on this issue by placing the pursuit of social justice and the respect for human rights in a central position.

2. The Significance of Trade Unions Becoming Involved in the Issue of Business and Human Rights

Through day-to-day industrial relations, one of the roles of trade unions is to bring up issues related to workers' human rights, such as raising the level of occupational health and safety in the workplace through summarizing the voices of the workers and preventing harassment, and then taking action to resolve these.

In addition, as many business and human rights issues have a close relation to the day-to-day activities of trade unions, we are making efforts to resolve issues through dialog at the levels of the JTUC-RENGO Headquarters, industrial federations, local organizations, as well as the government, industry, and communities.

Through responses to business and human rights issues, trade unions can deepen their understanding of the relationship of business and human rights with day-to-day activities, gain a new recognition of the significance of their activities, and further promote their activities.

Moreover, involvement in the process of human rights due diligence, which includes identifying the risk of human rights violations in corporate activities, preventing human rights violations, mitigating their negative effects, and remediating them, trade unions can contribute not only to the realization of rewarding workplaces where human rights are respected but also to the maintenance and improvement of corporate social value and sustainability. Furthermore, by being involved in this series of processes, relations of trust between labor and management will strengthen, leading also to the creation of constructive industrial relations.

It is crucial to make efforts while holding to the viewpoint that involvement in business and human rights issues is also an opportunity to build constructive collective industrial relations.

3. The Necessity for Trade Unions to Make Efforts as Special Stakeholders in Corporate Activities

Workers are the bearers of business activities. Among the various stakeholders surrounding the business enterprise, as workers and trade unions exist inside the enterprise and are related closely and over long periods of time with the employers (the business enterprise), they can be said to be special stakeholders in corporate activities. Based on the fact that the involvement of trade unions appears throughout the Government's Guidelines, regardless of the scale or business category of the business enterprise, or whether it has overseas transactions or not, it is necessary that all trade unions that are affiliated with JTUC-RENGO push forward their efforts in their workplaces.

In particular, business enterprises and SMEs that do not have overseas transactions tend to have a weak awareness of business and human rights, but it is still necessary to make efforts to safeguard human rights in the transactional relations of the enterprise and within Japan from perspectives such as fair trade, and the government should provide positive support for this. In addition, as the central government and municipalities are also related to economic activities through, for example, public procurement (public contracts) and outsourcing to private businesses, they are also required to respond to business and human rights issues.

Responses to overseas labor disputes, as in the past, has been an issue for business enterprises that have an overseas supply chain. It is expected that, in association with heightened awareness of business and human rights both domestically and internationally, problems arising from workers, trade unions, and others who are related to overseas transactions and procurement will increase.

It is therefore essential that trade unions affiliated with JTUC-RENGO broaden their field of vision to the possible existence of all human rights issues in their own enterprise's domestic and international supply chains and strengthen their ability to respond to these human rights issues. Especially, it is necessary to raise awareness that the company may be asked to respond about the suppliers with which it does not have a direct contractual relationship.

4. Human rights issues that should be stressed and addressed by trade unions

The UN Guiding Principles identify the human rights that companies should respect as internationally recognized human rights, which are, at a minimum, the human rights expressed in the International Bill of Human Rights and the ILO's Core Labor Standards.

Trade unions are expected to address human rights issues that are particularly relevant to workers and trade unions. The five areas of the ILO Core Labour Standards (freedom of association and the right to collective bargaining, forced labor, child labor, discrimination, and occupational health and safety) should be treated with the greatest emphasis, as they are fundamental human rights at work. In addition, efforts must be made with an awareness of gender equality in all areas.

The risks of human rights violations and human rights issues to be focused on differ depending on the size of the company, type of industry, and whether or not it has international transactions, and depending on the situation of each company and workplace, it is necessary to address working conditions (wages, working hours), social security, harassment, sexual minorities, foreign labor, fair trade, public procurement (public contracts), human rights issues in domestic and international supply chains, technology, AI, environment and climate change. It should also be noted that in overseas cases, compliance with the domestic laws of the country concerned is not only insufficient, but may also be inconsistent with international standards.

