

15th October, 2018

Mr. Simon Coveney, TD
Minister for Foreign Affairs and Trade
Department of Foreign Affairs and Trade
80 St. Stephen's Green
Dublin 2

Dear Minister Coveney

The intergovernmental working group on transnational corporations (IGWG) will meet this October for a fourth time in order to discuss the zero-draft of an internationally legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

To date, enterprises have largely failed to comply with human rights regulated at the national level, let alone international standards. This is certainly the case when it comes to the human rights of workers. The ITUC found a hidden workforce of 116 million workers in the global supply chains of just 50 multinational companies, or 94 percent of their total supplier workforce, with most companies failing to accept responsibility for a minimum living wage, job security or decent working conditions. Gaps in governance have allowed companies and governments to grow a global business model, which is based on the exploitation of working people.

This treaty, if adopted, could provide victims of human rights violations with an opportunity for justice. People across the world who are suffering in the face of reckless businesses would finally have the opportunity to hold them to account.

While the United Nations Guiding Principles (UNGPs) provide an important framework for demanding reforms of government and compliance by enterprises, most governments have not adopted National Action Plans to implement the UNGPs and the ones that have been issued are not substantial. The Irish plan is almost one year in existence and little progress has resulted. A binding treaty on business and human rights will invigorate respect for the UNGPs.

We are joining citizens from across the world to demand that our governments fully support the UN treaty process.

We are also attaching our specific comments to the zero-draft proposed by the Chairmanship of the Open-ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights for discussion in the next session.

The zero draft includes crucial provisions, which would represent a big step forward in ensuring corporate accountability throughout global supply chains:

- A requirement for businesses to adopt and apply human rights due diligence policies and procedures;
- A strong focus on access to effective judicial recourse for victims of human rights violations;

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- A basis for "parent-based extraterritorial jurisdiction", which will allow workers to have access to justice in the home countries of multinational companies; and
- Mutual legal assistance and international cooperation between states in transnational cases.

The International Trade Union Confederation (to which Congress is affiliated) is calling for improvement to the draft, including:

- A re-statement of the duty of businesses to respect human rights throughout their operations;
- Explicit recognition that human rights standards have primacy over trade and investment agreements;
- Alignment of due diligence provisions with the existing UN Guiding Principles on Business and Human Rights; and,
- Creation of a strong international enforcement mechanism beyond the frameworks, which have been proposed so far for the Treaty.

Yours sincerely



Patricia King
General Secretary