

CONFERENCE MATERIALS



Business Leaders Dialogue on Corporate Respect for Human Rights

Addressing Complex Challenges, Business Risk
and the Trust Deficit

26th May 2016, Turbine Hall, Johannesburg, South Africa



GLOBAL BUSINESS INITIATIVE
ON HUMAN RIGHTS



Global Compact Network
South Africa



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Welcome

Dear colleagues,

We are pleased to welcome you today to 'Business Leaders Dialogue on Corporate Respect for Human Rights: Addressing Complex Challenges, Business Risk and the Trust Deficit.'

This unique event is designed for business leaders to have a frank and practical dialogue on what respecting human rights means in practice and what challenges exist. We have designed the day to enable as much substantive conversation as possible in plenary and in breakout groups. We are thrilled to have a wonderful line up of speakers, including the business representatives willing to present their work and the challenges they face.

South Africa's apartheid history and rights-based, democratic present makes the country unique in terms of business and human rights challenges and progress. Human rights and social issues are not 'new' to this business audience. However, social frustrations remain and expectations of companies are constantly shifting. Further, there is increasing pressure from stakeholders – business partners, investors, home and host governments, not to mention communities, NGOs and unions – to develop and maintain best practices. This conference will explore, through business-to-business dialogue these changing dynamics, and how companies can and should respond.

The enclosed materials provide more details about the conference. We have also provided information on tools and resources available to companies to manage human rights issues, along with information on the wider business and human rights agenda, including the UN Guiding Principles on Business and Human Rights.

We are pleased that you can join us today and hope that you find the conference stimulating.

On behalf of the organising partners



GLOBAL BUSINESS INITIATIVE
ON HUMAN RIGHTS



Global Compact Network
South Africa

Agenda

08:00



Arrivals, Registration and Light Breakfast

08:30



Welcome, Context and Keynote



The day will begin with a welcome from the organisers of the event, Joanne Yawitch, CEO, National Business Initiative and Katryn Wright, Director, Global Business Initiative on Human Rights. They will provide brief contextual remarks to set the scene for the day and explain what to expect from the dialogue.

Judge Dennis Davis will provide the keynote "state of the nation" address. His remarks will contextualise the day's proceedings in the wider socio-economic environment relating to South Africa's post-apartheid transition and current realities. He will touch on South Africa's strong human rights and democratic framework, the (actual and perceived) role of business in society, businesses' role in addressing poverty and inequality and the legacy of business and apartheid as pertinent issues for companies in South Africa grappling with social license to operate, unrest and risk.

09:00



Session One



Context, evolving expectations and strategic responses

This session will explore the relationship between business and human rights in the South African social and economic context, and how leading companies are responding to emerging expectations and standards.

Panelists will discuss:

- What responsibilities does business have vis-a-vis human rights?
- What are some of the ways in which companies have an impact on human rights, whether positively or negatively?
- What are the risks to business of not paying attention to human rights?
- How do South African legislative and policy frameworks help companies meet their human rights responsibilities (e.g. B-BBE Codes, King Reports, mandatory social and ethics committees, social and labour plans for extractive companies)? Does compliance really lead to societal transformation?
- What frameworks and tools exist that can guide how business should respond to these evolving expectations? What do the UN Guiding Principles on Business and Human Rights (UNGPs) say business should do?
- How are companies responding to evolving human rights expectations and standards, including the UNGPs? What does respecting human rights mean in practice?
- What are the impacts in times of economic and financial stress on implementing corporate respect for human rights?

Panellists:

- Siphon Pityana, Chair, AngloGold Ashanti
- Arnold Kanyangarara, Workplace Accountability Manager, The Coca-Cola Company
- Josua Loots, Project Manager, Business and Human Rights, Centre for Human Rights, University of Pretoria
- Katherine Liao, Deputy Regional Representative, UN Office of the High Commissioner for Human Rights
- Philip Jordan, Chairman of the Ethics Committee, Total (formerly CEO, Total South Africa)

Moderator: Alan Fine, Associate, Russell & Associates

10:30

Break

10:45

Session Two



Case study peer learning groups: addressing specific human rights impacts

In breakout groups, participants will explore real case studies and lessons learned presented by prominent businesses. The case studies will outline a recent/current business and human rights case, and then describe how the company has responded, lessons learned, ongoing challenges and next steps. There will then be a facilitated dialogue with the company dealing with challenges and the opportunity for participants to share their experiences in responding to similar human rights issues. Relevant experts will also provide reflections on the cases and discussions.

The different peer learning groups will focus on:

- **Group one:** community engagement, consultation and natural resources
- Case study one: Anglo American Platinum
- Case study two: Illovo Sugar
- Case study three: BASF

Expert Reflections: Professor Danny Bradlow, University of Pretoria

Moderator: Paul Kapelus, Chair of Human Rights and Business Working Group, Global Compact Network South Africa and Director, Synergy

- **Group two:** human and labour rights in business relationships
- Case study one: AngloGold Ashanti
- Case study two: The Coca-Cola Company

Expert Reflections: Andrea Shemberg, Lead, LSE Investment and Human Rights Project

Moderator: Achieng Ojwang, Project Manager, Global Compact Network South Africa

12:15

Lunch

13:00

Session Three



Deep dive discussions on case studies

This two part session will explore case studies from the mining industry (platinum and gold) but will share relevant lessons for businesses in other industries – particularly around corporate governance, worker and community engagement, working with third parties, and engaging with civil society.

13:00

Part one

Marikana – contextual analysis, Lonmin’s response and lessons learned

This session will explore the circumstances that led to the events at Marikana in August 2012, Lonmin’s response and lessons learned. This will be a unique opportunity to hear Lonmin’s analysis of what happened during that week and why, and how the company has responded.

Contextual analysis will be provided using media coverage from the time and interviews with key experts. Lonmin will then share their immediate, medium- and long-term responses to how they dealt with the developments at Marikana. Lonmin will share lessons learned from the crisis and describe steps they have taken to prevent future such tragedies and implement respect for human rights. Participants will have the opportunity to raise questions and share reflections and experiences.

- Speaker
 - Lerato Molebatsi, Executive Vice President, Communications and Public Affairs, Lonmin
- Reflections by:
 - Gerald Pachoud, Manager Partner, Pluto Advisory, formerly Special Adviser to Professor John Ruggie (author of the UN Guiding Principles)

Moderated by: Katryn Wright, Director, GBI

14:15

Part two

Multi-stakeholder collaboration to solve complex problems

This session will explore an innovative response between multiple stakeholders to address complex local-level human rights issues. This in-depth case study exploration will focus on how companies, communities, local government and an independent third party have worked together. The case involves an alliance between two gold mining companies and other stakeholders to resolve structural challenges, reduce conflict and build a sustainable local economy and business operating environment for the benefit of all stakeholders. Experiences will be shared by Gavin Andersson, Seriti Institute who convened these actors as well as the companies engaged, a local government representative and a community representative – with opportunities for questions and to hear experiences and perspectives from the floor.

