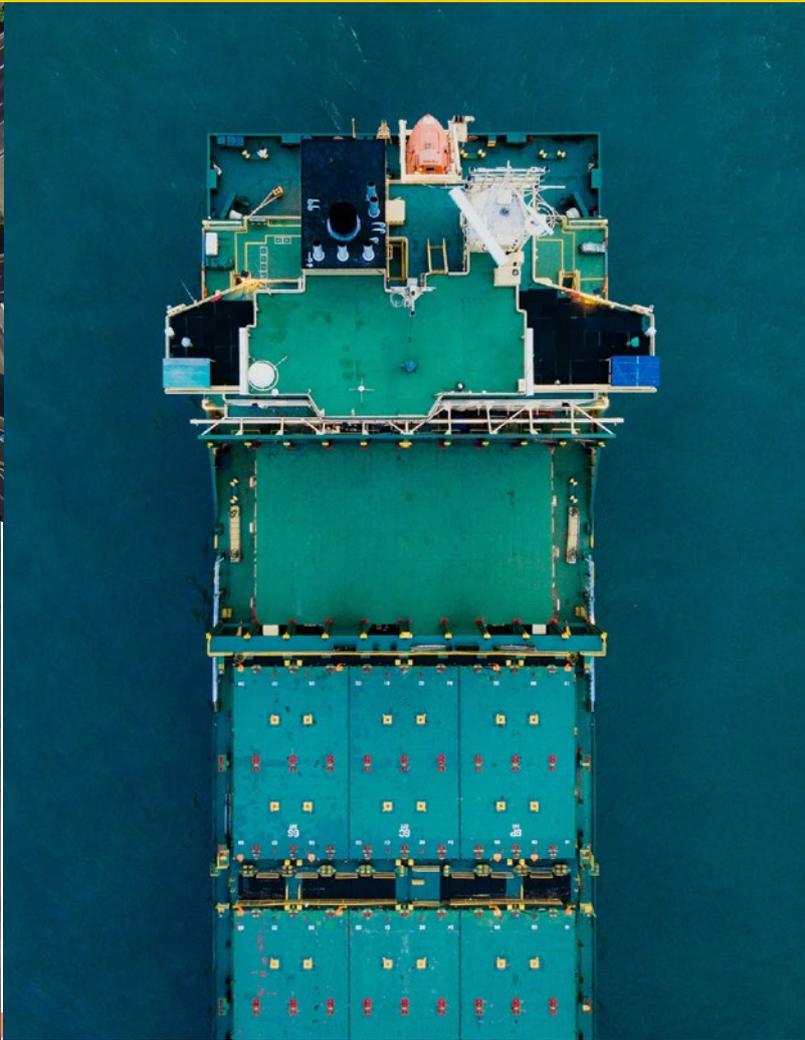
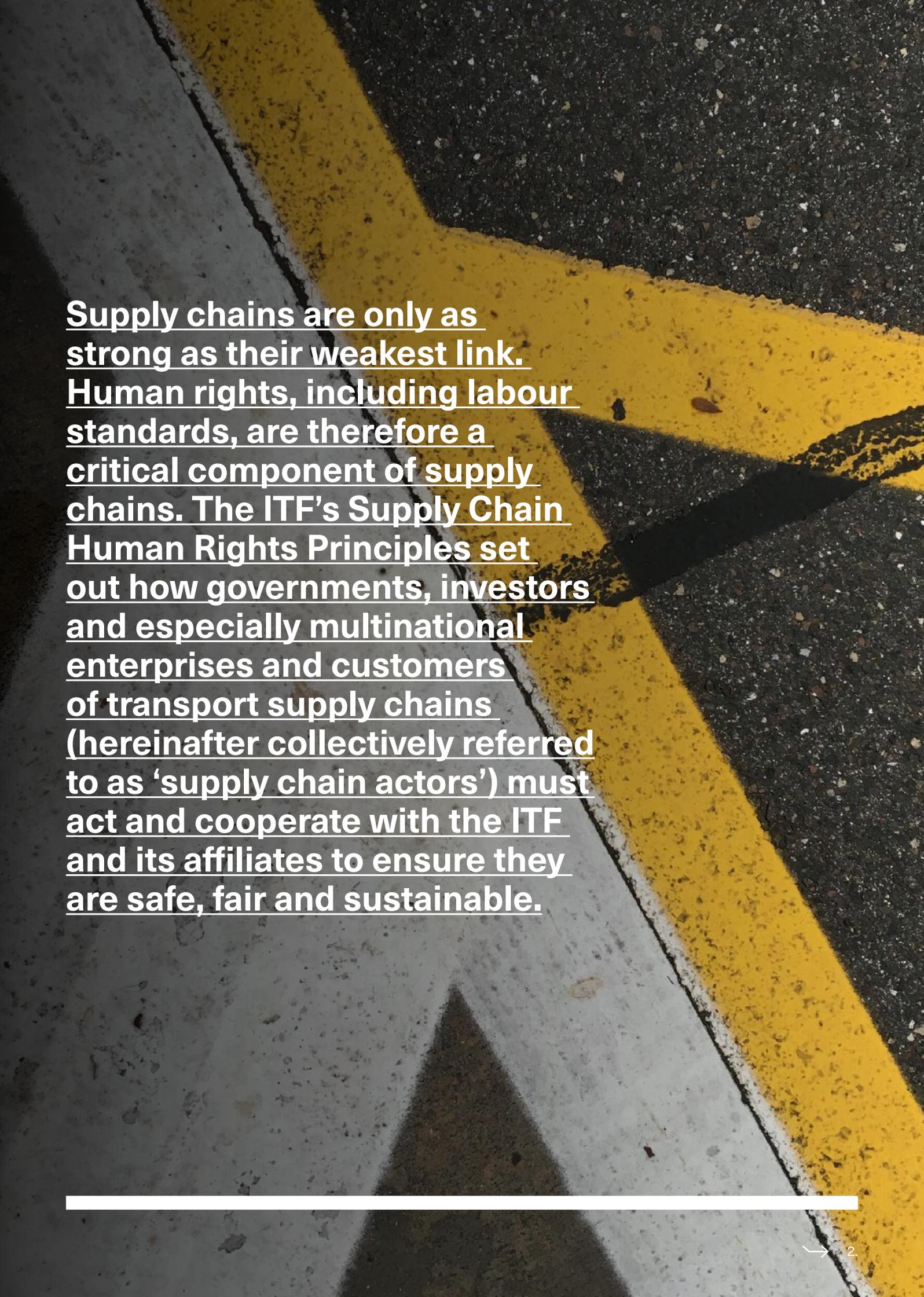


