

**UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT**

# **EMPLOYMENT**

UNCTAD Series  
on issues in international investment agreements



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## NOTE

UNCTAD serves as the focal point within the United Nations Secretariat for all matters related to foreign direct investment and transnational corporations. In the past, the Programme on Transnational Corporations was carried out by the United Nations Centre on Transnational Corporations (1975-1992) and the Transnational Corporations and Management Division of the United Nations Department of Economic and Social Development (1992-1993). In 1993, the Programme was transferred to the United Nations Conference on Trade and Development. UNCTAD seeks to further the understanding of the nature of transnational corporations and their contribution to development and to create an enabling environment for international investment and enterprise development. UNCTAD's work is carried out through intergovernmental deliberations, research and analysis, technical assistance activities, seminars, workshops and conferences.

The term "country" as used in this study also refers, as appropriate, to territories or areas; the designations employed and the presentation of the material do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. In addition, the designations of country groups are intended solely for statistical or analytical convenience and do not necessarily express a judgement about the stage of development reached by a particular country or area in the development process.

The following symbols have been used in the tables:

Two dots (..) indicate that data are not available or are not separately reported. Rows in tables have been omitted in those cases where no data are available for any of the elements in the row;

A dash (-) indicates that the item is equal to zero or its value is negligible;

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A slash (/) between dates representing years, e.g. 1994/95, indicates a financial year;

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Reference to "dollars" (\$) means United States dollars, unless otherwise indicated.

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## *IIA Issues Paper Series*

The main purpose of the UNCTAD Series on issues in international investment agreements is to address key concepts and issues relevant to international investment agreements and to present them in a manner that is easily accessible to end-users. The series covers the following topics:

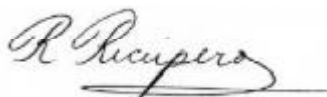
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- Transfer pricing
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- Trends in international investment agreements: an overview

## Preface

The United Nations Conference on Trade and Development (UNCTAD) is implementing a work programme on a possible multilateral framework on investment, with a view towards assisting developing countries to participate as effectively as possible in international investment rule-making at the bilateral, regional, plurilateral and multilateral levels. The programme embraces capacity-building seminars, regional symposia, training courses, dialogues between negotiators and groups of civil society and the preparation of a series of issues papers.

This paper is part of that series. It is addressed to government officials, corporate executives, representatives of non-governmental organizations, officials of international agencies and researchers. The series seeks to provide balanced analyses of issues that may arise in discussions about international investment agreements. Each study may be read by itself, independently of the others. Since, however, the issues treated closely interact with one another, the studies pay particular attention to such interactions.

The series is produced by a team led by Karl P. Sauvant and Pedro Roffe. The principal officer responsible for its production is John Gara who oversees the development of the papers at various stages. The members of the team include S.M. Bushehri, Patricia Mira, Christina Stachowiak, Cynthia Wallace and Jörg Weber. The series' principal advisors are Arghyrios A. Fatouros, Sanjaya Lall, Peter T. Muchlinski and Patrick Robinson. The present paper is based on a manuscript prepared by Bob Hepple. The final version reflects comments received from Abebe Abate, Michael Gestrin, Jan Huner, Mark Koulen and Stephen Pursey. The paper was desktop-published by Teresita Sabico.



Rubens Ricupero  
Secretary-General of UNCTAD

Geneva, April 2000

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UNCTAD has carried out a number of activities related to the work programme in cooperation with other intergovernmental organizations, including the Secretariat of the Andean Community, La Francophonie, the Inter-Arab Investment Guarantee Corporation, the League of Arab States, the Organization of American States, and the World Trade Organization. UNCTAD has also cooperated with non-governmental organizations, including the German Government Development Policy Forum, the German Foundation for International Development, the Centro de Estudios Interdisciplinarios de Derecho Industrial y Económico - Universidad de Buenos Aires, the Consumer Unity and Trust Society - India, the Economic Research Forum - Cairo, the European Roundtable of Industrialists, the Friedrich Ebert Foundation, the International Confederation of Free Trade Unions, Oxfam, SOMO - Centre for Research on Multinational Corporations, the Third World Network, Universidad del Pacifico, University of the West Indies, and World Wildlife Fund International.

Funds for the work programme have so far been received from Australia, Brazil, Canada, France, the Netherlands, Norway, Switzerland, the United Kingdom and the European Commission. Countries such as China, Egypt, Guatemala, India, Jamaica, Morocco, Peru, Sri Lanka and Venezuela have also contributed to the work programme by hosting regional symposia. All of these contributions are gratefully acknowledged.

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## Executive Summary

The inclusion of employment issues into international investment agreements (IIAs) is a relatively new phenomenon. On the other hand, the development of international labour standards has a long pedigree dating back to the establishment of the International Labour Organization (ILO) in 1919. The main issues considered in this paper are those specifically developed in international instruments in relation to transnational corporations (TNCs). The most important of these instruments are the 1977 ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (the ILO Tripartite Declaration) and the Chapter on Employment and Industrial Relations of the 1976 Organisation for Economic Co-operation and Development (OECD) Guidelines on Investment and Multinational Enterprises (OECD Guidelines) (which is part of a broader set of guidelines). Following what is covered by these instruments, the main issues concern general employment (including employment promotion, equality of opportunity and treatment, and security of employment), as well as human resources development, conditions of work and life, and industrial relations practices. In addition a category of emerging issues is covered, namely issues related to core labour standards and efforts to reflect these in international agreements through a "workers' rights" or "social" clause. Many of the issues discussed in this paper are also dealt with in instruments other than those mentioned in this paper; however, these other instruments are not discussed in this paper as its focus is on issues specifically concerning TNCs.

The paper points out that employment promotion is a major goal pursued by Governments and that TNCs have an employment-generating potential that can be harnessed. At the same time, TNCs are called upon to promote equality of opportunity and

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