- Multi-stakeholder example
 - › Gavin Andersson, Executive Director, Seriti Institute
 - › Phillip Jacobs, Vice President Corporate Affairs, Sibanye Gold
 - › Lusindiso Mxutu, Community Representative, Mines and Community Development Enterprise
 - › Thabo Ndlovu, Municipal Manager, Westonia Municipality
- Reflections by:
 - › Sayi Nindi, Attorney, Legal Resources Centre
 - › Salil Tripathi, Senior Advisor, Institute for Human Rights and Business

Moderator: Paul Kapelus, Chair of Human Rights and Business Working Group, Global Compact Network South Africa and Director, Synergy

15:30

Break

15:45

Session Four



Corporate respect for human rights – implementation and integration

This session will address the practical ways in which companies can and do implement respect for human rights throughout their operations, products and services. The focus will be on different ways that companies are setting strategy and priorities to enable them to implement respect for human rights. The session will address how companies can and do:

- **Understand, identify and address human rights impacts**, including through mapping and impact assessments, and remedy and grievance mechanisms
- **Integrate and embed respect for human rights** through the business, including through training and capacity building
- **Internal organisation and governance** for accounting for human rights in the business system

Panellists:

- Jan Klawitter, Government Relations Manager, Anglo American
- Adebola Ogunlade, Legal Counsel, Group Legal Department, Compliance and Corporate Social Responsibility, Total
- Anders Nordstrom, Group Head of Environment, ABB
- Kasumi Blessing, Global Manager, Corporate Sustainability, Novo Nordisk A/S
- Liesel Filgueiras, General Manager of Human Rights and Sustainability Themes, Vale

Moderated by: Catie Shavin, Director, GBI

17:15



Ways forward and next steps

- Paul Kapelus, Chair of Human Rights and Business Working Group, Global Compact Network South Africa and Director, Synergy
- Achieng Ojwang, Programme Manager, Global Compact Network South Africa

17:30



Close

Context

THE SOUTH AFRICAN CONTEXT

Many of the business and human rights issues in South Africa today have their origins in the country's apartheid history. Racially-based disparities in wealth, income and opportunity all have their roots in that history. The country's constitution and Bill of Rights deal with the need to address these inequalities, particularly the equality clause which permits and even encourages 'measures designed to protect or advance persons disadvantaged by unfair discrimination.' The second and third generation rights (dealing with social, economic and cultural rights) from clause 26 onwards are designed, among other things, to reinforce this approach of redressing the wrongs of the past.

Much legislation and regulation has developed in this regard, in particular socio-economic charters in various sectors and the overarching Broad Based Black Economic Empowerment codes. Remediation of these legacies is a big ticket item for much of South Africa's business community. In addition, the Companies Act requires companies to establish social and ethics committees to oversee company performance not only on these areas but also matters of the environment and health and safety, and performance in respect of the principles of the UN Global Compact (the Act preceded the approval of the UNGPs). And of course successive King reports on corporate governance have addressed such issues.

The existence of a high quality constitution, Bill of Rights and quite comprehensive set of legislation does not, however, mean that contemporary issues are devoid of human rights concerns. The most stark recent example of this were the events at Marikana in 2012. Questions on the lessons business can learn from this will be one of the highlights of the day.

There is a range of other human rights issues that have arisen in South Africa's more recent business activities that provide challenges over and above ongoing efforts to deal with the legacies of the country's history. These are often dealt with in companies' risk registers. The challenge is for companies to view these not only as risks to the company but also from the perspective of risk to the external stakeholder.

The dialogue will also include consideration of pursuing corporate efforts to respect human rights during times of economic and financial stress as South Africa's and economies around the world are experiencing right now.

ABOUT BUSINESS AND HUMAN RIGHTS

The late 1990s and early 2000s saw an upsurge of protest against business, particularly multinational companies, following a series of serious industrial accidents affecting communities and workers (e.g. the Bhopal disaster) and suppression of community and labour leaders linked to anti-corporate protests in Africa and Latin America. That gave rise to animated though somewhat confused debate over the human rights responsibilities of business – where previously human rights had been perceived an issue simply for governments.

In 2006 the then UN Secretary General Kofi Annan appointed Harvard professor John Ruggie as a Special Representative on Business and Human Rights to develop a coherent perspective on this. The outcome was the UN 'Protect, Respect and Remedy' Framework and associated Guiding Principles (UNGPs) for their implementation. The UNGPs today form the basis of other sets of standards dealing with these issues including the UN Global Compact, the OECD Guidelines for Multinational Enterprises, the ISO 26000 guidance standard on social responsibility, among others. Increasingly, civil society organisations are referring to the UNGPs as they approach companies with allegations of wrong doing and calling for their implementation.

THE UN THREE-PILLAR PROTECT, RESPECT AND REMEDY FRAMEWORK



The UNGPs outline that the *duty to protect* human rights rests with States. They also assert that companies have a *responsibility to respect human rights* which means to act with due diligence to prevent human rights harms. The UNGPs hold that corporate respect for human rights requires an appropriate policy statement, a systematic and ongoing process of human rights due diligence and a process to remediate harm if things go wrong.



An increasing number of prominent companies have embraced the UNGPs, both in recognition of this being 'the right thing to do' and through developing an awareness of the costs (litigation, disruption of business, reputational impact, consumer boycotts etc.) of failures to respect human rights.

71% of business respondents now agree that respect for human rights requires going beyond national law, according to a recent Economist Intelligence Unit report .

63% of business respondents say discussions on human rights have become more prevalent in their companies over the last 5 years

However, as all would acknowledge, there remain many areas where implementation of respect for human rights is clouded with uncertainty, where progress is incremental and where companies are learning by doing.

Given this, the opportunity this conference presents to learn from and share experiences with other companies is too good to miss.

Among the international companies that will be participating in this event ready to share experiences and (given that many have South African subsidiaries or operations) hoping to learn from South African-based business and business organisations, include: BASF; Coca-Cola South Africa; Total SA; Lonmin; General Electric and many more.

71% of business respondents now agree that respect for human rights requires going beyond national law, according to a recent Economist Intelligence Unit report¹.

63% of business respondents say discussions on human rights have become more prevalent in their companies over the last 5 years.

"Someone who leads an organisation, like the one I have the privilege of leading, has an obligation and responsibility to be outspoken about this, to show full commitment and leadership on the human rights agenda; not out of convenience but out of conviction."²

Paul Bulcke, CEO, Nestlé

"We created a statement of principles on human rights... We have a lot of policies and practices that focus on human rights. But we needed to overlay a specific human rights lens to bring this into focus ... We didn't want to start a new endeavour or process – rather, we started with what we had and then created champions in each of the businesses to look at the most salient human rights issues for each particular business."

Mark Nordstrom, Senior Labor and Employment Counsel, GE

"Our journey started in 1999 with the first human rights review and found 3 areas: provide affirmative access to care; ensure responsible supply chain; and provide equal opportunity in the work place. Now we are following the UN Guiding Principles, doing our due diligence to "know and show" and we have found a number of potential adverse impacts where we should and can enhance respect for people's rights. Managing human rights is a journey, and you're never done!"

Susanne Stormer, Vice President, Corporate Sustainability, Novo Nordisk

"In our company we develop training activities and relationships with our employees and affected communities to implement effective actions to promote and respect human rights among these stakeholders ... This should not be just a legal or risk topic – it goes beyond that ..."