POLICY BRIEF

ITF SUPPLY CHAIN HUMAN RIGHTS PRINCIPLES





Supply chains are only as strong as their weakest link. Human rights, including labour standards, are therefore a critical component of supply chains. The ITF's Supply Chain Human Rights Principles set out how governments, investors and especially multinational enterprises and customers of transport supply chains (hereinafter collectively referred to as 'supply chain actors') must act and cooperate with the ITF and its affiliates to ensure they are safe, fair and sustainable.

SUPPLY CHAIN HUMAN RIGHTS PRINCIPLES

COOPERATE

01. Engage in **collective bargaining** & support **freedom of association**.
02. Establish and/or participate in national, international, regulatory, sectoral, **bipartite and multipartite bodies** to jointly advocate for, and agree standards for transport in supply chains, involving trade unions as equal parties.
03. Recognise the ITF and its affiliates as representatives of transport workers, and **cooperate to address actual and potential impacts** on transport workers' human rights, including labour rights, in their operations and third-party relationships.

PROTECT & RESPECT

04. **Recognise and exercise their duty and/or responsibility** to fulfil and/or respect human rights, regardless of the ability and/or willingness of other actors to fulfil their obligations.
05. Implement internationally-recognised human rights, other relevant **ILO instruments** and codes of practice, including those concerning OSH.
06. Guarantee **sanitation rights** by cooperating with the ITF to implement the **Sanitation Charter** in their operations and third-party relationships.
07. Promote and pursue **decent work** in their operations and third-party relationships, including by promoting **formal employment**.
08. Guarantee that subcontracted workers have access to the **equivalent standards** of directly-employed staff.

09. Recognise and cooperate with ITF and its affiliates to ensure adequate **operational-level grievance mechanisms** for all workers.
10. Ensure, provide for, and/or adequately resource, the information, **training** and support concerning OSH rights and protections for all workers and third-parties in their supply chain.

