

Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

REFERENCE:
OL BGD 9/2018

17 December 2018

Excellency,

I have the honour to address you in my capacity as Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises, pursuant to Human Rights Council resolution 35/7, which is mandated by the Human Rights Council to promote the effective and comprehensive dissemination and implementation of the Guiding Principles on Business and Human Rights for implementing the United Nations “Protect, Respect and Remedy” Framework (UNGPs).

The Working Group has previously commended the 2013 Accord on Fire and Building Safety in Bangladesh (the Accord), an independent, legally binding agreement between global brands and retailers and trade unions designed to improve occupational health and safety in the garment industry. The agreement, established in the aftermath of the Rana Plaza building collapse, was signed by 220 apparel brands, retailers and importers from over 20 countries in Europe, North America, Asia and Australia; two global trade unions; eight Bangladesh trade unions; and four civil society organizations witnesses.

The Working Group would like to express its appreciation to the Government of Bangladesh for allowing the Accord to operate in the country for the past five years. We note the role the Accord has played in achieving health and safety improvements in 1620 Accord-covered factories, which has resulted in a significant decrease in the occurrence of factory accidents. The Working Group also welcomes the May 2018 agreement replacing the preceding Accord, with a view to continuing a fire and building safety program until 31 May 2021.

However, the Working Group is concerned that the Accord may lose its licence to continue to operate in Bangladesh before being able to complete ongoing remediation work, with negative impact on the oversight of health and safety of workers of the factories covered by the initiative still in need of substantial safety upgrades. For example, we understand that a significant number of those factories still do not have fire alarm systems in place.

Under the UNGPs, States have the primary duty to protect human rights against abuses by business actors. Companies also have a responsibility to respect human rights, which means they need to demonstrate that they exercise due diligence to address potential and actual impacts linked to their operations to the maximum of their ability. This includes risks to the rights of workers in their own operations and across global supply chains.

As part of the Working Group’s efforts to promote effective implementation of the UNGPs, we would like to stress the importance of building, supporting and maintaining collective initiatives, such as the Accord, that have proved successful in strengthening the protection of human rights in business activities, not least when faced with systemic challenges that affect an entire sector. Such initiatives complement the efforts taken by

Governments and help to demonstrate to affected workers, trade unions, investors and other shareholders that companies are meeting their responsibility to prevent and address risks related to the health and safety in the workplace. In our recent report to the General Assembly (A/73/163), we have elaborated on the steps that both business enterprises and governments can take to strengthen business respect for human rights in practice, including through collective action.

We would like to encourage the Government to continue action, building on the steps taken over the past five years, to work with the business community and the United Nations system to improve the oversight of health and safety regulations in the country. We encourage the Government to continue to facilitate joint action and collaboration, including with the signatories to the Accord.

We will continue to follow developments in Bangladesh with much interest, as we hope collaboration with initiatives such as the Accord will set an example for other countries and companies/sectors.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public on the Working Group's [website](#) , as well as via the communications reporting [website](#) within 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

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Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises