

GLOBAL BUSINESS INITIATIVE ON HUMAN RIGHTS

REGIONAL ROUNDTABLE
5 & 6 November 2009, New Delhi, India



The Coca-Cola Company



 Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDA
Directorate of Political Affairs DP
Political Affairs Division IV, Human Security



Global Compact Network
India

GLOBAL BUSINESS INITIATIVE ON HUMAN RIGHTS
advancing human rights in business around the world



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Dear colleagues

We are delighted to welcome you to this Roundtable on Business and Human Rights.

All dialogues about the role of business in society fit into a wider context. This Roundtable comes at a time of difficult economic circumstances, almost one year after the Mumbai attacks, on the eve of the global talks on climate change, and when countries across South Asia and South East Asia are tackling the realities of conflict and natural disasters. At the same time, it comes at a time of great potential for business leaders in Asia to build economies that are resilient, mitigating and adaptive to these macro realities - not least to develop ways of doing business that include the most vulnerable, offer secure and dignified work opportunities and prevent conflict.

By way of overview, on November 5th we will focus on the nature of the connection between 'business' and 'human rights' - two words which are sometimes considered to be in conflict with each other. We will listen to business leaders and key experts on the topic share their views about the nature of the connection, what is being done by business and why, the opportunities and ongoing challenges facing business on a day-to-day basis, and the connection of human rights to natural resources. On November 6th, we aim to offer ideas on paths forward for integrating human rights into your business. We will draw on management tools (many of which are sign-posted to in this pack) and lessons learned by business.

Please be prepared to

- Share activities that your company has in place in relation to human rights (including policies on Health and Safety, Non-Discrimination, fair treatment of employees in the workplace and interaction with suppliers, customers and communities)
- Raise challenging questions, suggestions and reactions to the sessions; and
- Engage with your peers in business about the major challenges and dilemmas your company faces in this area

Given the big picture that surrounds our time together in Delhi a one-off event can only ever be a step in the wider journey. We also ask you to consider how best to move forward *after* the session:

- What could take place within your company?
- What could take place collectively (in your industry or across the region)?
- What relationships do you want to form at the meeting?
- How can the Global Business Initiative support any such future actions?

Finally, we are grateful for the support and leadership shown by the partners for this event and our work in the region, Partners in Change and the Global Compact Network India. Both organisations have made the roundtable possible as well as being critical allies to business leaders in the region to further understand and implement a respect for human rights.

We thank you for your invaluable participation

With kind regards



Mark Hodge and Kathryn Dovey
Directors, Global Business Initiative on Human Rights





BUSINESS AND HUMAN RIGHTS ROUNDTABLE

An event for South Asian and South-East Asian Business Leaders

November 5th & 6th | New Delhi, India

WHY A ROUNDTABLE ON BUSINESS AND HUMAN RIGHTS?

Beginning in the mid-1990s, there has been a steady and rapid rise in the expectation of companies to respect human rights as they do business. The expectation is coming from investors, employees, communities, NGOs and governments. The success of the UN Global Compact shows that business leaders are recognising this trend, with the first two principles of the compact placing a focus on human rights. What is clear is that many companies already commit to respect human rights in their business operations, for example in areas such as Health and Safety, Non-Discrimination, and fair treatment of employees in the workplace – and increasingly with their interaction with suppliers, customers and communities. However, the challenge to business leaders is to ensure they are doing all that needs to be done to ensure the business is operating in a way that is socially sustainable.

ROUNDTABLE OVERVIEW

The Business and Human Rights Roundtable is an event for business leaders from across South Asia and South-East Asia to share experiences, questions, challenges and practices. Participants in the roundtable will have the opportunity to:

- Share the challenges of exploring human rights in a business context for your company, sector and/or geography
- Explore what human rights means in your sector and business
- Begin to develop a business case for human rights - exploring risks *and* business opportunity
- Hear about and share good practices in relation to human rights in a business context from fellow business leaders
- Learn about practical steps to integrate human rights into business policies, processes and procedures (including introductions to leading management tools in this area)
- Interact with thought leaders and policy developers in this area

After participating in the roundtable, interested companies will have the opportunity to be supported in taking steps to integrate human rights into their business and attend a follow-up sessions with peer companies in 2010.



Global Compact Network
India

AGENDA

THURSDAY 5 NOVEMBER 2009

DAY ONE | CONNECTING HUMAN RIGHTS TO YOUR BUSINESS

09.00 ARRIVALS AND REFRESHMENTS

09.30 WELCOME AND OVERVIEW

Following a brief introduction to the work and mandate of the Global Business Initiative on Human Rights, this session will provide an overview of the full agenda including objectives, and key themes. We will also take time to introduce participants to one another.

Kathryn Dovey and Mark Hodge, Directors, Global Business Initiative on Human Rights (with words of welcome from Viraf Mehta, Partners in Change)

10.00 BUSINESS AND HUMAN RIGHTS TRENDS

The intention is to set the scene by exploring what we mean by human rights, and explore the connection of human rights to economic growth, business and commerce. This opening keynote session will provide the opportunity to hear from senior leaders on why they feel human rights is an area that the global business community can show leadership on. The session will discuss trends in human rights expectations on business, the distinctive nature of a human rights approach to business and the connection of human rights to wider corporate responsibility and sustainability challenges.

- Dr A.K. Balyan, Director, Human Resources, Oil and Natural Gas Corporation
- Ed Potter, Global Workplace Rights, The Coca-Cola Company
- Mr M B Paralkar, Senior Advisor, Tata Motors
- Viraf Mehta, Chief Executive, Partners in Change
- Chair: Mark Hodge, Director, Global Business Initiative on Human Rights

11.30 BREAK

11.45 BUSINESS CASE: GLOBAL, SOUTH ASIAN AND SOUTH EAST ASIAN PERSPECTIVES

This session will address a common question raised by business leaders across sectors: What is the business case for addressing human rights within our company? Answers to these questions vary from company to company, between sectors and across geographies but there are some key themes.

- Salil Tripathi, Director of Policy, Institute for Human Rights and Business
- Rajiv Williams, Head of Corporate Social Responsibility, Jindal Stainless
- Puvan Selvanathan, Chief Sustainability Officer/ Group Sustainability, Sime Darby
- Ron Popper, Head of Corporate Responsibility, ABB
- Chair: Kathryn Dovey, Director, Global Business Initiative on Human Rights

13.15 LUNCH

14.00 PEER EXCHANGE: HUMAN RIGHTS CHALLENGES AND RESPONSES

This session will offer the opportunity to exchange challenges, questions and good practices in relation to relevant issues for South Asian and South-East Asian business leaders. Following short presentations of good practices and insights from business leaders, participants will have time to exchange ideas with others at their table on a specific topic.

Non-discrimination (including gender, caste, religion and ethnicity)

Opening comments by Sunil Wadwha, Managing Director, North Delhi Power Corporation

Workplace Conditions (in particular Freedom of Association, collective bargaining and Health & Safety)

Opening comments by Mark Nordstrom, Senior Counsel, Labor & Employment Law, General Electric

Community Relations (in particular right to information, security and conflict)

Opening comments from Mohit Das, Head of Corporate Affairs, Tata Steel and Salil Tripathi, Director of Policy, Institute for Human Rights and Business

Products, services and customers (in particular access to products and services (including bottom of the pyramid strategies), and product testing)

Opening comments from Priya Matzen, Advisor, Corporate Responsibility, Novo Nordisk

16.00 BREAK**16.15 COLLABORATION OPPORTUNITY: SUPPLY CHAIN MANAGEMENT**

As well supporting one-to-one peer exchanges and learning, an area of interest for the Global Business Initiative is to support collaborations on specific topics. Following some examples of current good practice regarding supply chain management, we will hear about 'supply chain 3.0' or 'next generation supply chain management' – an evolving project open to business from all sectors.

Led by Ed Potter, Director, Global Workplace Rights, The Coca-Cola Company and Sune Skadegaard Thorsen, CEO, Global CSR and Chair, Danish Institute for Human Rights

17.00 EXPECTATIONS ON BUSINESS: GOVERNMENTS, INVESTOR AND CIVIL SOCIETY

The final session of Day One will give participants a chance to understand and explore some of the developments in expectations of companies that are appearing common around the world. The session will focus on three key areas: business and human rights at the United Nations level; human rights in finance/investment; remedies for victims of human rights violations and the role of governments.