MONITOR

11. Support, and cooperate with the ITF to conduct **worker-centred HRDD**, including **Supply Chain Health Checks for Seafarers' Human Rights**, and Road Transport Due Diligence.
12. Introduce and/or advocate for **mandatory HRDD laws** and supply chain accountability legislation, and its effective implementation involving trade unions as key stakeholders.
13. Conduct independent **labour and gender impact assessments** in their transport operations and associated services.

REMEDY

14. Support and cooperate with the ITF to **remedy actual and potential human and labour rights violations** in their transport.
15. Cease, prevent and mitigate adverse impacts and their **root causes**, including those that may originate in their own business, management, pricing and tender models.
16. Work with the ITF and its affiliates to develop, agree, implement and evaluate the effectiveness of **remedy plans** for transport.



WHAT IS A SAFE, FAIR AND SUSTAINABLE SUPPLY CHAIN?

A safe, fair and sustainable supply chain is built on:

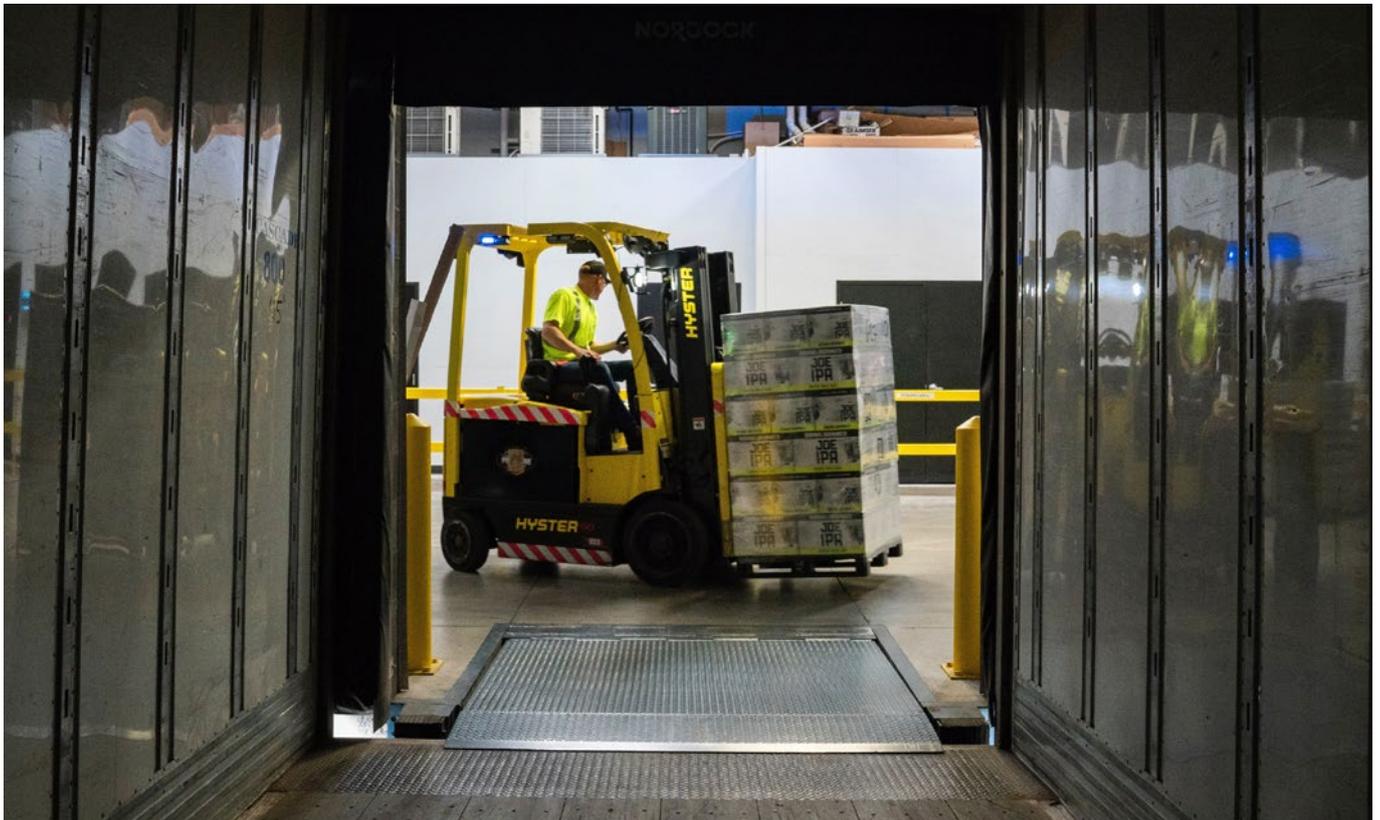
- **Decent work** based on the fundamental principles and rights at work and the right to an adequate living wage that supports themselves and their families.
- **Transparency** to ensure that actors are aware of, understand and address the impacts of supply chain rules, business decisions and pressures on transport workers, and communicate this information both internally and externally.
- **Accountability** of supply chain actors for the ultimate impacts of their decisions and relationships on the transport workers that move their goods or services.