Carlos Franco, Manager of Social Standards and International Engagement, Cerrejón

¹ http://www.economistinsights.com/sites/default/files/EIU-URG%20-%20Challenges%20for%20business%20in%20respecting%20human%20rights%20WEB_corrected%20logos%20and%20UNWG%20thx.pdf

² <http://www.nestle.com/asset-library/documents/media/news-feed/paul-bulcke-un-forum-business-human-rights-2014.pdf>

Business and Human Rights

A SHORT INTRODUCTION

Overview

Benefits

- Gain a basic understanding of human rights and how they relate to business
- Understand how other companies have integrated human rights into their business management systems
- Help you to understand how to build a business case for your own company
- Identify ways to communicate your business case for human rights internally and externally

Key Messages

- Human rights are central to your business and are not a philanthropic or reputational add-on
- Human rights are an opportunity as well as a responsibility
- The business case can relate to any right, any business sector and any global location
- The business case is also relevant to Small and Medium sized Enterprises and State-Owned Enterprises

WHY BUSINESS AND HUMAN RIGHTS?

One of the most challenging areas of corporate responsibility for companies to address is human rights and there is a clear need for more tools and guidance. Companies are becoming increasingly aware of the contribution they can make to the advancement of human rights and of the benefits such an approach can have for their business. Human rights continue to be primarily a responsibility of governments, but it is now widely acknowledged that companies can do a great deal to respect and support human rights. Being proactive on human rights makes good business sense, as well as being the right thing to do.

There are compelling reasons why businesses should include human rights in their strategies, policies, practices and procedures. Businesses increasingly need a stable international environment in which to operate, with sustainable markets and a “level playing field” of opportunities. Human rights offer a common framework for companies to understand societies’ expectations and deliver value to stakeholders in a more sustainable way. In a business context, advancing human rights is as much about realising new opportunities and managing risk as it is about meeting essential global standards.

The debate about the nature and scope of companies’ human rights responsibilities is a relatively recent one, as is the idea of applying human rights to business decisions and operations. For companies, human rights provide a universal benchmark for essential standards of behaviour. Many national laws and regulations have evolved as a result of a state’s obligation to implement human rights standards. Companies must, of course, observe such laws in all countries and jurisdictions in which they operate, but many business leaders now look beyond the essential or expected actions of their companies on a local level, striving instead to ensure best possible practice consistently on a global basis.

ROUGH GUIDE TO INTEGRATION

STEP 1: Understand what human rights are

Human rights are the basic rights of each human being, independent of race, sex, religion, political opinion, social status, or any other characteristic. Through international human rights conventions, governments commit to respect, protect, promote and fulfil the human rights of their citizens. A list of the human rights contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights – the three fundamental United Nations agreements on human rights – is included in the Resources section of the Guide. Businesses should also be aware of the core conventions of the International Labor Organization (ILO). In addition, a specific body of law applies in situations of armed conflicts: international humanitarian law.

STEP 2: Understand how human rights relate to business

Government's Duty to Respect, Protect, Promote and Fulfil Human Rights- These terms are used in connection with state obligations in accordance with the human rights instruments they have committed to. As an overview promote is about ensuring awareness of the right; respect means to not violate a right; protect means to ensure that others (e.g. companies, individuals, etc.) do not violate a right; and fulfil means to actually implement the right, for example by providing healthcare facilities to fulfil the right to health.

Corporate Responsibility to Respect – There is now a recognised responsibility to respect human rights which applies to business actors. Governments unanimously affirmed the existence of this responsibility at the United Nations in 2008 and the UN Human Rights Council unanimously endorsed the UN SRSG Professor John Ruggie's Guiding Principles in 2011. The responsibility to respect essentially means not to infringe upon the rights of others and to address adverse impacts when they occur. Companies can take steps to meet their responsibility to respect human rights by carrying out human rights due diligence. Additionally, companies should have in place a statement or policy articulating the company's commitment to respect human rights.

Human Rights due diligence is currently defined as having four components:

1. Assessing actual or potential adverse human rights impacts on an ongoing basis, drawing on internal or external expert resources; involving meaningful engagement with relevant stakeholders as appropriate to the size of the business enterprise and the nature and context of its activities.
2. Integrating the findings from these assessments across internal functions and processes to enable appropriate action, including by clarifying internal accountabilities and aligning personnel incentive structures.
3. Tracking performance to know whether human rights risks are being effectively addressed, based on appropriate qualitative and quantitative metrics, drawing on feed-back from both internal and external stakeholders, and supporting continuous improvement processes.
4. Communicating performance on human rights in response to stakeholder concerns, including reporting formally as appropriate, taking into account any risks posed to stakeholders themselves, company personnel or to the legitimate requirements of commercial confidentiality.

Additionally, company-level grievance mechanisms are an important part of human rights due diligence in that they assist in identifying risks at an early stage and they can help provide a remedy for potential victims.

STEP 3: Identify the risks, responsibilities and opportunities for your sector

Risk Management – There are many types of business risk – ranging from operational and project risk in specific locations, financial risk, reputational risk associated with perceptions of the business and its brand, legal risk and maintaining the social license to operate.

How Risk is Managed? – Risk management should be managed to meet the expectations of rights-holders (workers, customers and local communities) and other key stakeholders (such as business partners and investors). Business risks are heightened in parts of the world where governments are unwilling or unable to perform their normal role of protecting the rights of all their people. The responsibility of a business to respect human rights requires that business undertakes **due diligence** to understand its risks and impacts and respond to them.

Responsibility – Companies have a responsibility to respect human rights

Opportunity – Human rights within a company are first and foremost a responsibility, but proactive responses can also represent an opportunity for business.

STEP 4: Build the business case for your company

When building a business case for human rights within your own company, you might like to consider the following factors, some of which will be relevant to your business:

Meeting Expectations of Buyers or Customers – Few companies can prosper whilst knowingly abusing human rights. Customers expect companies to respect human rights and avoid involvement in any such abuses. Increasingly, such stakeholders expect not just minimum compliance but evidence of positive behaviour.

Reputational Risk Management – Mismanagement of human rights issues can tarnish a reputation for many years and harm business operations. Reputational damage can make it harder to attract customers, secure the necessary investment for growth, attract and retain the best and most committed employees or enter into business partnerships.

Operational Risk – Social Licence to Operate – It is hard for any business to operate against the will of a local population. While the permission of a national government is needed to trade, local authority permission or community approval is also necessary even if not a legal requirement. For example, a mine that pollutes a local environment or exploits a local workforce will soon provoke anger and resentment within the local community. A social licence to operate is not a written document, but without it a company may face anything from demonstrations outside its gates to a material loss in trade.

Legal and Financial Risk – Although human rights law and its relationship to business is still evolving, it is increasingly used in both criminal cases (against companies as well as individual employees) and civil cases (such as compensation claims from workers or customers). The risk of being found guilty of not respecting human rights or being complicit in an abuse perpetrated by others is now a reality in many parts of the world.

Pressure from Government – National governments can play a key role in encouraging businesses to act on human rights. An increasing number of countries around the world have launched national initiatives on corporate responsibility to encourage excellence among their own industries and through this encourage responsible overseas investment. Companies not respecting human rights can have a negative effect upon both home and host country reputation and can undermine their ability to trade freely.

Pressure from Investors – Many institutional investors now actively screen for allegations of human rights abuses by a company they are considering for investment. This is also the case for the major public lending institutions and the major private banks.