- Gerald Pachoud, Advisor to the UN SRSG on Business and Human Rights
- Nils Rosemann, Desk Human Security and Business, DFA Federal Department of Foreign Affairs Political Affairs Division IV, Human Security Human Rights Policy Section, Swiss Government
- Yann Wyss, Project Officer, Social Responsibility, International Finance Corporation
- Usha Ramanathan, Programme Director for India, International Environmental Law Research Centre
- Chair: John Morrison, Executive Director, Institute for Human Rights and Business

18.00 BRIEFING: DAY TWO AND EVENING RECEPTION**RECEPTION AND DINNER**

In collaboration with the Institute for Human Rights and Business

18.30 REFRESHMENTS AND NETWORKING**19.00 BUFFET DINNER AND DISCUSSION: NATURAL RESOURCES AND HUMAN RIGHTS**

In light of growing global concern and consensus around climate change and its impacts, how can human rights guide our responses to environmental matters and natural resources? In this session, we will focus on industry's relationship with land and water from a human rights perspective. A draft framework for approaching natural resources and human rights will be shared and debated.

21.00 COFFEE AND DRINKS

21.30 END OF DAY ONE

FRIDAY 6 NOVEMBER 2009

DAY TWO | INTEGRATING HUMAN RIGHTS INTO YOUR BUSINESS

08.45 ARRIVALS AND REFRESHMENTS

09.00 OVERVIEW AND DAY ONE REFLECTIONS

Kathryn Dovey and Mark Hodge, Directors, Global Business Initiative on Human Rights

09.30 HUMAN RIGHTS JOURNEY: CLARITY, STRATEGY, RISK, OPPORTUNITY

This session will focus on how to establish and develop a journey to integrate human rights throughout your business. We will hear from a leading multi-national company in this area about their own journey and a leading Business and Human Rights expert who has worked in multiple sectors and continents supporting companies to take practical steps in managing risk *and* seeing the business opportunity in human rights.

- Sune Skadegaard Thorsen, CEO, Global CSR and Chair, Danish Institute for Human Rights
- Zoe McMahon, Global Program Manager, Supply Chain, and Ernest Wong, Supply Chain SER Program Manager, Hewlett Packard
- Chair: Kathryn Dovey, Director, Global Business Initiative on Human Rights

10.30 RESOURCES FOR INTEGRATING HUMAN RIGHTS INTO BUSINESS

This session will introduce resources and tools available for companies exploring human rights for the first time. Most companies already have policies, processes and initiatives in place in relation to many human rights related issues. The key challenge can often be how to systemically assess existing measures so as to identify blind spots, gaps and areas where further action may be required, and to continually integrate human rights considerations into the business. We will look at tools that can support companies supplement or alter existing business processes and procedures.

Presentation followed by discussion: Ursula Wynhoven, Head Policy and Legacy, United Nations Global Compact and Mark Hodge, Director, Global Business Initiative on Human Rights

11.00 REFRESHMENTS

11.15 PEER EXCHANGE: ROADMAPS AND RESOURCES FOR BUSINESS

Participants will have the chance to work in focused groups to exchange ideas and develop thinking on action plans for integrating human rights into business practices. This session will be organised in the same way as the table dialogues on Day One.

Round One

Human Rights in policies

Opening presentation from Anders Nordstrom, Group Sustainability Advisor, ABB

Human Rights Country Risk and Impact Assessments

Opening presentation from Margaret Jungk, Department Director, Human Rights and Business, Danish Institute for Human Rights and Bernard Claude, Chairman of the Ethics Committee, Total

Round Two

Human Rights Training and Capacity Building

Opening presentation from Mark Nordstrom, Senior Counsel, Labor & Employment Law, General Electric

Human Rights Tracking Performance and Reporting

Opening presentation from Ursula Wynhoven, UN Global Compact

Human Rights Accountability and Grievance Mechanisms

Opening presentation from Sune Skadegaard Thorsen, CEO, Global CSR and Chair, Danish Institute for Human Rights

13.15 OPEN DIALOGUE: REFLECTIONS AND LOOKING FORWARD

This final session will offer participating companies the chance to share views, questions, and reactions to the roundtable. We will also ask the question of how the Global Business Initiative on Human Rights and its partners (the UN Global Compact and Partners in Change) support next steps for participating business leaders.

13.45 LUNCH

14.45 CLOSE

ROUNDTABLE PARTICIPANTS 5 & 6 NOVEMBER 2009

COMPANIES

Anders Ron	Nordstrom Popper	Group Advisor Head of Corporate Responsibility	ABB ABB
N	Anshuman	Corporate Communication and CSR	ABB India
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TBC	TBC	TBC	HSBC
TBC	TBC	TBC	Indian Farmers Fertiliser Cooperative Limited
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K L	Singh	Chairman/Managing Director	Manganese Ore India
Mr	Muthuraman	Chief of CSR	Manganese Ore India
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Kathryn	Dovey	Director	Global Business Initiative on Human Rights
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A BRIEF INTRODUCTION TO BUSINESS AND HUMAN RIGHTS SHORT INTRODUCTION

Overview

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 within their spheres of influence, 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.

A BRIEF INTRODUCTION TO BUSINESS AND HUMAN RIGHTS GLOBAL BUSINESS CASE

Overview

This section demonstrates that the issue of business and human rights is relevant to any company regardless of its size, sector or location.



Key Messages

- Human rights are central to your business and 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

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

ROUGH GUIDE TO THE BUSINESS CASE

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 [link]. Businesses should also be aware of the core conventions of the International Labour Organization (ILO). In addition, a specific body of law applies in situations of armed conflicts: international humanitarian law.

- Human rights are founded on respect for the dignity and worth of each person.
- Human rights are universal, meaning they are applied equally and without discrimination to all people.
- Human rights are inalienable, in that no one can have his or her human rights taken away other than in specific situations, for example, the right to liberty can be restricted if a person is found guilty of a crime by a court of law.
- Human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect the respect of several other rights. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights defines itself as “a common standard of achievement for all peoples and all nations.” It both proclaims a set of fundamental values shared by the international community and sets standards recognizing rights and the corresponding duties to protect those rights.

International Bill of Human Rights

The Universal Declaration of Human Rights and the two international covenants, which entered into force in 1976, form the International Bill of Human Rights. Numerous laws, conventions and treaties on human rights have been drawn from the rights contained in these documents.

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, respect means to not violate a right; protect means to ensure that others (e.g. companies, individuals, etc.) do not violate a right; promote is about ensuring awareness of the right and fulfill means to actually implement the right, for example by providing healthcare facilities to fulfill the right to health.

A Business Responsibility to Respect

There is now a recognised responsibility to respect human rights which applies to business actors. Governments affirmed the existence of this responsibility at the United Nations in 2008. The responsibility to respect essentially means “not to infringe upon the rights of others - put simply, to do no harm”. The business responsibility to do no harm, which resonates strongly with the concept of **due diligence**, is not simply a negative obligation but also includes positive steps.

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

Risk Management

Types of Risk

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 licence 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.

Responsibility

A proactive approach to managing risk and impact can lead to business taking a position of responsibility for respecting human rights.

There are a number of multi-stakeholder initiatives that can help a company understand how it should frame and understand this responsibility in relation to specific business sectors. These include:

- Ethical Trading Initiative
- Fair Labor Association
- Voluntary Principles on Security and Human Rights
- Electronics Sector Code of Conduct
- Extractive Industry Transparency Initiative
- Global Network Initiative

Opportunity

Human rights within a company are first and foremost a responsibility, but they can also represent an opportunity for business. There are a number of areas in which this can be the case:

Opportunity from Managing Risk

Enabling companies to continue operations in areas of poor governance or particular human rights sensitivity through the successful management of social and political risk. For example, this might be the case when developing infrastructure projects in certain parts of Africa.

Opportunity in Relation to Market Access

Another possible area of opportunity relates to market access. The role of business in the provision of public goods such as the provision of energy, transport or water remains contentious in parts of the world where communities are concerned about their access to basic needs. Human rights are increasingly used by companies to open a dialogue and understand the expectations of local communities as well as international stakeholders (such as Non-Governmental Organisations (NGOs) and investors).

Opportunity Relating to Products and Customers

Large groups of people can be excluded as a result of their ethnicity, gender, disability or age. Human rights can broaden the opportunity by encouraging companies and their partners to think about all consumer groups including those of the lowest income. This includes product development in such areas as information technology, mobile communications or micro-finance.