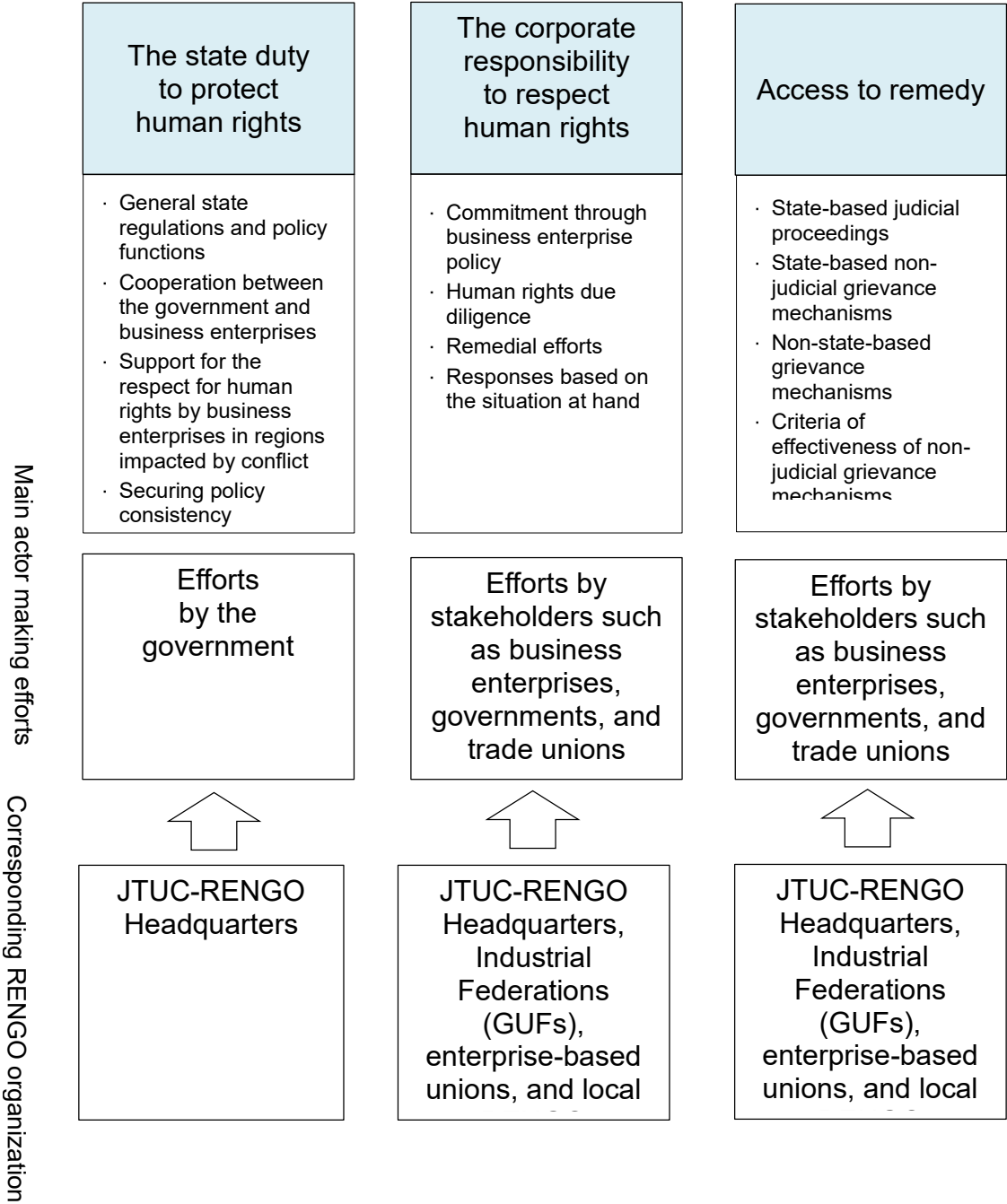
5. Promotion of Efforts as the Whole of JTUC-RENGO Based on the UN Guiding Principles