Staff Retention and Motivation – The best companies attract and retain the best employees, and good employees contribute to success. A relationship built on respect for human rights is likely to be more sustainable and productive for both employer and employee.

Leadership – Ethical leadership is a key element of sustainable success in business. A corporate governance framework which takes account of human rights sets the tone for business behaviour, contributes to the success of the company and helps meet stakeholder expectations.

Staff Retention and Motivation – The best companies attract and keep the best employees, and good employees contribute to success. A relationship built on respect for human dignity is likely to be more sustainable and productive for both employer and employee.

Leadership – Ethical leadership is a key element of sustainable success in business. A corporate governance framework which takes account of human rights sets the tone for business behaviour, contributes to the success of the company and helps meet stakeholder expectations.

STEP 5: Get executive commitment and engage colleagues

One of the potentially most challenging aspects of communicating a business case internally is ensuring the necessary buy-in of colleagues in favour of such an approach. It will be essential to engage with a variety of colleagues, senior management and the company CEO at the appropriate time with regards to the business case for human rights. There are now several training programmes that exist which present human rights to a business audience in a succinct manner.

For further guidance please refer to the tools section of this pack.



THE UN GUIDING PRINCIPLES
ON BUSINESS AND HUMAN RIGHTS
AN INTRODUCTION

THE UN WORKING GROUP
ON BUSINESS AND
HUMAN RIGHTS

ABOUT THIS DOCUMENT

In 2011, the United Nations Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights, a set of guidelines for States and companies to prevent and address human rights abuses committed in business operations. This document summarises the content of the UN Guiding Principles and describes the mandate of the UN Working Group on Business and Human Rights, which has been established to aid in their implementation.

BACKGROUND

Preventing and Addressing the Human Rights Impacts of Businesses

Business enterprises can profoundly impact the human rights of employees, consumers, and communities wherever they operate. These impacts may be positive, such as increasing access to employment or improving public services, or negative, such as polluting the environment, underpaying workers, or forcibly evicting communities. For decades, local communities, national governments and international institutions have debated the responsibility of companies in managing these adverse impacts and the role of governments in preventing them.

In 2008, the United Nations endorsed the 'Protect, Respect and Remedy Framework' for business and human rights. This framework was developed by the then-Special Representative of the UN Secretary General, Professor John Ruggie, following three years of research and worldwide consultations with businesses, civil society, governments and victims of corporate human rights abuses.

The UN Framework unequivocally recognises that States have the *duty* under international human rights law to *protect* everyone within their territory and/or jurisdiction from human rights abuses committed by business enterprises. This duty means that States must have effective laws and regulations in place to prevent and address business-related human rights abuses and ensure access to effective remedy for those whose rights have been abused.

The UN Framework also addresses the human rights responsibilities of businesses. Business enterprises have the *responsibility to respect* human rights wherever they operate and whatever their size or industry. This responsibility means companies must know their actual or potential impacts, prevent and mitigate abuses, and address adverse impacts with which they are involved. In other words, companies must know—and show—that they respect human rights in all their operations.

Importantly, the UN Framework clarifies that the corporate responsibility to respect human rights exists independently of States' ability or willingness to fulfil their duty to protect human rights. No matter the context, States and businesses retain these distinct but complementary responsibilities.

The UN Framework also recognises the fundamental right of individuals and communities to access effective remedy when their rights have been adversely impacted by business activities. When a business enterprise abuses human rights, States must ensure that the people affected can access an effective remedy through the court system or other legitimate non-judicial process. Companies, for their part, are expected to establish or participate in effective grievance mechanisms for any individuals or communities adversely impacted by their operations.

No matter the context, States and businesses retain distinct but complementary responsibilities.

Protect, respect, remedy. Each of these simple terms hides a complicated reality. In 2011, the UN Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights, a set of guidelines that operationalize the UN Framework and further define the key duties and responsibilities of States and business enterprises with regard to business-related human rights abuses. Following the endorsement, the UN Working Group on Business and Human Rights, consisting of five independent experts, was appointed to guide the dissemination and implementation of the UN Guiding Principles.



MAKING RIGHTS A REALITY

The UN Guiding Principles on Business and Human Rights

The Guiding Principles contain three chapters, or pillars: protect, respect and remedy. Each defines concrete, actionable steps for governments and companies to meet their respective duties and responsibilities to prevent human rights abuses in company operations and provide remedies if such abuses take place.

The State Duty to Protect

The Guiding Principles affirm that under existing international human rights law, States have the duty to protect against human rights abuses by all actors in society, including businesses. This means States must prevent, investigate, punish and redress human rights abuses that take place in domestic business operations. Furthermore, The Guiding Principles recommend that States set clear expectations that companies domiciled in their territory/jurisdiction respect human rights in every country and context in which they operate.

The corporate responsibility to respect applies to all internationally recognized human rights.

The Guiding Principles include operational provisions that recommend concrete actions for States to meet their duty to protect human rights in the context of business operations. This includes enacting and enforcing laws that require businesses to respect human rights; creating a regulatory environment that facilitates business respect for human rights; and providing guidance to companies on their responsibilities. The Guiding Principles also stipulate that States should ensure that policies are coherent across departments and functions, and that their participation in multilateral institutions is aligned with their human rights obligations.

The human rights obligations of States, from providing security to delivering utilities, are not voided when such functions are carried out by state-owned or private business enterprises. As conflict-affected areas pose a heightened risk of gross human rights abuses, including by businesses, the Guiding Principles stipulate that States (home and host) should provide guidance, assistance and enforcement mechanisms to ensure that business enterprises are not involved with such abuses in conflict-affected areas.

The Corporate Responsibility to Respect

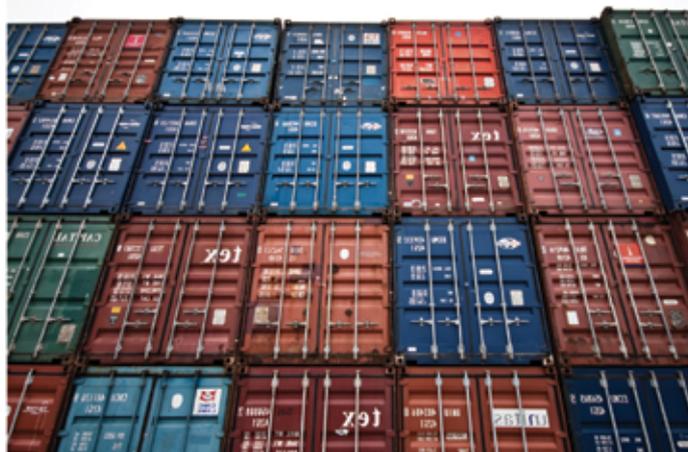
The Guiding Principles clarify what is expected of business enterprises with regard to human rights and outline the process through which companies can identify their negative human rights impacts and demonstrate that their policies and procedures are adequate to address them.

The Guiding Principles affirm that business enterprises must prevent, mitigate and, where appropriate, remedy human rights abuses that they cause or contribute to. Businesses must seek to prevent or mitigate any adverse impacts related to their operations, products or services, even if these impacts have been carried out by suppliers or business partners.

The responsibility to respect applies to all internationally recognized human rights expressed in the International Bill of Human Rights and the International Labour Organization Declaration on Fundamental Principles and Rights at Work. Though the actions businesses need to take to meet the responsibility to respect will depend on their scale or complexity, the responsibility itself applies to all businesses regardless of size, sector or location.