Access to Capital

Public and private sources for major project finance are increasingly likely to make capital available to businesses with strong records of responsible management of human rights issues.

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 reasonable steps are taken to avoid 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 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 behavior, contributes to the success of the company and helps meet stakeholder expectations.

STEP 5: Get executive commitment and engage colleagues

Potentially, one of the 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. Refer to the **Resources** section for more details.

These can be a helpful way to introduce the language of human rights into the work place over time.

**For further Guidance
please refer to:**



THE GUIDE TO INTEGRATING HUMAN RIGHTS INTO BUSINESS MANAGEMENT

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

The Guide for Integrating Human Rights into Business Management is an online tool produced jointly by the Business Leaders Initiative on Human Rights (BLIHR), the UN Global Compact and the Office of the UN High Commissioner for Human Rights (OHCHR)

Now in its second edition, it offers practical guidance to companies wanting to take a proactive approach to human rights within their business operations, and is of use primarily to business leaders and managers in large and medium-sized enterprises, private and state-owned, who would like to develop their understanding of human rights in business practice.

The existing Business and Human Rights Matrix, which featured in the first edition of the Guide, has also undergone considerable revision, and is now a fully interactive tool. It is hoped that this will be of great practical assistance to businesses looking to integrate or improve human rights in their companies.

The Essential Steps have been developed by BLIHR as a key component to the Business and Human Rights Matrix. The Essential Steps should be read in parallel with the Matrix tool and as a reference document for the Guide online site.

BLIHR concluded its work in March 2009 and full details of the Initiative and resources can be found at www.blihr.org.

This brief introduction is one of a series of seven extracts from the Guide to Integrating Human Rights into Business Management.

Briefs available in the series include:

- I. A SHORT INTRODUCTION**
- II. THE GLOBAL BUSINESS CASE**
- III. STRATEGY**
- IV. POLICY**
- V. PROCESSES & PROCEDURES**
- VI. CAPACITY AND CAPABILITY**
- VII. TRACKING PERFORMANCE**

Please refer to the full disclaimer in relation to all materials relating to this publication at

www.integrating-humanrights.org

ESSENTIAL STEPS FOR BUSINESS TO RESPECT HUMAN RIGHTS

GUIDANCE NOTE

Why the Essential Steps?

As the United Nations Human Rights Council has confirmed, businesses have a responsibility to respect internationally recognised human rights. As a result, it is critically important for businesses to understand the concrete actions they must take in order to apply these broadly recognised principles in their day-to-day business operations. To help in this process, the companies participating in the Business Leaders Initiative on Human Rights (BLIHR) have identified a set of “essential steps” that companies must take, as a minimum, to meet this responsibility. This is just a starting point - a level playing field across all business sectors and geographies. There will be other more specific responsibilities for any company depending on their business sector and geographic locality. These steps are designed to set out basic expectations for companies with respect to human rights. They are the product of an exercise carried out by the BLIHR members and have not been subject to extensive consultation procedures. As such, we welcome comments from a wide range of stakeholders.

Terminology

Complicity

Complicity is both an ethical and legal concept. In broad terms, corporate complicity in human rights violations refers to indirect involvement by a company in abuses carried out by a government or other actors. Charges of complicity can be raised when a company knew, or should have known, of its contribution to the abuse. Companies face risks of allegations that they have been complicit in the abuse of a wide range of human rights, including civil and political rights, and economic, social and cultural rights. As a matter of prudence, companies seeking to avoid accusations of complicity in human rights abuses should conduct due diligence to determine whether planned or ongoing activities may contribute to an abuse by another party. In conducting due diligence, companies should consider both the ethical and legal dimensions of their actions.

Employees or Workers

The Essential Steps use the terms “worker” and “employees” throughout. The term “employee” is used to refer to individuals in a mutually acknowledged employee-employer relationship, regardless of whether the duties the individual performs are hourly-compensated labourer, trades workers or professional or managerial duties. The term “worker” is used more broadly to refer to individuals performing staff functions on the employer’s premises and includes employees, independent contractors, leased workers and on-site vendor staffing. “Worker” is not confined to those performing labourer or trades work.

There may be instances where a particular human right seems applicable only or mainly to “employees”. In such cases, the Essential Steps refer to “employee”. On the other hand, the same right might apply to both “employees” and “workers”, such as the right to liberty of movement. In such cases, the broader term “worker” is used. Of course, the scope of the human rights addressed in the Business and Human Rights Matrix should reasonably be interpreted to include the broader term “worker” wherever the context does not suggest the narrower term “employee”.

Conflict resolution mechanisms

The mechanism employed by the company in accordance with ES 9 should be easily accessible, legitimate, transparent, predictable, equitable, and human rights-compatible.

INTRODUCTION

Businesses have an important role to play in the realisation of human rights around the world, including those of stakeholders such as shareholders, employees, customers, suppliers, members of communities, and many others.

The BLIHR companies believe that business must operate in a manner that respects internationally recognised human rights, including those rights set forth in the Universal Declaration of Human Rights, its associated covenants (collectively, the International Bill of Human Rights) and the international agreements inspired by them. We believe these rights are inherent rights of all humans that stem simply from the fact that they are human.

Set forth below are the essential steps that we believe businesses should take to respect human rights. This is not an exhaustive list of steps. They are dynamic in nature. Companies may choose to take additional steps to enable the realisation of the human rights of their stakeholders; the essential steps listed here are the starting point, not the end point, for that discussion. We recognise that not all companies are taking all of these steps at this time, but we believe it is necessary that they establish a plan of action to do so, and take steps towards realising that goal as soon as reasonably practicable within the context of their operations. We also recognise that as a result of unique facts, some steps may not apply to a particular company, but that conclusion should not be made until an internal assessment processes confirms that this is the case.

In addition, we believe that businesses must not be complicit in the violation of any of the rights, even rights not typically considered applicable in a business context. Companies can potentially affect all human rights and be complicit in their violation.

We note that environmental impact, corruption and bribery also directly impact human rights, and we consider it critical for companies to take these impacts into account.

We acknowledge that business can violate or be complicit in violations of international criminal laws and humanitarian laws that are not covered here, and business should also take steps to avoid violations or complicity in these areas.

Finally, the BLIHR companies acknowledge that companies must comply with applicable local, national and international law, whether or not it is enforced, and respect the principles of relevant international law where local or national law is below or silent on this standard. Where local or national law conflicts with the essential steps set out below, the BLIHR companies believe that businesses should strive to uphold the spirit of internationally recognised human rights while still complying with law.

ESSENTIAL STEPS

NUMBER	ESSENTIAL STEPS
RESPONSIBILITIES IN RELATION TO THE RIGHT TO NON-DISCRIMINATION	
1.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Not discriminating on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as ethnic origin, disability, age, health status, parental or marital status or sexual orientation, except when justified by reasons intrinsic to specific work requirements, and in particular: b. Providing a work environment free from any form of harassment, particularly sexual harassment, intimidation or bullying; c. Ensuring that promotion and termination are based on legitimate non-discriminatory business reasons, such as experience and competence; d. Ensuring equal pay for equal work is paid without distinction based on grounds mentioned above, taking into account differences in wages by country and region; e. Not viewing affirmative action policies as discriminatory.
RESPONSIBILITIES IN RELATION TO THE RIGHT TO LIFE	
2.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Ensuring that company workplaces, assets and operations do not pose a risk to the lives of workers or other potentially impacted persons; b. Endeavouring to minimise risks of fatality or injury that may occur from using its products; c. If the product is intended to cause injury (e.g. firearms), demonstrating due diligence as to how the product is sold; d. Ensuring business security arrangements are used only when necessary for preventive or defensive services; e. Ensuring persons providing security services are trained in responsible use of firearms, including using force only when strictly necessary and only to the extent proportional to the threat.
RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST TORTURE, AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND THE RIGHT TO CONSENT TO SCIENTIFIC AND MEDICAL EXPERIMENTATION	
3.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Not committing torture or cruel, inhuman or degrading treatment or providing equipment intended for these purposes; b. Abstaining from using verbal or physical abuse or harassment in disciplining workers; c. Ensuring the free, prior and informed consent in writing of any persons who participate as subjects in scientific and medical testing or product testing that poses a risk to the participant.

RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST SLAVE, FORCED OR COMPULSORY LABOUR

4. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Not making use of slave, forced or compulsory labour in any form;
 - b. Ensuring that employees are free to resign;
 - c. Ensuring that all feasible measures are taken to prevent workers from falling into debt bondage through company loans or otherwise.