At present, various regulations have been formulated on business and human rights, including the Japanese Government's Guidelines and legally binding legislation in Europe and the United States. However, some of these rules are not in conformity with the UN Guiding Principles due to considerations of domestic circumstances. JTUC-RENGO regards the UN Guiding Principles as the most important document to rely on, and base its response on the content given in the three pillars of the Guiding Principles. In doing so, also referring to the Guidelines, the OECD "Guidelines for Multinational Enterprises" and "Due Diligence Guidance," and the ILO "Tripartite Declaration of Multinational Enterprises," RENGU headquarters, member organizations and unions (including GUFs Japan affiliates), and local federations will work together to implement JTUC-RENGO initiatives as a whole.

IV. Concrete Responses of JTUC-RENGO as a Whole for Business and Human Rights

The main actors making efforts for the three pillars of the UN Guiding Principles and the corresponding JTUC-RENGO organizations are organized as shown in the following table, and concrete responses to business and human rights are detailed for each section.

The Three Pillars of the UN Guiding Principles



1. JTUC-RENGO Headquarters

(1) Government lobbying

1) Promotion and Review of the Action Plan, Future Legislation, Securing the Involvement of Trade Unions in Related Policies and Measures

The Action Plan and the Guidelines should be reviewed based on the facts that the situation regarding business and human rights is constantly changing and that there are some clauses that are not in conformity with the UN Guiding Principles. Specifically, while participating positively in the government's "Action Plan Promotion Round-Table Conference and Working Groups" and other forums, publicizing the Action Plan and Guidelines, encouraging implementation and requesting the formulation of guidelines for each business category, JTUC-RENGO Headquarters will request reviews after a certain period of time has passed in accordance with the implementation status and through a verification of effectiveness. At the time of verification, we will also cooperate with industrial federations and make appeals so that the content appropriately reflects the realities in the workplaces. Additionally, depending on the status of the verification, we will also demand legislation that mandates the implementation of human rights due diligence and other matters. In combination with this, JTUC-RENGO Headquarters will also request that trade unions are always involved when there is consideration of any government policies and measures related to business and human rights.

2) Efforts through Actions to Realize Policies and Institutions

There are also many business and human rights issues mentioned in the JTUC-RENGO's "Policy and Institutional Demands and Recommendations" and "Priority Policies", as well as in policies determined by the central organs, etc., for timely individual policy responses by JTUC-RENGO. Specifically, toward the realization of decent work, these are, i. early ratification of as yet unratified ILO Core Labor Standards and full implementation of previously ratified conventions, ii. the realization of gender equality and the prohibition of harassment, iii. respect for the rights of foreign workers, iv. the prohibition of discrimination (on the basis of race, ethnicity, religion, skin color, gender, age, disease, disability, family origin, sexual orientation and gender identity, etc.), v. strengthening of support for SMEs and the realization of fair trade, vi. securing of transparency in public procurement, and vii. strengthening of the function of the Japan National Contact Point (NCP) and the Japan NCP Committee, etc. Through the lobbying of the government on these items, JTUC-RENGO Headquarters will make efforts to improve the situation regarding business and human rights, including the handling of structural issues that are difficult to resolve by individual business enterprises, industries, or local areas.

(2) Efforts during the JTUC-RENGO Spring Struggle for a Better Life

Based on the fundamental idea that business and human rights issues should be addressed by all the organizations of JTUC-RENGO, we have incorporated the implementation and promotion of efforts regarding business and human rights into the JTUC-RENGO Spring Struggle for a Better Life to promote such initiatives.