To meet the responsibility to respect, business enterprises must have the necessary policies and processes in place. The Guiding Principles identify three components of this responsibility. First, companies must institute a policy commitment to meet the responsibility to respect human rights. Second, they must undertake ongoing human rights due diligence to identify, prevent, mitigate and account for their human rights impacts. Finally, they must have processes in place to enable remediation for any adverse human rights impacts they cause or contribute to.

Human rights due diligence refers to the process of identifying and addressing the human rights impacts of a business enterprise across its operations and products, and throughout its supplier and business partner networks. Human rights due diligence should include assessments of internal procedures and systems, as well as external engagement with groups potentially affected by its operations.



The Guiding Principles state that companies should integrate the findings of their human rights due diligence processes into policies and procedures at the appropriate level, with resources and authority assigned accordingly. Companies should verify that this objective is achieved by constantly monitoring and evaluating their efforts. Finally, companies should be prepared to communicate how they address their human rights impacts, including to those groups most likely to be affected.

Where businesses identify that they have caused or contributed to adverse impacts, they should cooperate in remediation through legitimate processes.



Access to Remedy

One of the fundamental principles of the international human rights system is that when a right is violated, victims must have access to an effective remedy. The Guiding Principles affirm that the State duty to protect rights includes ensuring that when human rights are violated by companies within their territory and/or jurisdiction, the State must ensure access to an effective remedy for those affected.

The state duty to provide access to effective remedy includes taking appropriate steps to ensure that State-based domestic judicial mechanisms are able to effectively address business-related human rights abuses, and do not erect barriers (such as administrative fees or lack of language interpreters) that prevent victims from presenting their cases. It does not simply mean that countries should fortify their court systems. States should also provide effective and appropriate non-judicial grievance mechanisms with the capacity to hear and adjudicate business-related human rights complaints as part of a comprehensive State-based system for remedy.

The access to remedy principles do not only apply to States. They also stipulate that business enterprises should provide for, or participate in, effective mechanisms for fielding and addressing grievances from individuals and communities who may be adversely impacted by the company's operations. They further maintain that multistakeholder and other collaborative initiatives based on human rights-related standards can also contribute to providing effective access to remedy.

The Guiding Principles set out a list of effectiveness criteria for state- or company-based non-judicial grievance mechanisms. These criteria stipulate that effective grievance mechanisms should be legitimate,

When human rights are violated by companies, governments must provide a robust and appropriate remedy for those affected.

accessible, predictable, equitable, transparent and rights-compatible. Simply put, they must provide genuine remedies for victims of human rights violations by companies and must not amount to communications or political exercises. Operational-level mechanisms should be based on engagement and dialogue with the stakeholder groups whose rights they seek to remedy.

TOWARD IMPLEMENTATION

The UN Working Group on Business and Human Rights

The UN Working Group on Business and Human Rights consists of five independent experts, appointed for a three-year term. The Working Group is mandated by the UN Human Rights Council to ensure that the Guiding Principles described above are widely disseminated, robustly implemented and firmly embedded in international governance.

The Working Group is mandated to consult with all relevant stakeholders, identify best practices in ongoing implementation efforts, promote capacity-building, issue recommendations on legislation and policies related to businesses, and conduct country visits. The Working Group is also mandated to integrate a gender perspective and pay special attention to vulnerable groups such as indigenous people and children.

The Working Group will hold an Annual Forum on Business and Human Rights every December. The purpose of the Forum is to allow representatives of States, businesses and civil society to discuss trends and challenges in the implementation of the Guiding Principles and to promote dialogue, cooperation and sharing of good practices. The Working Group reports its activities to the UN Human Rights Council and the General Assembly every year.

For the full text of the Guiding Principles, see OHCHR.org

For more information, contact the OHCHR Secretariat
wg-business@ohchr.org

Creative Commons images from United Nations photobank and flickr users adamsofen and Haakon Dahlstrom

Summary Document of The Guiding Principles on Business and Human Rights

Prepared by The Global Business Initiative on Human Rights

The Guiding Principles on Business and Human Rights were endorsed by the UN Human Rights Council in June 2011. They seek to provide for the first time an authoritative global standard for preventing and addressing the risk of adverse human rights impacts linked to business activity. The Guiding Principles are the product of six years of research and extensive consultations, led by the Secretary-General's Special Representative for Business and Human Rights, Professor John Ruggie, involving governments, companies, business associations, civil society, affected individuals and groups, investors and others around the world.

The principles are organised under the UN Framework's three pillars:

1. The State Duty to Protect Human Rights
2. The Corporate Responsibility to Respect Human Rights
3. The need for greater Access to Remedy for victims of business-related Human Rights abuse

What follows is a listing of the Guiding Principles relating to the Corporate Responsibility to Respect and relevant sections of Access to Remedy. This summary document has been prepared for the purposes of the GBI Business Roundtables and Conferences only.

CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS		
Number	Summary title	Text of the principle
11	Definition of the corporate responsibility to respect human rights	Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
12	What is meant by human rights in this context	The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work.
13	Distinction between causing or contributing to human rights impacts and those impacts linked to operations, products or services	The responsibility to respect human rights requires that business enterprises: <ul style="list-style-type: none"> • Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; • Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

14	Scope of the responsibility to respect – applies to all businesses	The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise’s adverse human rights impacts.
15	The policy commitment and processes businesses should have in place	<p>In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:</p> <ul style="list-style-type: none"> • A policy commitment to meet their responsibility to respect human rights; • A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; • Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.
16	Policy commitment to respect human rights	<p>As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:</p> <ul style="list-style-type: none"> • Is approved at the most senior level of the business enterprise; Is informed by relevant internal and/or external expertise; • Stipulates the enterprise’s human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services; • Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties; • Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.
17	Definition of human rights due diligence	<p>In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:</p> <ul style="list-style-type: none"> • Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; • Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; • Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise’s operations and operating context evolve.
18	Identifying and assessing actual or potential human rights impacts	<p>In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should:</p> <ul style="list-style-type: none"> • Draw on internal and/or independent external human rights expertise; • Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

19	Integrating findings and taking appropriate action	<p>In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action.</p> <p>Effective integration requires that:</p> <ul style="list-style-type: none"> • Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise; • Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts. <p>Appropriate action will vary according to:</p> <ul style="list-style-type: none"> • Whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship; • The extent of its leverage in addressing the adverse impact.
20	Tracking the effectiveness of the response towards adverse human rights impacts	<p>In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should:</p> <ul style="list-style-type: none"> • Be based on appropriate qualitative and quantitative indicators; • Draw on feedback from both internal and external sources, including affected stakeholders.
21	Accounting for how human rights impacts are being addressed (communication)	<p>In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:</p> <ul style="list-style-type: none"> • Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences; • Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved; • In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.
22	Remediation	<p>Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.</p>
23	Issues of context	<p>In all contexts, business enterprises should:</p> <ul style="list-style-type: none"> • Comply with all applicable laws and respect internationally recognized human rights, wherever they operate; • Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements; • Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.
24	Prioritising actions	<p>Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.</p>