RESPONSIBILITIES IN RELATION TO THE RIGHT TO LIBERTY AND SECURITY OF PERSON

5. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Not physically restraining any person except when necessary to protect that person's or others' health, safety and property, and only until such time as the threat has been neutralised and the person has been released or, if appropriate, handed over to the relevant national or local authority;
 - b. Ensuring that any detention as described above is as short as possible and that the situation is resolved expeditiously.

RESPONSIBILITIES IN RELATION TO THE RIGHT TO LIBERTY OF MOVEMENT AND FREEDOM TO CHOOSE RESIDENCE

6. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Not withholding workers' or other individuals' original travel documents or identity cards;
 - b. Not acquiring a person's home, land or land rights without due process of law.

RESPONSIBILITIES IN RELATION TO THE RIGHT TO PRIVACY

7. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Ensuring that, upon request, individuals will be made aware of personal information that the business maintains on them, where it is held and how it can be corrected;
 - b. Not asking workers about their health or pregnancy status except when the status is directly relevant to the performance of job duties, and seeking to keep such information confidential;
 - c. Ensuring adequate protection of personal information held by the company;
 - d. Only providing an individual's personal or other information to government authorities to the extent required by law and upon request, or with the individual's permission;
 - e. Seeking to minimise the use of monitoring, surveillance and security measures that may invade the privacy of individuals to the extent practicable, and using such measures solely for the legitimate business purpose of protecting its assets and the safety of its workers or others.

RESPONSIBILITIES IN RELATION TO THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

8. In respecting this right, the BLIHR companies see the following as essential steps:

	<ul style="list-style-type: none"> a. Making reasonable accommodation for the practice of faith by workers in the workplace and with respect to time off provided; b. Not preventing workers from wearing clothing or other symbols that are an expression of their faith, provided that such clothing or symbols do not increase the risk of accidents in the workplace and do not interfere with their ability to perform their job responsibilities.
RESPONSIBILITIES IN RELATION TO THE RIGHT TO HOLD OPINIONS AND THE RIGHT TO FREEDOM OF EXPRESSION AND INFORMATION	
9.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Providing access to a mechanism that seeks to find solutions through dialogue for those who believe their human rights have been affected by the company, seeking to make the public and workers aware of such mechanisms, how to submit complaints to them, and facilitating access, including enabling anonymous submissions where they are legally permissible, while ensuring that the complainants are not discriminated or retaliated against for making a complaint in good faith; b. Not interfering with the rights of workers to express themselves freely, nor their right to access information, which enables them to perform their work properly; c. Not interfering with the rights of workers to access information from external sources or internal sources unless in cases of confidential business information; d. Endeavouring to provide workers and local communities with information on business activities that directly impact them, while maintaining necessary business confidentiality; e. Ensuring that operations, products or services do not impede the public's access to information, unless specifically required by law.
RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST INCITEMENT OF NATIONAL, RACIAL OR RELIGIOUS HATRED	
10.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Ensuring that hate speech is not endorsed by the business and not used by employees in the scope of their employment.
RESPONSIBILITIES IN RELATION TO THE RIGHT OF PEACEFUL ASSEMBLY	
11.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Not interfering with announced and peaceful employee or union meetings on their premises at agreed locations and times in compliance with local laws or collective agreements, including not allowing police or other outside forces to interfere with such meetings unless such meetings unduly disrupt business operations or pose security risks; b. Not using force to interfere with demonstrations against the business or near its premises unless such demonstrations pose a safety or security risk to the business or its workers.

RESPONSIBILITIES IN RELATION TO FREEDOM OF ASSOCIATION, INCLUDING THE RIGHT TO FORM AND JOIN TRADE UNIONS AND THE RIGHT TO STRIKE

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| 12. | <p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Recognising the right of workers to join, form or not to join trade unions of their choice without fear of intimidation, reprisal or harassment; b. Engaging in collective bargaining with legally recognised employee representative organisations to conduct negotiations on terms and conditions of employment; c. Respecting workers’ rights to organise peaceful and properly authorised strikes. |
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RESPONSIBILITIES IN RELATION TO THE RIGHT TO TAKE PART IN THE CONDUCT OF PUBLIC AFFAIRS

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| 13. | <p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Ensuring company policies and practices do not prevent workers from participating in political processes outside the workplace; b. Not pressuring workers to vote for or support particular parties or candidates. |
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RESPONSIBILITIES IN RELATION TO THE RIGHTS OF PERSONS TO THEIR CULTURE, RELIGIOUS PRACTICE AND LANGUAGE

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| 14. | <p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Seeking to make work schedules and business practices respectful of minority groups’ cultures or religions; b. Allowing workers to speak their own language in the workplace when this does not interfere with their ability to fulfil their job responsibilities or adversely impact workplace health, safety or security; <p>In particular, in relation to Indigenous and traditional peoples, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> c. Where the operation or facility may impact territory or resources occupied or used by Indigenous or traditional peoples, undertaking full disclosure regarding project impact, and facilitating free, prior and informed consultation and informed participation of the community on matters that affect them directly; d. Avoiding or minimising the use of Indigenous lands, documenting the use of the land and the participation and consultation of the Indigenous or traditional peoples without prejudice to the claims of the Indigenous or traditional people; e. Offering appropriate compensation and due process to those with customary use of the land for the use of land; f. Entering into good faith negotiations with the community; g. Only relocating Indigenous or traditional peoples when no other feasible alternative exists; h. When land is no longer required for commercial use, restoring it and facilitating the return of Indigenous or traditional peoples to their land; i. Seeking to ensure that the appropriate party obtains consent in situations concerning |
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	relocation from lands and territories; the use of lands for commercial activities; and for plans to store or dispose of hazardous materials on the lands or territories of Indigenous or traditional peoples.
RESPONSIBILITIES IN RELATION TO THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK	
15.	<p>In respecting this right the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Providing in writing an outline of job duties, payment and regular hours of work; b. Endeavouring to provide reasonable advance notice of termination of employment and reasons for the termination, while allowing employers to terminate without notification under extreme circumstances; c. Providing workers with basic technical training as needed to enable the fulfilment of work duties.
RESPONSIBILITIES IN RELATION TO THE RIGHT TO A FAIR WAGE AND DECENT LIVING	
16.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Paying employees wages in accordance with the local and national applicable wage statutes, whether or not they are enforced; b. Seeking to understand the minimum wage requirement for basic needs to be met in the area of operation and seeking to ensure workers are provided with remuneration at or above such amount; c. Paying full-time employees regularly and at intervals not exceeding one month; d. Providing employees with a wage statement including information on the pay period concerned, the gross amount of wages earned, any deduction which may have been made and the reasons therefore, and the net amount of wages due; e. Not making deductions from wages as a disciplinary measure if those wages have already been earned; f. For non-salaried employees, keep accurate written records on each employee's hours of work, overtime work and wages paid; g. Not charging workers exploitative prices for company-provided, necessary goods and services when they have limited access to other providers.
RESPONSIBILITIES IN RELATION TO THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS	
17.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ol style="list-style-type: none"> a. Minimising the risk of accidents, injury, death and exposure to health risks in the workplace; b. Identifying hazards and unsafe behaviours and delivering necessary improvements through an effective health and safety management system; c. Providing adequate sanitary facilities in the workplace; d. Ensuring workers have the skills, knowledge and resources necessary to maintain a safe and healthy working environment, enabling them to raise safety concerns; e. Providing details on the effects of potentially harmful substances and the measures to be taken to protect workers' health and safety in their use; f. Providing necessary personal protective equipment at no cost and ensuring workers