- **Sustainability** of the current and future transport operations within the supply chain, including compliance with social, environmental and governance (ESG) standards.

A safe, fair and sustainable supply chain must, at a minimum, guarantee respect for transport workers' human rights. These rights specifically include:

- **Internationally- recognised human rights;**
- **International labour standards;**
- **ILO codes of practice, guidelines and guidance;** and,
- Compliance with agreed industrial and sectoral standards for transport.

These rights must be guaranteed for *all workers*, irrespective of their employment status. This includes formal, full-time, part-time, precarious, informal, temporary, agency, dependent, 'gig', contractor, disguised, multi-party employment relationships, and all other **non-standard forms of employment** (NSFE).



WHY TAKE SPECIFIC ACTIONS IN TRANSPORT?

Transport is a highly international, mobile and subcontracted industry. Even in national supply chains, adherence to national law does not necessarily mean supply chain actors are in compliance with international legal obligations.¹ Therefore, transport requires its own sector-specific principles to ensure supply chain actors consistently fulfil their legal duties and obligations.

The unique features of transport need specific standards, applicable to each mode of transport, to ensure and implement human and labour rights in workplaces within supply chains.²

Labour shortages in the transport sector are a growing and enduring problem. This can be addressed through cooperation with trade unions to improve the recruitment and retention of groups of workers that are disproportionately excluded from transport employment. This includes **women transport workers, young transport workers, LGBT+ workers, workers with disabilities, and workers from indigenous communities.**

Cooperating with transport trade unions, as key stakeholders, also demonstrates to other stakeholders, partners, investors and customers that a critical and potentially vulnerable part of a supply chain is more financially and/or economically sustainable.

1. 'Final Statement: Specific Instance between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union and Birlesik Metal-Iscileri Sendikasi and Crown Holdings, Inc. for conduct in Canada and Turkey', U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises, 24.12.2015
2. "Depending on circumstances, enterprises may need to consider additional standards. For instance, enterprises should respect the human rights of individuals belonging to specific groups or populations that require particular attention, where they may have adverse human rights impacts on them", OECD Guidelines for Multinational Enterprises, 2011

WHAT DUTIES DO SUPPLY CHAIN ACTORS HAVE?

All supply chain actors are accountable for human and labour rights in their operations, third-party relationships, and supply chains. In transport, this means supply chain actors are accountable for the safety and rights of the workers ultimately providing the transport service, and any other intermediary workers involved in moving their goods or passengers.

States must protect workers from negative impacts at home and abroad by supply chain actors registered in their country. States must also comply with the most demanding obligations under international human rights law when they participate in multilateral institutions.³

Enterprises must avoid causing or contributing to any adverse human rights impact through their own activities, address any impact when it does occur, and provide for or cooperate in remediation. Their business, contracting, pricing and other supply chain practices must support, participate in, or incentivise respect for human rights, including international labour standards.

Enterprises must also seek to prevent or mitigate adverse human rights impacts directly linked to their operations, products and services through their business relationships, which encompass relationships with business partners, entities in its value chain and any other State or non-State entity.⁴ This includes working with business partners, suppliers and subcontractors to address actual or potential adverse human rights impacts.⁵ Enterprises must also not seek or accept exemptions contemplated in statutory or regulatory frameworks related to labour rights, among other things.

Multilateral institutions that deal with business-related issues must seek to ensure that they neither restrain states nor enterprises from exercising their duty to protect and respect human rights.⁶

In conflict zones and territories where host-state governance is limited in its ability to protect the safety and welfare of transport workers, supply chain actors must also take enhanced measures to identify, prevent, mitigate and account for how to address actual and potential impacts on workers in their operations and third-party relationships.

