



"Leverage & Remedy" session proposal – 2017 UN Forum on Business and Human Rights (27-29 November, Geneva)

Proposed title: The revised [ILO MNE Declaration](#) calls on multinational enterprises "to use their leverage to encourage their business partners to provide effective means of enabling remediation for abuses of internationally recognized human rights." How can they do this in practice?

Context:

- Employers, Governments and Workers revised the ILO MNE Declaration in 2017 to align it with key international standards such as the UN Guiding Principles on Business and Human Rights (UNGPs). As a consequence, while other key international texts refer to leverage in the context of "preventing" and "mitigating" harm, the MNE Declaration provides – for the first time – explicit language on the importance of multinational enterprises using their "leverage" to advance access to remedy for human rights harm through their business relationships (para 65). The principle complements the essence/spirit of the UNGPs and other instruments such as the OECD Guidelines for Multinational Enterprises, but it makes the point about "leverage" applying to situations of "remedy" in a more clear way.
- The employers group, supported by the IOE, played a key role in introducing this language in the revised MNE Declaration and in ensuring that the text also accurately reflects the UNGPs' approach to human rights due diligence.

Session objectives:

- The proposed session aims to:
 - a) Bring to wider attention this important principle in the MNE Declaration (para 65); and
 - b) Go beyond the Geneva policy-space bubble and examine how this core principle is currently being and can be better applied in practice by multinational enterprises.

Key discussion questions:

- How does applying "leverage" enable remediation and why is this important? (Introduction)
- How do multinational enterprises currently exercise their leverage in this context?
- How do business partners respond to MNEs using their leverage in this way?
- How can multinational enterprises better apply their leverage to advance remediation? For example, what are the key leverage moments/opportunities? (Propose a breakout discussion with participants on this question to get the audience engaging constructively on this point).
- Does the concept of "leverage" in the context of "access to remedy" extend beyond MNEs to other companies and other actors? If so, who and how? (Concluding point: this question could provide a useful segway into a possible Part 2 session – see below).

Moderator:

- Linda Kromjong, Secretary General, International Organisation of Employers (IOE)

Suggested speakers (to come from IOE/FTA membership and contacts):

- Female representative of a multinational enterprise
- Female representative of a multinational enterprise
- Female representative of a business partner company
- Female representative of a CSO (who can speak on behalf of an affected community)

As per Linda Kromjong's [letter](#) to the Forum Secretariat and UN Working Group on International Women's Day to push for more female speakers at the Forum, this session aims to have all female speakers.

NB: Important considerations include speakers' availability and whether it makes sense to drill down on one sector or not - tbc

How the proposed session reflects the Forum's main theme of "Realizing Access to Remedy":

- The session explores a key piece of the "access to remedy" puzzle (as reflected in the Forum guidance note which lists "leverage and solutions for more effective remedy in supply chains" as a possible focus topic) and it builds neatly on the 2016 UN Forum focus on "leadership and leverage".
- The session also demonstrates policy coherence (namely with the ILO and UNGPs), but importantly it focuses on "practice" and how to "apply" an abstract policy/principle to real-life situations.
- We envisage that this session could serve as a "Part 1" session – that introduces the text in the revised MNE Declaration and lays out how companies can use their leverage to advance access to remedy through their business relationships in a more general way - from which other more targeted sessions (that focus on specific sectors for example) could follow as a "Part 2" and a "Part 3".

Proposed format to engage participants, be focused on practice and overcome challenges:

- Mix of a highly-interactive moderated panel discussion and a break-out group discussion on one question identified above.
- This format mirrors the 2016 Forum session on corporate human rights defenders, which was very well received.