(3) Promoting Information Gathering and Provision, and Awareness-building that will Contribute to Encouragement of Efforts by industrial federations and Enterprise-based Unions

- As corporate supply chains extending throughout the world, in order to take action to protect human rights along the entire supply chain it is vital to gather information on the status of human rights and trade union rights in each country at all times. JTUC-RENGO Headquarters will strive to gather and provide information by cooperating with the international labor movement, including the ITUC and ITUC-AP, OECD-TUAC, the ILO, and the national centers of each country.
- As trends in legal improvements overseas have impacts on policies and measures of the Japanese government and Japanese private enterprises, JTUC-RENGO Headquarters will therefore continue to strive to gather and provide information on such trends.
- JTUC-RENGO Headquarters will cooperate with industrial federations and GUFs in, for example, holding study meetings and providing tools and materials for publicity and educational for the purposes of sharing information on international norms such as the UN Guiding Principles, etc., government policies and measures, the status of promotion of the understanding of business and human rights both domestically and internationally, and best practices.

(4) Cooperation with Economic Organizations and Other Stakeholders

Discussions on business and human rights involve not only trade unions and economic organizations, but also other stakeholders such as civil society organizations and researchers, and other stakeholders. When taking action such as to lobby the government, JTUC-RENGO Headquarters will respond in a coordinated manner, either individually or by conducting an exchange of views among multiple parties.

(5) Making Efforts through Utilization of the International Trade Union Network

It is also necessary to promote the understanding on business and human rights of local trade unions in the many Asian countries to which Japanese business enterprises have extended their business, and JTUC-RENGO Headquarters will cooperate with relevant organizations such as JILAF and the ILO. Additionally, based on the status of efforts throughout JTUC-RENGO, JTUC-RENGO Headquarters will also strive to reflect the views of and provide information on related discussions in, for example, ITUC and ITUC-AP, OECD-TUAC, and the ILO.

2. Industrial Federations (RENGO Affiliates)

Industrial Federations will make efforts on the following while also cooperating with related GUFs

(1) Formulation of Action Policy

Industrial Federations will formulate action policies that contribute to efforts made by member enterprise-based unions. At that time, and while being based on the UN Guiding Principles, the action policies will be formulated according to the actual situation in each organization with regard to, for example, the method of setting up a

forum within the business enterprise for labor and management to grapple with business and human rights issues; bringing up human rights risks and issues specific to each industry and to the business enterprises in which the enterprise-based unions are organized; the scope for conducting and addressing human rights due diligence in both domestic and foreign transactional partners and suppliers; and conducting training workshops for enterprise-based unions.

(2) Formulation of Guidelines for Each Business Category through Labor-Management Dialog in Each Industrial Sector

As there are many cross-company issues, industrial federations should gain a firm grasp of the issues through cooperation, exchanges of views and so on with sectoral management organizations for each industry type and GUFs, and relevant ministries and agencies. Having done so, while requesting the formulation of guidelines for each business category industrial federations should, as necessary, strive to be involved in the formulation of the guidelines.

(3) The Construction of an International Trade Union Network and the Conclusion of Global Framework Agreements (GFAs)

As issue resolution through cooperation among industrial federations, individual unions, and GUFs are effective in addressing grievances related to business and human rights, such as overseas industrial disputes, industrial federations should strive to construct international trade union networks.

Further, the conclusion of global framework agreements enables labor-management dialog across international borders and is an effective action, since GFAs can lead to the improvement of the human rights situation along the entire supply chain, to the prevention of the occurrence of industrial disputes in advance, and to organizing through a shared awareness of the freedom of association and collective bargaining. Industrial Federations should consider the conclusion of agreements in cooperation with GUFs and enterprise-based unions.

(4) Addressing Business and Human Rights through Organizing

As responses through collective industrial relations are effective and crucial in addressing business and human rights issues, industrial federations should take action to organize along entire supply chains while cooperating with GUFs and member enterprise-based unions.