3. [UN Guiding Principles on Business and Human Rights, 2011](#)
4. [OECD Guidelines for Multinational Enterprises, 2011](#); [UN Guiding Principles on Business and Human Rights, 2011](#); [Ten Principles of the UN Global Compact, 2000](#)
5. [OECD Guidelines for Multinational Enterprises, 2011](#)
6. [UN Guiding Principles on Business and Human Rights, 2011](#)

WHERE AND HOW MUST THESE PRINCIPLES BE EXERCISED?

To be properly exercised, these principles must be implemented throughout the operations and third-party relationships of supply chain actors, including through information, training, monitoring and remediation. This includes an actor's partnerships, licencing, franchises, investments, contracts, supplier and procurement policies, tender processes and subcontracting models.⁷

Worker-centred, gender-responsive **human rights due diligence** (HRDD), developed and implemented in cooperation with the ITF and its affiliates, is the most effective and efficient means of agreeing, checking and fixing human and labour rights in transport.

Effective HRDD in transport must consist of three interdependent processes:⁸

- Mutually-agreed **standards** reflected in the operations and third-party relationships of supply chain actors, including in tender processes and contracts;
- Ongoing and iterative **monitoring** of compliance with these standards, conducted in part by trade unions, with reporting processes that protect the workers involved; and,
- **Remediation** that provides restitution for impacted persons, addresses the root cause(s) of actual and potential impacts, and protects decent work and employment in transport.

Effective HRDD should also be recognised by actors as an effective means of checking and evaluating the efficacy of their existing auditing procedures.

HRDD should not be considered a substitute for freedom of association or collective bargaining.

7. OECD [Guidelines](#) for Multinational Enterprises, 2011

8. OECD [Due Diligence Guidance](#) for Response Business Conduct, 2018

COOPERATE

The ITF has over 120 years of experience of addressing actual and potential impacts on transport workers' human and labour rights. Transport workers are represented by the ITF and its affiliates in various national, international, regulatory, sectoral, bipartite and multipartite bodies. These bodies agree, check and fix human and labour rights standards in transport. Supply chain actors must work with the ITF and its affiliates to make their operations and third-party relationships safe, fair and sustainable and to fill remaining gaps and deficits in the joint governance of transport. This includes the establishment of, and participation in sectoral and/or jurisdiction-wide standard-setting rules and bodies to agree standards in transport from which all supply chain actors benefit.

Trade unions have unique access to, and understanding of the realities of supply chains and the impact of decisions made by supply chain actors. Supply chain actors must therefore cooperate with trade unions to identify, prevent, mitigate and account for how to address actual and potential impacts on workers in their operations and third-party relationships.

Enterprises should partner with, or enter directly into agreements with the ITF, its

affiliates, and/or regulatory or sectoral bodies with trade union representation, in order to facilitate worker involvement in the design and implementation of due diligence processes; and, to raise and address grievances.

Collective bargaining is the most effective and efficient means of cooperation with trade unions. Other forms of social dialogue may also be pursued to enhance, but not substitute, collective bargaining to address actual and potential impacts on workers in supply chains.

Supply chain actors must:

01. Engage in **collective bargaining** and support **freedom of association**.
02. Establish and/or participate in national, international, regulatory, sectoral, **bipartite and multipartite bodies** to jointly advocate for, and agree standards for the safety, fairness and sustainability of transport in supply chains, involving trade unions as equal parties.
03. Recognise the ITF and its affiliates as representatives of transport workers, and **cooperate to address actual and potential impacts** on transport workers' human rights, including labour rights, in their operations and third-party relationships.

9. ILO [Declaration](#) on Fundamental Principles and Rights at Work, 1998
10. OECD [Guidelines](#) for Multinational Enterprises, 2011



PROTECT & RESPECT

States have a duty to protect workers against transnational human rights abuse by third parties, including enterprises and other supply chain actors.¹¹ States must ratify and implement all relevant ILO and other conventions applicable to the transport sector.