ACCESS TO REMEDY		
Number	Summary title	Text of the principle
29	Creating or participating in operational-level grievance mechanisms	To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted.
30	Role of industry initiatives in creating grievance mechanisms	Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.
31	Effectiveness criteria for non-judicial grievance mechanisms: Legitimate Accessible Predictable Equitable Transparent Rights-compatible A source of continuous learning Operational-level mechanisms should also be: Based on engagement and dialogue	<p>In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:</p> <p>Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;</p> <p>Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;</p> <p>Predictable: providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;</p> <p>Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;</p> <p>Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;</p> <p>Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;</p> <p>A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;</p> <p>Operational-level mechanisms should also be: Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.</p>

Business and Human Rights Tools and Resources

UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The Business and Human Rights Resource Centre (BHRRCC) hosts the official portal to all materials, guidance and key commentaries on the UN Guiding Principles on Business and Human Rights (UNGPs) – the global standard on business and human rights endorsed by the UN Human Rights Council: <http://www.business-humanrights.org/UNGuidingPrinciplesPortal/Home>

The following links provide access to key materials in relation to the UNGPs:

The Guiding Principles Portal includes a hub with practical tools for implementing the UN Guiding Principles:

<http://www.business-humanrights.org/UNGuidingPrinciplesPortal/ToolsHub>

The Guiding Principles for Implementation of the United Nations ‘Protect, Respect and Remedy Framework’

<http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

Interpretive Guide to the Corporate Responsibility to Respect Human Rights Office of the High Commissioner for Human Rights (OHCHR)

<http://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>

The UN “Protect, Respect and Remedy” Framework for Business and Human Rights

<http://www.reports-and-materials.org/Ruggie-protect-respect-remedy-framework.pdf>

Business and Human Rights: Towards Operationalizing the Protect, Respect and Remedy Framework

(also available in Spanish and French)

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.13.pdf>

Professor John Ruggie’s reports to UN Human Rights Council

<http://www.business-humanrights.org/SpecialRepPortal/Home/ReportstoUNHumanRightsCouncil>

In addition, in June 2011 following endorsement of the UNGPs, the UN Human Rights Council established the ‘working group on the issue of human rights and transnational corporations and other business enterprises’, commonly referred to as the Working Group on business & human rights, consisting of five independent experts. The official website for the working group is hosted by the OHCHR at: <http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>

The UN Annual Forum on Business and Human Rights

The UN Human Rights Council decided to establish a Forum on Business and Human Rights under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises to:

‘discuss trends and challenges in the implementation of the Guiding Principles [on Business and Human Rights] and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices.’

The Forum is open to all relevant stakeholder groups, including States, the wider United Nations system, intergovernmental and regional organisations, businesses, labour unions, national human rights institutions, non-governmental organizations, and affected stakeholders, among others. The fourth Forum was held in Geneva in November 2016. Around 2,000 persons registered from more than 100 countries. It was the largest global gathering to date to discuss progress and challenges in addressing business impacts on human rights and implementation of the Guiding Principles. The OHCHR hosts information on the Annual Forum on Business and Human Rights.

<http://www.ohchr.org/EN/Issues/Business/Forum/Pages/ForumonBusinessandHumanRights.aspx>

TOOLS AND RESOURCES

The following pages contain a sample of tools and resources listed on the Business and Human Rights Resource Centre (BHRRRC) <http://www.business-humanrights.org> and examples of company action which may be of interest.



Key Resources on Business and Human Rights

In addition to the materials included in this pack, the following links provide an introduction to business and human rights and contextual background:

Business and Human Rights Country Guide – South Africa

South African Human Rights Commission and Danish Institute for Human Rights

<http://www.sahrc.org.za/home/21/files/Guide%20Final%20final.pdf%20March%2019.pdf>

Business and Human Rights Resource Centre – South Africa News

BHRRRC

<http://business-humanrights.org/regions-countries/africa/south-africa>

Guiding Principles on Business and Human Rights: Employers' Guide

International Organisation of Employers (IOE)

http://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/business_and_human_rights/EN/_2012-02__UN_Guiding_Principles_on_Business_and_Human_Rights_-_Employers__Guide.pdf

Overview of human rights tools & guidance for business

econsense

<http://business-humanrights.org/en/overview-of-human-rights-tools-guidance-for-business>

Understanding the corporate responsibility to respect human rights

United Nations Global Compact & Verisk Maplecroft

<http://business-humanrights.org/en/understanding-the-corporate-responsibility-to-respect-human-rights>

What Executives Need to Know (and Do) About Human Rights

Anthony P. Ewing, Columbia Law School & Logos Consulting Group

<http://business-humanrights.org/media/documents/what-executives-need-to-know-ewing-feb-2013.doc>



Audio Visual Resources

A selection of audio and video resources are available on the web about business and human rights, including:

Business and Human Rights Resource Centre (BHRRRC) Youtube Channel

BHRRRC

<https://www.youtube.com/user/BusinessHumanRights>

Business Voice Series: Interviews with business practitioners on the implementation of respect for human rights

Global Business Initiative on Human Rights

<http://www.global-business-initiative.org/work/business-voice>

Institute for Human Rights and Business (IHRB) Youtube Channel

IHRB

<https://www.youtube.com/user/ihrbTV>

UN Guiding Principles Reporting Framework: What are salient human rights issues?

Shift and Mike Baab

<https://vimeo.com/154834462>

What are the UN Guiding Principles?

Mike Babb

<https://www.youtube.com/watch?v=BCoL6JVZHrA>



Sectoral Resources

Guidance on business and human rights for specific sectors can be found at the websites of the sectoral organisations listed on page 33-34 and via <http://business-humanrights.org/en/business-action-0/sector-guidance>

Example of South African sectoral resources include:

Bench Marks Foundation: Reports and policy gap analysis assessments

The Bench Marks foundation, an NGO, has focused among other things on assessing mining companies' sustainability reporting for accuracy. See particularly the more recent documents in its Policy Gap research series

<http://www.bench-marks.org.za>

University of Witwatersrand, Johannesburg's Centre for Applied Legal Studies Report on Social and Labour Plans

The quality and implementation of SLPs are contested by some NGOs. This report by a university institute was published recently

<https://www.wits.ac.za/cals/our-programmes/environmental-justice/social-and-labour-plans>

Mining Charter

Department of Mineral Resources, Republic of South Africa

http://www.gov.za/sites/www.gov.za/files/33573_838.pdf

Examples of Projects and Initiatives

IPIECA's Business and Human Rights Project – Oil and Gas

This project was launched to support the organisational capability of IPIECA members in company due diligence and community-level grievance mechanisms, with the intention of serving as the authoritative reference body for the oil and gas industry on business and human rights.

<http://www.ipieca.org/topic/human-rights/business-and-human-rights-project>

The Thun Group of Banks' Guide 'The Guiding Principles: an interpretation for banks'

This interpretive guide for banks was compiled by Barclays, BBVA, Credit Suisse, ING Bank, RBS Group, UBS, UniCredit with the aim of providing finance-specific guidance on the UNGPs

http://business-humanrights.org/sites/default/files/media/documents/thun_group_statement_final_2_oct_2013.pdf

The Voluntary Principles on Security and Human Rights (VPs) – Extractives

The VPs are the only human rights guidelines designed specifically for extractive sector companies. Participants in the Voluntary Principles Initiative – including governments, companies, and NGOs – agree to proactively implement or assist in the implementation of the VPs.