	<p>are trained in its use;</p> <p>g. Investigating work-related accidents, keeping records of incidents, stating their cause and taking remedial measures to prevent similar accidents;</p> <p>h. Providing measures to deal with emergencies and accidents, including first-aid arrangements;</p> <p>i. Allowing workers to remove themselves from potentially unsafe or unhealthy work situations, not subjecting them to adverse consequences as a result and not requiring them to return to work as long as the condition(s) continues.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO REST, LEISURE AND HOLIDAYS	
18.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Maintaining a maximum of 6 days of work every 7 days, not to regularly exceed 48 hours of work per week with overtime not exceeding 12 hours per week. In situations where the business is under extraordinary pressure and only for short periods of time, strive to limit work hours to 80 hours every 6 days if agreed to by the worker;</p> <p>b. Allowing workers in certain work environments (such as construction, utilities and exploration), to voluntarily work additional hours beyond those referenced above;</p> <p>c. Compensating for overtime at a rate higher than the normal hourly wage rate or providing time off in lieu thereof where permitted;</p> <p>d. Striving to provide employees with at least three weeks of paid leave per year, subject to requisite seniority, collective bargaining and other relevant considerations.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO SOCIAL SECURITY, INCLUDING SOCIAL INSURANCE	
19.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Consider, in the provision of employee benefits, gaps in state-provided welfare schemes that normally provide for such items as medical care, sickness benefit, maternity leave or benefits, disability coverage or retirement;</p> <p>b. Make required payments to state social security schemes and other such mechanisms for employees.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO A FAMILY LIFE	
20.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Providing women with maternity leave for a minimum of 14 weeks without risk of losing their employment or responsibilities;</p> <p>b. Not subjecting pregnant or breastfeeding women to conditions that would be harmful for them;</p> <p>c. Granting breastfeeding women reasonable breaks and a designated area where feasible for breastfeeding during work hours;</p> <p>d. Granting women temporary leave in case of illness or complication related to pregnancy or birth, without risk of losing their employment.</p>
RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST EXPLOITATIVE CHILD LABOUR	
21.	<p>In respecting this right the BLIHR companies see the following as essential steps:</p>

	<ul style="list-style-type: none"> a. Not engaging children under the age of 15 in work (or 14 if the state in question has received an exemption); b. Not engaging children under the age of 18 for work which is likely to harm their health, safety or morals; c. Not engaging children between the ages of 15 and 18 for work that may hinder their education or compromise their health (with the exception that in some countries the age limit may be reduced to 14, provided that the state in question has received an exemption); d. Consider the best interests of the child as they transition out of work, in cases in which unauthorised child labour is discovered.
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RESPONSIBILITIES IN RELATION TO THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, INCLUDING ADEQUATE FOOD, CLOTHING AND HOUSING

22.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Ensuring reasonable access to adequate food for workers where the location or hours of work of the business make it difficult for workers to access food; b. Ensuring that when the company is the only readily available source of food for workers, such food is sufficient to satisfy dietary and nutritional needs; c. Taking reasonable steps to ensure that company operations do not adversely impact local or regional access to food; d. Providing adequate work clothing to workers at no cost if required for work responsibilities when ordinary clothes are not permitted in the workplace; e. When providing residential or overnight facilities, ensure they are located within a reasonable distance from the workplace and that they meet or exceed minimum local legal or regulatory standards of habitability including adequate sanitation, safety, space, size, lighting and insulation or ventilation; f. Not causing the forcible eviction of individuals from their residences without their having had access to representation and full enjoyment of legal due process.
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RESPONSIBILITIES IN RELATION TO THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

23.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> a. Making available clean, potable water in the workplace; b. Not producing, distributing, marketing or advertising products that are potentially harmful when used as intended, without clear warning of such hazards; c. Conducting appropriate testing of products with potential health or safety implications; d. Promptly recalling malfunctioning products; e. Not targeting children below 18 when advertising products presenting known or unreasonable risks of harm; f. When operating in areas where contagious diseases are endemic, providing appropriate information and training to mitigate risk and, in particular, seeking to identify and mitigate cases in which company operations exacerbate the prevalence of
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	<p>contagious diseases in the local community;</p> <p>g. Taking reasonable steps to ensure that company operations do not adversely impact individuals' level of health, including adverse impacts related to water and air;</p> <p>h. Providing medical assistance and emergency care for workers in the workplace if they are unavailable elsewhere.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO EDUCATION	
24.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Ensuring that company operations do not interfere with individuals' physical access to educational facilities.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO TAKE PART IN CULTURAL LIFE	
25.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Making reasonable accommodations for workers to participate in cultural life when such access is otherwise unavailable in the business location;</p> <p>b. When planning and conducting business operations, seek to avoid adverse impacts on existing cultural landmarks.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO ENJOY SCIENTIFIC PROGRESS	
26.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Considering how the business's intellectual property and technology could benefit as many people as possible without compromising legitimate business interests.</p>
RESPONSIBILITIES IN RELATION TO THE RIGHT TO PROTECTION OF THE BENEFITS RESULTING FROM SCIENTIFIC, LITERARY OR ARTISTIC PRODUCTIONS	
27.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <p>a. Ensuring that employees are adequately compensated for their contributions to inventions made for and used by the business;</p> <p>b. Respecting the right of indigenous peoples to maintain, control, protect and develop their intellectual property over cultural heritage, traditional knowledge, and traditional cultural expressions.</p>
RESPONSIBILITIES IN RELATION TO THE ACTIONS OF OTHERS (AVOIDING COMPLICITY)	
28.	<p>In relation to avoiding complicity, the BLIHR companies see the following as essential steps:</p> <p>a. Ensuring non-complicity in any of the internationally recognised human rights . While companies can be involved in violations of any human rights, the rights listed below predominantly relate (at the time of writing) to direct violations of rights by states, where the company needs to ascertain whether it is complicit (refer to the Guidance Note for further details).</p> <p>The list below is subject to change over time:</p> <ul style="list-style-type: none"> ○ the rights of detainees,

	<ul style="list-style-type: none">○ the right to a fair trial,○ the right to a remedy,○ prohibition against imprisonment for non-fulfilment of contracts,○ the right to own property,○ the right to seek asylum,○ the prohibition against retroactive punishment,○ the right to recognition as a person before the law and equality before the law,○ the right to form a family,○ the right to a nationality.
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“PROTECT, RESPECT, AND REMEDY: A FRAMEWORK FOR BUSINESS AND HUMAN RIGHTS.”

Regional Consultation Held by the Special Representative of the Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises

NEW DELHI, INDIA, FEBRUARY 5 AND 6, 2009

INTRODUCTION

In his 2008 report to the Human Rights Council, the SRSG proposed a conceptual and policy framework “to anchor the business and human rights debate, and to help guide all relevant actors.” The framework comprises three core principles: the state duty to protect against human rights abuses by third parties, including business; the corporate responsibility to respect human rights; and the need for greater access by victims to effective remedies. In June 2008 the Human Rights Council was unanimous in “welcoming” the policy framework. It extended the SRSG’s mandate for another three years, and asked him to “operationalize” the framework in order to provide concrete guidance to states and businesses. In furtherance of the above, the SRSG intends to hold regional consultations in different parts of the world.

These regional consultations are not country visits organized to investigate the situation of human rights at the national level but are intended to benefit from different regional perspectives of stakeholders not based in North America or in Europe, and who are without the means to participate in the consultations organized there. Each of these consultations will follow the same format, focusing on the three principles to protect, to respect and to remedy and potential ways, challenges and opportunities in operationalizing them. A final open session will give the opportunity to participants to discuss business and human rights related issues of particular importance for them.

The first of these consultations took place in Delhi, India, on February 5 and 6, 2009. The consultation included representatives from states, corporations and civil society as well as academics and legal practitioners from 16 countries. Annex 1 contains a list of participants and their affiliations. Each session was introduced by the SRSG and a commentator provided remarks – see Annex 2 (agenda).

The SRSG is thankful to the Government of Denmark and the Office of the High Commissioner for Human rights for their financial support. The SRSG is also extremely grateful to “Partners in Change” and its staff for their invaluable substantive and logistical support.

In order to encourage full and frank discussion, the consultation was held under the Chatham House rule. Accordingly, set out below was a summary of the consultation proceedings

INTRODUCTION

This introductory session framed the debate on business and human rights and provided a brief summary of the SRSG's work up to date, outlining the rationale behind the development of the policy framework, the results, the reaction of the main stakeholders groups and the expectations for the consultation.

The SRSG described his original mandate to identify and clarify standards of corporate responsibility and accountability with regard to human rights. It ultimately led to his final report, "Protect, Respect and Remedy: A Framework for Business and Human Rights". He placed the development of this framework against the backdrop of the financial sector collapse of 2008 and said that it offered many lessons about responsible corporate behavior and how to achieve it. One lesson was clear above all others: business as usual isn't good enough for anybody, including business itself. All relevant players, everywhere, must learn to do many things differently. Even before the crisis hit, the SRSG had underlined that "there was no magic in the marketplace," that governments tended to have a fairly narrow view of what was involved in their duty to "protect," that companies generally lacked the systems that would allow them to demonstrate their responsibility to "respect," and that neither has developed adequate "remedies" for when things went wrong.