Respect for human rights is a global standard of conduct for all supply chain actors. It exists independently of the ability and/or willingness of other supply chain actors to fulfil

their human rights obligations, and does not diminish those obligations. It also exists over and above compliance with national laws and regulations protecting human rights. Supply chain actors must treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.¹²

Supply chain actors have a responsibility to guarantee additional standards for specific groups or populations that are disproportionately victim to adverse human rights impacts. This includes women, children, migrants, minorities and persons with disabilities.¹³

11. [UN Committee on Economic, Social and Cultural Rights \(CESCR\), General comment No. 24 \(2017\) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, 10 August 2017, E/C.12/GC/24](#)
12. [UN Guiding Principles on Business and Human Rights, 2011](#)
13. [Ibid](#)

Respect for the right to freedom of association requires enterprises and other supply chain actors to exercise neutrality and not obstruct trade union recognition. Supply chain actors must take measures to create an enabling environment for constructive industrial relations in its operations. To that end, the enterprises should agree to provide ITF-affiliated trade unions with physical access to its sites and/or workers. Enterprises and the ITF shall conduct joint trainings in this regard.

Occupational safety and health (OSH) is a fundamental human right.¹⁴ Yet nearly 3 million workers' lives and nearly 4% of GDP are lost every year to OSH deficits. Supply chain actors must support and protect OSH as the foundation of safe, fair and sustainable supply chains, and of a resilient global economy.¹⁵

All transport workers must have access to sanitation facilities, toilets and clean and hygienic workplaces. The **ITF Sanitation Charter** outlines specific actions that supply chain actors can take to protect the sanitation rights of transport workers. Supply chain actors must recognise and act to address the particular sanitation issues faced by transport workers, including the health, safety and welfare of women transport workers.

All supply chain actors must promote and pursue **decent work** for all transport workers active in their operations and third-party

relationships.¹⁶ Decent work is employment that respects:¹⁷

- the **fundamental rights** of the human person
- **fundamental principles and rights at work.**
- the rights of workers in terms of conditions of work safety and remuneration.
- the right to an adequate living wage that supports themselves and their families.

Supply chain actors must guarantee that subcontracted workers, up to and including the ultimate transport provider, have access to the equivalent standards of directly-employed staff. Supply chain actors must ensure contracting and supply chain practices enable, and do not impede, human rights and decent work for all workers.

Supply chain actors must take action to **transition** work from NFSE to formal, decent work in their operations and those of their third-party relationships. Temporary employment and other NSFE must not be used to deny workers formal employment, and the rights, pay and protections that they would be entitled to.

States and other supply chain actors have a duty to identify, prevent, mitigate and account for actual and potential impacts of bribery, extortion and corruption, including from police, the military, border and other authorities.

14. On 13 November 2021, the ILO Governing Body took a decision on elevating Occupational Safety & Health to the status of a fundamental right as per the Centenary Declaration. The 2022 ILC shall consider the inclusion of OSH in the ILO's fundamentals framework via an amendment to the 1998 Fundamental Principles and Rights at Work Declaration.
15. OECD Guidelines for Multinational Enterprises, 2011
16. UN Resolutions and outcome documents from major conferences including Article 23 of the Universal Declaration of Human Rights (1948), the World Summit for Social Development (1995), World Summit Outcome Document (2005), the high level segment of ECOSOC (2006), the Second United Nations Decade for the Eradication of Poverty (2008-2017), Conference on Sustainable Development (2011), & the UN's 2030 Agenda for Sustainable Development (2015)
17. International Covenant on Economic, Social and Cultural Rights (ICESC), Adopted 1966; General Comment 18, 2006 UNESCO, Adopted on 24 November 2005, Article 6 of the ICESC;



Operational-level grievance mechanisms must be supported by supply chain actors to protect human rights. To protect transport workers in supply chains who disproportionately suffer from **violence**, **harassment** and gender-based segregation,

the ITF trains and supports workplace **Women's Advocates** amongst its affiliates. Supply chain actors must take specific actions to protect women transport workers, and pay special attention to both gender-based and sexual violence.¹⁸

Supply chain actors must:

04. **Recognise and exercise their duty and/or responsibility** to fulfil and/or respect human rights, regardless of the ability and/or willingness of other actors to fulfil their obligations.
05. Implement internationally-recognised human rights, other relevant **ILO instruments** and codes of practice, including **those concerning OSH**.
06. Guarantee **sanitation rights** by cooperating with the ITF to implement the ITF **Sanitation Charter** in their operations and third-party relationships.
07. Promote and pursue **decent work** in their operations and third-party relationships, including by facilitating the transition from NSFE to formal work.
08. Guarantee that subcontracted workers have access to the **equivalent standards** of directly-employed staff.
09. Recognise and cooperate with ITF and its affiliates to ensure adequate **operational-level grievance mechanisms** are in place for all workers.
10. Ensure, provide for, and/or adequately resource, the **information, training and support** concerning OSH rights and protections for all workers and third-parties in their supply chain.