<http://www.voluntaryprinciples.org>



Issue Guidance

Guidance on specific issues in relation to business and human rights can be found at:

<http://business-humanrights.org/en/business-action-0/issue-guidance>

In addition, some examples include:

Children's Business and Human Rights Principles

UNICEF

<http://www.unicef.org/csr/12.htm>

Human Rights and Business Dilemmas Forum

UN Global Compact, GE Foundation, Verisk Maplecroft

<http://hrbdf.org/>

King 4: The draft King IV report on corporate governance

Institute of Directors South Africa

http://www.pcb.org.za/wp-content/uploads/2015/04/King_IV_Report_draft.pdf

Women's Empowerment Principles

UN Women, UN Global Compact

<http://weprinciples.org/>



Policy Commitment

For guidance and examples on developing a human rights policy or statement, see the company action portal of the Business and Human Rights Resource Centre:

<http://business-humanrights.org/en/company-action-platform>

Developing Corporate Human Rights Policies and the Role of Legal Counsel

Stanford Law School

<https://www.unglobalcompact.org/library/971>

A guide to human rights for small and medium-sized enterprises

Directorate-General for Enterprise and Industry, European Commission, Global CSR

<http://business-humanrights.org/en/pdf-a-guide-to-human-rights-for-small-and-medium-sized-enterprises>

Examples In Practice

Rabobank's Human Rights Policy, as embedded within its Sustainability Policy Framework

<https://www.rabobank.com/en/images/sustainability-policy-framework.pdf>

HP's Global Human Rights Policy

<http://www8.hp.com/us/en/hp-information/global-citizenship/governance/humanrights.html>

Illovo Sugar's Group Guidance on Land and Land Rights

<https://www.illovosugar.co.za/Group-Governance/Group-Guidelines-on-Land-and-Land-Rights>



Due diligence, implementation and reporting

Below are a number of resources and examples on due diligence, implantation and reporting under the UNGPs:

Introductory guide for business on respecting human rights

German Global Compact Network, twentyfifty, German Institute for Human Rights

http://globalcompact.de/wAssets/docs/Menschenrechte/Publikationen/respecting_human_rights-an_introduutory_guide_for_business.pdf

State of Play: The Corporate Responsibility to Respect Human Rights in Business Relationships

Global Business Initiative on Human Rights, Institute for Human Rights and Business

<http://www.global-business-initiative.org/wp-content/uploads/2012/11/State-of-Play-Business-CRR-Human-Rights-in-Relationships.pdf>

Sustainable Supply Chains: Resources & Practices

UN Global Compact

<http://supply-chain.unglobalcompact.org>

UN Guiding Principles Reporting Framework

Shift & Mazars

<http://www.ungpreporting.org>

Understanding the corporate responsibility to respect human rights

Human Rights and Business Dilemmas Forum (United Nations Global Compact & Verisk Maplecroft)

http://hrbdf.org/understanding_business_responsibility

Using Leverage in Business Relationships to Reduce Human Rights Risk

Shift

<http://shiftproject.org/publication/using-leverage-business-relationships-reduce-human-rights-risk-shift-workshop-report-no->

Examples In Practice

Anglo American's Socio-Economic Assessment Toolbox (SEAT) Toolkit

http://www.angloamerican.com/development/social/community-engagement/~/_media/Files/A/Anglo-American-Plc/siteware/docs/seat_toolbox2.pdf

Nestlé's 'Talking the Human Rights Walk: Nestlé's Experience Assessing Human Rights Impacts in its Business Activities'

http://www.nestle.com/asset-library/Documents/Library/Documents/Corporate_Social_Responsibility/Nestle-HRIA-White-Paper.PDF

The Coca-Cola Company's Human Rights Due Diligence Checklists

<https://cms.coca-colacompany.com/our-company/human-rights-self-assessment-checklists>

Total's Internal Human Rights Guide

http://www.total.com/sites/default/files/atoms/files/human_rights_internal_guide_va.pdf



Remedy – Company-Based Grievance Mechanisms

Examples of Resources on Company-Based Grievance Mechanisms can be found below:

ACCESS Facility: Supporting effective problem solving for company-community conflicts

ACCESS

<http://www.accessfacility.org>

Piloting Principles for Effective Company-Stakeholder Grievance Mechanisms

Corporate Social Responsibility Initiative, Harvard Kennedy School

https://www.hks.harvard.edu/m-rcbg/CSRI/publications/report_46_GM_pilots.pdf

Examples In Practice

Cerrejon's Grievance Mechanism

<http://www.cerrejon.com/site/english/sustainable-development-social-responsibility/complaints-office.aspx>

Tesco's Farmworker Grievance Mechanism – Western Cape, South Africa

<http://accessfacility.org/sites/default/files/Farmworker%20Grievances%20Western%20Cape%20South%20Africa.pdf>

Shell's Community Complaints Mechanisms, Appalachia, United States

<http://www.global-business-initiative.org/wp-content/uploads/2015/03/8-EN-Shell-Full-Case-Final.pdf>

Enodrights Independent Assessment of the Porgera Mine Grievance Mechanism

<http://enodrights.com/wp-content/uploads/2015/05/YAftab-Pillar-III-on-the-Ground-FINAL.pdf>



International policy and legal developments

Examples of sources on international policy and legal developments include:

Updates on the open-ended intergovernmental working group with the mandate to elaborate an international legally binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights

Business and Human Rights Resource Centre
<http://business-humanrights.org/en/binding-treaty>

Government Action Portal

Business and Human Rights Resource Centre
<http://business-humanrights.org/en/government-action-platform>

Legal Corporate Accountability Portal

Business and Human Rights Resource Centre
<http://business-humanrights.org/en/corporate-legal-accountability>

National Action Plans Briefing for Business

GBI and Clifford Chance briefing for business on the development of National Action Plans on Business and Human Rights (NAPs)
http://www.global-business-initiative.org/wp-content/uploads/2015/11/National_Action_Plans_on_Business_and_Human_Rights-GBI-CC.pdf

South Africa "Shadow" National Baseline Assessment of Current Implementation of Business and Human Rights Frameworks

Centre for Human Rights, University of Pretoria and the International Corporate Accountability Roundtable
<http://icar.ngo/wp-content/uploads/2016/04/Shadow-SA-NBA-Final.pdf>

Organisations Working on Business and Human Rights



International Organisations

The list below is by no means exhaustive, but includes some of the key initiatives and organisations with projects or a focus on business and human rights.

Amnesty International

<http://www.amnesty.org.uk>

Business And Human Rights Resource Centre

<http://www.business-humanrights.org>

FIDH

<https://www.fidh.org/en>

Foley Hoag

<http://www.foleyhoag.com/Services/Corporate-Social-Responsibility.aspx>

Global Business Initiative on Human Rights

<http://www.global-business-initiative.org>

Global CSR

<http://www.global-csr.com>

International Organisation of Employers (IOE)

www.ioe-emp.org

International Coordinating Committee – National Human Rights Institutions

<https://www.hrc.co.nz/your-rights/human-rights/national-human-rights-institutions/>

International Corporate Accountability Roundtable (ICAR)

<http://icar.ngo/>

Institute for Human Rights and Business

<http://www.institutehrb.org>

International Alert

<http://www.international-alert.org>

International Business Leaders Forum

<http://www.iblf.org>

International Commission of Jurists

<http://www.icj.org>

IFC

<http://www.ifc.org>

ILO

<http://www.ilo.org>

Office of The United Nations High Commissioner for Human Rights

<http://www.ohchr.org/EN/Issues/Business/Pages/BusinessIndex.aspx>

Realizing Rights: The Ethical Globalization Initiative

<http://www.realizingrights.org>

SHIFT

<http://www.shiftproject.org>

The Human Rights and Business Project of The Danish Institute for Human Rights

<http://www.humanrightsbusiness.org>

UN Global Compact

<http://www.unglobalcompact.org>



Regional Organisations Working On Business And Human Rights

Below are some of the organisations based in South Africa working on Business and Human Rights.