In discussions, several participants suggested that Human Rights need to be internalized in company operations and non-judicial mechanisms to be promoted for redress of complaints of victims of abuse by companies. It was also said that the most important way to secure respect of human rights by companies was to make sure that the state respects the human rights of people. One of the company representative said that it was necessary to sensitize both management and the employees of the company to internalize human rights. The issue was also addressed as to whether there was a need for a separate policy on human rights, when companies were already overburdened by a number of guidelines on environment, sustainability, etc. and that human rights could very well form a part of any of these. Trade union representatives recalled that it was essential to see labour rights are key human rights but also underlined that companies' reports on human rights, especially those related to labour, were based on very fuzzy indicators and therefore highly imprecise.

The SRSG responded by noting that according to the surveys he had conducted of states policies and practices in the area of business and human rights, it was clear that majority of them were not focusing on the issue as much as they should, the best proof being that many of them did not even respond to the questionnaire. To the question of the need of separate guidelines on human rights, the SRSG said that human rights could be incorporated in the various other guidelines and put in a language business understood provided that its basic principles are upheld. He stressed the need to demystify human rights for companies.

SESSION I: THE STATE DUTY TO PROTECT

The first principle identified by the SRSG was the State duty to protect against human rights abuses committed by third parties, including business. International law provides that States are required to take appropriate steps to prevent, investigate, redress and punish abuse by private actors, including business.

After presenting the state duty to protect and underlining the importance of the roles of states in the business and human rights discussion, the SRSG presented some of the new projects he is pursuing in his new mandate. The SRSG indicated his intention to continue studying the possible impacts of trade and investment agreements on the ability of states to fulfill their duty to protect against business-related human rights abuses. He also described a recent initiative to bring together nineteen leading corporate law firms from around the world to identify whether and how national corporate law principles and practices currently foster corporate cultures respectful of human rights. More

than 40 jurisdictions will be surveyed. He said that the relationship between corporate law and human rights remained poorly understood but the willingness of so many firms to provide their services pro bono in order to expand the common knowledge base indicated that corporate law firms worldwide appreciated that human rights are relevant to their clients' needs. At the end of the mapping project, the SRSB would publish a compilation and analysis of the findings. In consultation with relevant stakeholders, he will then consider what recommendations to make to states and businesses.

Another point of interest was to find responses to the traditional dilemma for extraterritoriality, especially in conflict zones, where the need was greatest. Current opinion from international human rights bodies suggests that States are not required to exercise extraterritorial jurisdiction over business abuse, but nor are they generally prohibited from doing so provided certain conditions are met. He also indicated that there are many policy reasons for so-called home States to take a greater interest in what "their companies" are doing abroad. While extra territorial jurisdiction typically was resented as it is seen as an intrusion into the domestic affairs of others, the SRSB indicated that it was an area where practical solutions needed to be found.

Another initiative was to work with a group of states in an informal brainstorming set-up to find innovative solutions to prevent abuse of human rights in conflict affected areas.

The commentary was provided by Prof. David Kinley, Chair in Human Rights Law, Faculty of Law, University of Sydney, Australia. Prof. Kinley agreed that the SRSB's political economy approach coupled with the wide consultations the SRSB has pursued were important reason for his success. He further stated that beyond the relatively non-expansive view of State duties in relation to business and human rights proposed by the SRSB, the significant attention put on state actions was to be welcomed, and he emphasized the need to look at its regulatory role but also to the need for states to engage with business to reduce human rights abuse. Prof. Kinley also stressed that companies are mostly concerned by domestic laws and hence highlighted that states were the most effective actor to make business accountable by using legislation, policies, and prosecutions. But he also flagged the key challenges existing when Human Rights abuses by corporations can't be heard in local courts. Finally, Prof. Kinley underscored the need to keep the dialogue open with business and to build pressure slowly, but also the key fact that companies will engage meaningfully only if a greater amount of commitment was shown by government. He particularly flagged the need for some leading developing countries like India, Brazil, South Africa to show the ways to the other developing countries on this business and human rights agenda.

Comments and questions focused on many different aspects of the role of states. There was broad acknowledgement of a very strong need for capacity building of State on Human Rights. It was suggested by several participants that only strong political will by states could bring about a real business and human rights regime but that this would be extremely difficult as a downward pressure created by the race among governments to attract businesses regardless of the social costs, coupled with the lack of interest in business and human rights issues by many companies causes the whole problem. This was identified as one of the major dilemmas with no clear solutions at the moment, as participants feared that neither governments nor local companies would constitute a significant force for positive change any time soon. It was stated that change will only come when there was equal distribution of power and socially democratic institutions exist in the State. One participant expressed the view that the rules created by the Doha round of the WTO were the fundamental reason for many abuses committed by developed nations and their companies. So it was necessary to define the boundary of such institutions like the IMF, WTO, etc. Thus change can only be brought by the SRSB if he redefines the current global architecture. Another participant questioned even the possibility of reconciling economic interests and human rights, as human rights and the profit motive of the companies and the policies of the regime of the WTO and others are diametrically opposed. The frameworks applicability to the SME sector was also questioned. Most of the workforce in the developing nations was from the unorganized sector and the mandate does not include this. Finally, it was also pointed out that access to information was an important component of compliance with regulation and that was missing in the mandate.

The second session looked at the corporate responsibility to respect human rights, in essence the responsibility of companies to act with due diligence to avoid infringing on the rights of others. After outlining the the corporate responsibility to respect, the SRSG took some time to discuss the importance of maintaining the right balance of responsibilities among different actors, i.e. to make sure that the corporate responsibility to respect human rights did not create incentives and situations where states felt relieved of their own obligations to respect, protect and fulfill human rights. He stated that de-capacitating was a grave danger to the business and human rights agenda as there was no substitute for the State. Even where business was offered to control institutions which work for the public, they should be offered on a partnership basis.

The SRSG-reminded that companies are specialized organs of society and not public entities and therefore that their responsibilities cannot simply mirror the duties of State. And he indicated that the responsibility to respect all rights was a baseline expectation for companies, without precluding a higher level of responsibility like those which have public functions or for those who choose them voluntarily.

The SRSG stressed that due diligence was at the core of the principle of corporate respect for human rights and he flagged some of the processes that this might entail, such as adopting a human rights policy, conducting impact assessments of business operations, crafting plans to avoid negative human rights impacts, integrating human rights concerns into company operations, and developing monitoring and auditing processes. While this was the expectation for all companies on all human rights, the SRSG also underlined that heightened due diligence was required in contexts of weak state governance or in areas of the world where tensions or conflict prevail and that a serious effort needed to be done to make this relevant to SMEs and the informal sector.

Comments were provided by Mr. William Anderson, Vice President and Head of Social & Environmental Affairs, Asia Pacific ADIDAS group. Mr. Anderson started by saying that he was a strong supporter of the principle of corporate responsibility to respect as a “baseline responsibility for companies” and mentioned that the true challenge for business was to understand what that baseline was and how did “human rights” apply to day-to-day business operations and, ultimately, what influence should it play in business decision-making. Mr. Anderson then explained that this baseline had to be built around greater due diligence by business through the mapping and assessment of human rights impacts, the development and integration of human rights policy and subsequent monitoring which would lead to a more systematic treatment and understanding of human rights from a business perspective. But he also underlined that these processes can only be successful if accompanied by broad engagement - outreach that enables business to better manage the expectations which are placed upon it, to deliver against human rights. Both need internal capacity building to act through the right processes but also to understand the breadth of human rights, obligations and duties. Mr Anderson noted that while there are companies, particularly in the consumer goods industries, that have invested in Social Compliance Officers, to manage corporate codes of conduct along extended supply chains, there was no emergence of Corporate Human Rights Officer; although under the guidance of such organizations as the UN Global Compact, multinationals have begun to consider, formulate and publish human rights policies. Given the breadth of the subject area, business must look to others, be they governments or expert bodies, to provide the tools and training which are needed to build internal capacity, that is, capacity to both measure and manage business impacts on human rights, and of course, vice versa..

Mr. Anderson also flagged a key dilemma for companies as their knowledge and need to respect rights was driven primarily by an understanding of the local law, as proscribed and enforced by their national government. But governments themselves have had a less than exemplary record when it came to fulfilling their State duty to protect and promote human rights and these gaps in legal enforcement by governments presented a real and ever-present challenge. In this context, Mr. Anderson indicated that joint action by business can be a powerful tool and that support for the fulfillment of human rights by business should be a shared goal and a shared process. At the same time, he also stressed that setting the boundary conditions of what companies can, and cannot do, as companies

were able to focus their efforts only in those areas which lie within their own direct sphere of influence which does not extend to State politics, or to the setting of domestic and foreign policy.