18. UN Guiding Principles on Business and Human Rights, 2011

MONITOR

States must monitor and hold accountable the operations and third-party relationships of supply chain actors acting within and beyond their jurisdiction, and of those they legislate for.¹⁹ Enterprises must have in place an ongoing and iterative HRDD process to identify, prevent, mitigate and account for how they address their actual and potential impacts on human rights.²⁰ HRDD can help enterprises properly assess and avoid risks and negative externalities.²¹

HRDD is preventative, risk-based, ongoing, accountable and based on stakeholder engagement.²² The fast-moving, high-risk and subcontracted nature of transport in supply chains therefore necessitates close, consistent cooperation around HRDD between enterprises, multinational customers, trade unions and governments and supply chain actors.

The monitoring process within worker-centred HRDD is unique compared with other HRDD and auditing models. Trusted, peer-to-peer information networks enhance the monitoring process, and provide unrivalled workplace access and information.

Supply chain actors, specifically enterprises, must utilise the ITF's worker-centred HRDD models to properly address impacts on human and labour rights in their transport supply chain. In exchange, actors must

ensure transparency and share information commensurate with the complexity of the operations and/or supply chains being monitored. This includes data and information concerning workplace representation and collective bargaining coverage.

Labour impact assessments are an additional, time-limited monitoring method to be used alongside ongoing worker-centred HRDD. The ITF has significant experience in conducting ILO-accredited **labour impact assessments**. Supply chain actors must work with the ITF to conduct labour impact assessments commensurate with the level of risk posed to specific groups of transport workers, including gender impact assessments.²³

Supply chain actors must:

11. Support, and cooperate with the ITF to conduct **worker-centred HRDD**, including **Supply Chain Health Checks for Seafarers' Human Rights**, and Road Transport Due Diligence.
12. Introduce and/or advocate for **mandatory HRDD laws** and supply chain accountability legislation, and its effective implementation involving trade unions as key stakeholders.
13. Conduct independent **labour and gender impact assessments**, in cooperation with the ITF, in their transport operations and associated services.

19. UN [Guiding Principles](#) on Business and Human Rights, 2011

20. OECD [Guidelines](#) for Multinational Enterprises, 2011; UN [Guiding Principles](#) on Business and Human Rights, 2011

21. OECD [Guidelines](#) for Multinational Enterprises, 2011

22. OECD [Due Diligence Guidance](#) for Response Business Conduct, 2018; UN [Guiding Principles](#) on Business and Human Rights, 2011

23. OECD [Due Diligence Guidance](#) for Response Business Conduct, 2018

REMEDY

States must ensure that adversely affected workers in their jurisdiction have access to remedy, and must consider ways to facilitate access to non-State-based operational-level grievance mechanisms to address and account for business-related human rights impacts.²⁴ Supply chain actors must work with the ITF and its affiliates to remedy human rights violations in transport.

Enterprises must have in place processes to enable the remediation of any actual or potential adverse human rights impacts in their operations or third-party relationships. Where they have been found to have caused or contributed to adverse impacts, enterprises must provide for, and cooperate in their remediation with relevant stakeholders,²⁵ including the ITF and its affiliates.

The subcontracted nature of supply chain transport means supply chain actors must work with the ITF and its affiliates to cease, prevent and mitigate adverse impacts and their root causes. This includes remedies such as the removal of unequal barriers to entry to the labour market; increased regulatory and operational transparency; and enterprises using their influence over suppliers through contractual arrangements such as management contracts and pre-qualification requirements for tender.²⁶

Where adverse impacts have been identified, supply chain actors must work with the ITF to develop and agree remedy plans, with ongoing and iterative monitoring to evaluate their implementation.²⁷

Supply chain actors must:

14. Support and cooperate with the ITF to **remedy actual and potential human and labour rights violations** in their transport.
15. Cease, prevent and mitigate adverse impacts and their **root causes**, including those that may originate in their own business, management, pricing and tender models.
16. Work with the ITF and its affiliates to develop, agree, implement and evaluate the effectiveness of **remedy plans** for transport.

25. [UN Guiding Principles on Business and Human Rights](#), 2011



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