Benchmarks Foundation

<http://bench-marks.org.za>

Business & Human Rights Unit at Centre for Human Rights, University of Pretoria

<http://www.chr.up.ac.za/index.php/research/business-human-rights.html>

CALS

<http://www.wits.ac.za/law/cals/16858/home.html>

Global Compact Network South Africa (GCNSA)

<https://www.unglobalcompact.org/engage-locally/africa/south%20africa>

Legal Resources Centre

<http://www.lrc.org.za/>

The National Business Initiative

<http://www.nbi.org.za>

Russell & Associates

<http://russellandassociates.co.za>

South Africa Human Rights Commission

<http://sahrc.org.za>

Synergy

<http://synergy-global.net>



Sector Initiatives

Electronics Sector Code of Conduct

The EICC is an industry-wide supplier code of conduct which promotes responsible business practices to improve social and environmental conditions across the global electronic supply chain and aims to foster responsible management and operational practices in the areas of labour, human rights, environmental, health and safety (EHS) and ethics.

<http://www.eiccoalition.org/standards/code-of-conduct/>

Equator Principles

The Equator Principles are a credit risk management framework for determining, assessing and managing environmental and social risk in project finance transactions. The EPs are adopted voluntarily by financial institutions and are intended to provide a minimum standard for due diligence to support responsible risk decision-making.

<http://equator-principles.com/>

Ethical Trading Initiative (ETI)

ETI is an alliance of companies, trade unions and voluntary organisations working in partnership to improve the lives of workers across the globe who make or grow consumer goods. ETI is made up of over 50 corporate members, plus the trade unions and voluntary organisations.

<http://www.ethicaltrade.org/>

Extractive Industry Transparency Initiative

The EITI sets a global standard for transparency in oil, gas and mining. It comprises a coalition of governments, companies and civil society working together in an effort to make natural resources benefit all. EITI provides a standard for companies to publish what they pay and for governments to disclose what they receive.

<https://eiti.org/>

Fair Labor Association

Founded in 1999, FLA brings together multiple stakeholders to work for greater accountability and transparency from manufacturers, factories and others involved in global supply chains, and creating lasting solutions to exploitative labor practices. FLA's mission is to protect workers' rights and improve working conditions worldwide.

<http://www.fairlabor.org/>

Global Network Initiative

GNI is a coalition that includes ICT companies, civil society organisations (including human rights and press freedom groups), socially responsible investors and academics. The Initiative exists to provide guidance to the ICT industry and its stakeholders on how to protect and advance the human rights of freedom of expression and privacy when faced with pressures from governments to take actions that infringe upon these rights. GNI seeks to promote the rule of law and the adoption of laws, policies and practices that protect and respect freedom of expression and privacy through collaboration among companies, NGOs, investors and academics.

<https://www.globalnetworkinitiative.org/>

ICMM

The International Council on Mining and Metals (ICMM) was established in 2001 to improve sustainable development performance in the mining and metals industry. Today, it brings together 21 mining and metals companies as well as 32 national and regional mining associations and global commodity associations.

<https://www.icmm.com/>

IPIECA

IPIECA is the global oil and gas industry association for environmental and social issues. IPIECA was formed in 1974 following the launch of the United Nations Environment Programme (UNEP). IPIECA is the only global association involving both the upstream and downstream oil and gas industry on environmental and social issues. IPIECA's membership covers over half of the world's oil production. IPIECA is the industry's principal channel of communication with the United Nations.

<http://www.ipieca.org/>

Voluntary Principles on Security and Human Rights

The Voluntary Principles on Security and Human Rights (commonly referred to as the VPs) are a set of non-binding principles developed in 2000 to address the issue of balancing safety needs while respecting human rights and fundamental freedoms. The Voluntary Principles assist companies seeking guidance on managing potential exposure to risks related to their security and human rights practices, especially in countries that are often associated with conflict or alleged abuses. They provide guidance for companies on identifying human rights and security risk, as well as engaging and collaborating with state and private security forces.

<http://www.voluntaryprinciples.org/>



Universal Declaration of Human Rights

Preamble

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

Everyone has the right to freedom of movement and residence within the borders of each State.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right to equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

Everyone, without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favourable remuneration

ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious

groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Event Organisers

The Partners



Global Compact Network
South Africa

Global Compact Network South Africa (GCNSA)

The Global Compact Network South Africa (GCNSA) was launched in 2007 and is governed by a business-led, multi-stakeholder Advisory Committee. The GCNSA has 79 South African signatories and over 25 multi-nationals that are part of the Local Network. The mission of the GCNSA is to: engage proactively with all stakeholders locally and in the rest of the region for a more inclusive economy; facilitate business relations with other societal actors; support and encourage best practice, learning and capacity building on how to implement the 10 Principles.

The GCNSA is hosted by the National Business Initiative (NBI), a voluntary coalition of over 104 national and multi-national companies working towards sustainable development. The Global Compact is an integral part of the NBI's Strategic Framework.

<https://www.unglobalcompact.org/engage-locally/africa/south%20africa>



The National Business Initiative (NBI)

The National Business Initiative is a voluntary coalition of South African and multinational companies, working towards sustainable growth and development in South Africa and the shaping of a sustainable future through responsible business action. Since our inception in 1995, the NBI has made a distinct impact in the spheres of housing delivery, crime prevention, local economic development, public sector capacity building, Further Education and Training, schooling, public private partnerships, energy efficiency and climate change.

The NBI is a global network partner of the World Business Council for Sustainable Development (WBCSD), the focal point of the United Nations Global Compact (UNGC) Local Network in South Africa and an implementation partner of the CEO Water Mandate, the CDP and We Mean Business.

<http://www.nbi.org.za>



GLOBAL BUSINESS INITIATIVE
ON HUMAN RIGHTS

The Global Business Initiative on Human Rights (GBI)

The Global Business Initiative on Human Rights (GBI) exists to advance human rights in a business context around the world. The underlying vision is a global community of corporations from all sectors knowing and showing that they respect the dignity and rights of the people they impact and interact with. From a business perspective this supports an enhanced approach to global leadership and risk management, and can provide access to markets, customers and capital. GBI is led by a core group of major corporations (below) headquartered in Asia, Europe, Latin America, Middle East, North Africa and North America. The GBI work plan is organised into two parallel tracks: First, Member Peer Learning creates a safe space for GBI members to share practices, challenges and innovations with peers focused on respecting human rights in practice and implementation of the UN Guiding Principles on Business and Human Rights. Second, Global Business Outreach focuses on awareness-raising and capacity building for business in diverse regions of the world, particularly in emerging and developing markets.

www.global-business-initiative.org



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