During the questions and answers session, participants stressed the need for companies to engage with their supply chain. Some expressed the need for developing the business case for CSR for the SME sector but above all participants stressed the need for capacity building as one of the major components to see real progress in the corporate responsibility to respect human rights. One of the participant suggested that TNCs should be made party to international conventions and treaties. The rationale was they are not seen as a separate legal entity under the international law and so no charges can be brought against them in the international criminal court or other forums in the international arena. Another participant questioned the scope of due diligence and asked whether companies had a responsibility to monitor the labour conditions in the factories in their supply chain. Some participants also flagged the fact that mostly corporations and states push the responsibility on one another and in the end human rights were not fulfilled. A trade union representative stated that the CSR standards are more biased towards environmental performance rather than improvement of the plight of the workers. Finally, many participants urged to have a better alignment of state regulations with existing international guidelines.

SESSION III: ACCESS TO MORE EFFECTIVE REMEDIES

The third session looked at the need for access to more effective remedies and ways and means to better develop them. The SRSR opened the discussion by framing the issue in underlining that even where institutions operate optimally, disputes over adverse human rights impacts of company activities are likely to occur, and victims will seek redress. Currently, access to formal judicial systems was often most difficult where the need was greatest. Non-judicial mechanisms are seriously underdeveloped—from the company level up through national and international spheres. And access to them was hampered by the lack of readily available information about them. He asserted that what he regards as a patchwork of mechanisms remained incomplete and flawed, and, thus, must be improved. The SRSR stated that treaties do not require states to exercise extraterritorial jurisdiction over business abuse. But nor are they generally prohibited from doing so. International law permits a state to exercise such jurisdiction provided there was a recognized basis: where the actor or victim was a national, where the acts have substantial adverse effects on the state, or where specific international crimes are involved. Extraterritorial jurisdiction must also meet an overall reasonableness test, which includes non-intervention in other states' internal affairs. Debate continues over precisely when the protection of human rights justifies extraterritorial jurisdiction.

The SRSR also stated that, National Human Rights Institutes (NHRI) could provide an useful remedial forum and be particularly well-positioned to provide processes that are culturally appropriate, accessible, and expeditious. The SRSR underlined that the “remedy” part of the business and human rights framework required further in-depth thinking and consultations, about both judicial and non-judicial mechanisms with goal of creating a well-developed and coherent plurality of avenues for redress. The SRSR briefly presented some of the projects he was conducting in this area such as a mapping of the obstacles faced by victims in accessing remedies with the objective of providing recommendations on ways to overcome those obstacles; and strengthening existing structures, such as the National Contact Points for the OECD Guidelines, which he described as an important vehicle for providing remedy.. He also expressed the importance of effective grievance mechanisms at the company level as they provide an essential risk management tool by which a company can identify early on concerns about their impacts, and possibly resolve them before they escalate into protests, campaigns, or lawsuits. He restated the key elements such mechanism should have in order to be effective grievance mechanisms: they must be legitimate, accessible, equitable, rights-compatible, transparent, and have predictable processes.

Comments were provided by Dr. Usha Ramanathan from the International Environmental Law Research Network in India. Dr Ramanathan stressed the fundamental aspect of the business and human rights debate was to ensure that corporations need to be brought within the folds of accountability and in full compliance with human rights law. She underscored the fact that ignorance of law was no excuse. This holds for those who reside in the remotest part of

countries, so it should hold for corporations too. Despite some improvements, this would require a paradigm shift in the thinking of the business community, she felt. She further stated that corruption and the way the law on information has developed, i.e. barring commercial secrecy from public recourse, are major causes for abuse of human rights by companies. She stated that the concept of absolute offence developed after the Bhopal gas tragedy could be used as an effective recourse but also that the bullying tactics of the companies as soon as they are blamed by civil society for an abuse needed to be looked into as was often the case, for example in land acquisition, where the corporations have used the state as a conduit to exploit the communities. She concluded that there are a range of issues which needs to be looked at and corrected so that the companies do not exploit their situation of dominance with regards to community.

The main issue discussed in open debate was the desirability of extra territorial jurisdiction in cases of abuses by transnational corporations operating abroad in a state with a weak judicial system or in cases where government were perceived to put investment interests ahead of those of its citizens. Fear of persecution, corruption or lack of resources to fight a case against MNCs, frequently preclude any practical possibility of legal action in MNC host states. It was also mentioned that there needs to be some mechanism to hold parent corporations to account from their overseas operations as holding them to account in their home jurisdiction would make compliance more easier and overcome obstacles to access to justice locally. Many participants also highlighted the fact that progress could be possible only if greater cooperation among civil society would take place and representatives from trade union stated that the agenda should be taken up by their movement as the issues were common.

OPEN FORUM: THE CONTRIBUTIONS TO THE SRSG'S MANDATE

The final session of the consultation provided an opportunity for all participants to express their ideas, advice, and recommendations to the SRSG on any issue related to the overall mandate, and how it could contribute to the specific situation in various parts of Asia. There were many calls to pay specific attention to indigenous communities as they were most often negatively impacted by corporate activities before the companies even started to operate through resettlement, but also at the end of the activities because of pollution. The lack of knowledge about access to remedies was cited as a key obstacle to a realistic operationalisation of the business and human rights framework and it was suggested that education and information should play a more central role. Different opinions were expressed regarding the state of the debate within companies: some participants felt that companies had now begun to realize the agenda but regretted that the civil society did not play any role in it and that engagement was extremely limited while others felt that progress and better respect for human rights by companies was only happening because of the continuous struggle of the civil society to push the agenda and bring the corporations within the boundaries which were earlier pervaded by them. There was a broad consensus on the fact that states needed to play an important role to avoid TNCs hiding behind weak laws. The need to develop tools for SMEs was also emphasized and there was many calls to increase research to understand how to include this important sector as SMEs constitute the main part of the formal economy.

There was a strong support to use the right to information more effectively to access important facts from companies, especially from those engaged in public work. Another plea was raised for the protection of whistle blowers within the companies. The potential of exploring all bodies of laws was noted many times, in particular in the context of India where consumer courts could provide an essential remedy if the manufacturing process or products affected human rights.

Introduction by the Special Representative July 2009

In July 2005, UN Secretary-General Kofi Annan appointed me as his Special Representative (SRSR) on Business and Human Rights. The new administration of Ban Ki-moon extended the assignment.

My mandate was created in response to division regarding the draft Norms on Business and Human Rights which were put to the UN Commission on Human Rights in 2004 but failed to gather intergovernmental support. Instead, the Commission recommended that the Secretary-General appoint a Special Representative to advance the debate on business and human rights.

Commission Resolution 2005/69 requested the new SRSR to identify and clarify standards of corporate responsibility and accountability regarding human rights; elaborate on state roles in regulating and adjudicating corporate activities; clarify concepts such as “complicity” and “sphere of influence”; develop methodologies for human rights impact assessments and consider state and corporate best practices.

To date, I’ve reported to the Commission and then the Human Rights Council four times. Between 2005 and 2008, I provided two interim reports (E/CN.4/2006/97 to the Commission on Human Rights in 2006; and A/HRC/4/035 to the new Human Rights Council in 2007). I also consulted extensively with business, governments and civil society, including through 14 multi-stakeholder consultations on five continents. I found one recurring theme - the urgent need for a common framework of understanding in the business and human rights realm.

Accordingly, in June 2008, I proposed a policy framework for better managing business and human rights challenges (A/HRC/8/5). It is based on three complementary and interdependent pillars: the **state duty to protect** against human rights abuses by third parties, including business; the **corporate responsibility to respect** human rights; and the need for greater access by victims to **effective remedy**, judicial and non-judicial. The Human Rights Council was unanimous in welcoming the framework, and extended my mandate by three years with the task of operationalizing it (A/HRC/RES/8/7). This marked the first time the Council or its predecessor, the Commission, had taken a policy position on business and human rights.