3. Enterprise-based Unions

(1) Efforts by Trade Unions

1) Formulation of Action Policy

Based on the industrial federations' action policy, enterprise-based unions will formulate action policies in accordance with the actual situation while confirming the human rights issues, etc. that trade unions should address in their own business enterprises.

(2) Items to be Requested of Business Enterprises

1) Securing Training Opportunities in the Trade Union's Enterprise

Enterprise-based unions should request that business enterprises implement education and training for business and human rights as related to the enterprise's human rights policy, international norms such as the UN Guiding Principles, and how to address issues with transactional partners. Based on in-house workshops and so on, enterprise-based unions should grasp the human rights situation while clarifying the overlaps with items for which efforts are being made within the day-to-day union activities.

1) Securing Labor-Management Consultation Opportunities that Address Business and Human Rights Issues

It is necessary to create forums for consultation and consideration within the business enterprise as a premise for involvement in business and human rights issues. Enterprise-based unions should strive to institutionalize labor-management dialog on business and human rights by, for example, addressing human rights in existing labor-management consultation forums or, as necessary, requesting the establishment of a committee or organization for consultation.

2) Effective Involvement in the Business Enterprise's Process of Making Efforts for the Respect of Human Rights that are in Alignment with the UN Guiding Principles

- Formulating a policy on the respect for human rights is the first step in the business enterprise's efforts. If there is no policy, then enterprise-based unions should encourage the enterprise to formulate a policy, and in the case that a policy already exists, it should be checked to see if the content conforms to the UN Guiding Principles and the latest situation, requesting revisions where necessary.
- Through such forums as labor-management consultation, enterprise-based unions should encourage the enterprise to conduct human rights due diligence. At that time, not only the human rights situation in the enterprise-based union's enterprise, the enterprise-based union should also request that the enterprise include in its targets for examination responses to unpaid wages, dismissals, discrimination, and harassment in the enterprise's entire domestic and overseas supply chain, as well as adverse impacts on human rights that originate from or are related to the entire supply chain's products and services. Further, enterprise-based unions should provide local-level information that it has gathered and conduct exchanges of views that will lead to a resolution of the issues.
- As grievances related to business and human rights may potentially arise in all business enterprises, enterprise-based unions should encourage the establishment of a grievance mechanism, such as the setting up of a contact point for consultation that can be used by stakeholders inclusive of all workers along the entire supply chain, not simply in the enterprise-based union's enterprise. When a grievance arises, the enterprise-based union should become positively involved in the addressing of the grievance. At that time, while cooperating, as necessary, with industrial federations and GUFs, the enterprise-based union should also consider

remedial action on the union's own initiative through collective bargaining and labor-management consultation. Use of external organizations should also be considered when it is thought that actions such as gaining meaningful advice from experts would contribute to an effective resolution.

- Enterprise-based unions should request that the business enterprise assess and disclose information on its series of human rights due diligence efforts.

4. Local RENGO Organizations

(1) Requests and Exchanges of Views with Municipalities and Local Management Organizations

It is also possible that problems related to business and human rights arise in such areas as public procurement (public contracts) and private business outsourcing engaged in by local non-organized business enterprises, local industries, and municipalities. While conducting necessary policy and system requests with municipalities and central government regional branch offices using, for example, the "Local Manual for the Realization of Policies and Systems" prepared by JTUC-RENGO Headquarters, local RENGO organizations should engage in exchanges of views on business and human rights in each local areas with local management organizations. Additionally, making use of "smiles and energy platform," local RENGO organizations should engage in dialog with local stakeholders such as SMEs.

(2) Remedies for Human Rights Violations through Labor Consultations, etc.

As problems related to business and human rights, such as human rights violations against foreign workers, are already occurring in local areas, appropriate responses to individual cases should be implemented through, for example, labor consultations and the formation of trade unions. For instance, efforts should be made for support and organizing through the supply chain, including enterprises to which work has been consigned, in cooperation with related industrial federations and enterprise-based unions, etc. toward remedial action for the human rights violations case(s).