The framework has already enjoyed considerable uptake by states, companies and civil society. Among other examples, the UK’s National Contact Point for the OECD Guidelines for Multinational Enterprises found against a company for failing to exercise adequate human rights “due diligence,” using the term as defined in the framework. The Norwegian Government’s 2009 Corporate Social Responsibility White Paper draws on the framework extensively, and a UK parliamentary committee is using it as the basis for its inquiry into business and human rights. At the Council’s June 2009 session where I presented a progress report on operationalization of the framework (A/HRC/11/13), it won praise from all states that spoke on the issue, including Brazil, China, and India.

The International Chamber of Commerce has described the framework as “a clear, practical and objective way of approaching a very complex set of issues.” Amnesty International said it “has the potential to make an important contribution to the protection of human rights.” The UN High Commissioner for Human Rights has hailed it as “an important milestone.”

To fulfill my mandate to “operationalize” the framework, my aim is to develop guiding principles for each of its three pillars. To do so effectively I intend to continue the activities that have served the mandate so well to date: inclusive consultations and the engagement of a wide range of actors whose expertise and influence can turn principles into practice and ensure economic globalization is sustainable for all.

This portal provides a means to facilitate such communication and information sharing with respect to the mandate. I am immensely grateful to the Business and Human Rights Resource Centre for developing and maintaining this portal.



BUSINESS AND HUMAN RIGHTS TOOLS AND RESOURCES

GENERAL RESOURCES

BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE

www.business-humanrights.org/Home

The Centre has become the world's leading independent resource on the subject. The website covers over 4000 companies, over 180 countries. It receives over 1.5 million hits per month. Topics include discrimination, environment, poverty & development, labour, access to medicines, health & safety, security, trade.

WORK OF THE UN SPECIAL REPRESENTATIVE ON BUSINESS AND HUMAN RIGHTS

www.business-humanrights.org/SpecialRepPortal/Home

A portal with all the key reports and documents related to the work of Professor John Ruggie, the UN Special Representative on Business and Human Rights. The site contains all the reports from the SRSG consultations around the world as well as submissions from civil society, government and business in relation to the 'Protect, Respect, Remedy' framework.

HUMAN RIGHTS AND BUSINESS LEARNING TOOL: OFFICE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

www2.ohchr.org/english/HR_Learning.htm

Prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the United Nations Global Compact Office and the United Nations System Staff College (UNSSC), the course is designed to help managers in companies participating in the UN Global Compact to understand the importance and relevance of Human Rights in relation to their business operations.

INTEGRATING HUMAN RIGHTS TOOLS AND GUIDANCE

1. YOU COULD START WITH A Human Rights Management Framework (visit

www.unglobalcompact.org/docs/news_events/8.1/HR_poster.pdf) and consider using it as your overall guide to good management practices on human rights. For more detail and examples of company actions under each heading in the framework, you can refer to the **BLIHR/UN Global Compact/OHCHR Guide for Integrating Human Rights into Business Management** (www.integrating-humanrights.org). Use the publication **Human Rights Translated: A Business Reference Guide** to better understand the relevance of all human rights for business

(www.unglobalcompact.org/docs/news_events/8.1/human_rights_translated.pdf). **The Global Leadership Network Implementation Tool** www.globalleadershipnetwork.org is an interactive learning and benchmarking resource that helps UN Global Compact signatories identify how the Global Compact principles and other core citizenship issues function as a driver of business success.

2. TO DEEPEN YOUR UNDERSTANDING OF THE FIRST TWO GLOBAL COMPACT PRINCIPLES AND THE CONCEPTS OF DUE DILIGENCE, SPHERE OF INFLUENCE AND COMPLICITY, you can use the **OHCHR/UN Global Compact e-learning tool**, visit

www.unssc.org/web/hrb/Default2.asp. Embedding Human Rights www.unglobalcompact.org/docs/news_events/8.1/EHRBPII_Final.pdf

explores the practical application of the Global Compact's human rights Principles using case studies and offers detailed examples of what businesses from all over the world are doing to implement human rights within their own operations and spheres of influence, and how they are doing it

3. TO HELP IDENTIFY POSSIBLE HUMAN RIGHTS CONCERNS FOR YOUR BUSINESS, you can use the **Danish Institute of Human Rights' HRCA Quick Check** (free of charge), the longer **Human Rights Compliance Assessment** (there is a fee), or the **Human Rights Matrix - BLIHR/Global Business Initiative on Human Rights** www.humanrights-matrix.net The Matrix provides a simple indication of current performance, allowing the user to assess gaps, shortfalls and action points. It also supports a company to map all policy and practices beyond compliance in relation to international Human Rights

4. TO HELP PRIORITIZE HUMAN RIGHTS CONCERNS FOR ACTION BY YOUR BUSINESS YOU CAN REFER TO THE ROAD-TESTING VERSION OF the **Arc of Human Rights Priorities** (visit

www.unglobalcompact.org/docs/issues_doc/human_rights/Human_Rights_Working_Group/9June09_Arc_of_Human_Rights_Priorities_-_Road_Testing_Version.pdf) developed jointly by the Human Rights and Business Project of the Danish Institute of Human Rights and the UN Global Compact. **The Human Rights Matrix** listed above can also assist in prioritization www.humanrights-matrix.net

5. FOR INFORMATION ABOUT WHAT STAKEHOLDERS AND THE MEDIA MIGHT BE SAYING ABOUT YOUR COMPANY'S HUMAN RIGHTS PERFORMANCE, you can visit the **Business and Human Rights Resource Centre** www.business-humanrights.org/Categories/Individualcompanies. Over 4000 companies are listed there. Businesses should also refer to **Red Flags** www.redflags.info Red Flags communicates, in simple, clear terms, the changing nature of liability risk, based on the latest research into recent case law. It provides a guide for law-abiding companies as to how the expectations for compliance are changing.

6. TO FIND OR CONTRIBUTE POSSIBLE SOLUTIONS TO SPECIFIC BUSINESS AND HUMAN RIGHTS DILEMMAS COMPANIES FACE, you can visit the **Human Rights Solutions Forum** (human-rights.unglobalcompact.org/), developed by Maplecroft and the UN Global Compact Office.

7. FOR SAMPLE HUMAN RIGHTS POLICY STATEMENTS, which may be helpful in drafting or revising your own, you can visit www.business-humanrights.org/Documents/Policies

8. FOR GUIDANCE ON WHEN AND HOW TO DO A HUMAN RIGHTS IMPACT ASSESSMENT OR FOR HOW TO INTEGRATE HUMAN RIGHTS INTO OTHER IMPACT ASSESSMENT METHODOLOGY, you can use the **IBLF/IFC Guide to Human Rights Impact Assessment and Management**. The Executive Summary is available at: www.unglobalcompact.org/docs/news_events/8.1/Summary_HRIA.pdf You can also find out about risks relevant to a particular geography by using the **Country Risk Assessments** (the executive summaries are available free of charge – the complete version has a fee), visit www.humanrightsbusiness.org/files/422157696/file/quick_check_august_2006.pdf and www.humanrightsbusiness.org

9. TO INTRODUCE OR STRENGTHEN EXISTING GRIEVANCE MECHANISMS, YOU CAN USE: Rights-Compatible Grievance Mechanisms: A guidance tool for companies and their stakeholders, available at www.reports-and-materials.org/Grievance-mechanisms-principles-Jan-2008.pdf. You should also visit **BASESwiki** www.baseswiki.org BASESwiki aims to help Business And Society Explore Solutions to the grievances and disputes that impact their relationships. This online community and resource is built by and for its users; **Embedding Rights Compatible Grievance Processes for External Stakeholders Within Business Culture** www.hks.harvard.edu/m-rcbg/CSRI/publications/report_36_sherman_grievance.pdf is a report by Senior Fellow John Sherman for the Corporate Social Responsibility Initiative, Harvard Kennedy School on remedy and corporate culture in the mining industry.

10. TO LEARN HOW TO BUILD A MORE HUMAN RIGHTS-FRIENDLY CORPORATE CULTURE, YOU CAN USE: Human Rights Corporate Accountability Guide: from law to norms to values, available at www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/BLIHR_accountability_guide.pdf

11. FOR GUIDANCE ON REPORTING ON HUMAN RIGHTS PERFORMANCE: you can use the **Practical Guide on Communication on Progress**, visit: www.unglobalcompact.org/COP/Guidance_Material/Publications.html. Note: These and other tools are described in more detail at, and can be accessed from: www.unglobalcompact.org/Issues/human_rights/Tools_and_Guidance_Materials.htm; the **GRI Sustainability Reporting Guidelines** www.globalreporting.org/ReportingFramework/G3Online/ GRI Sustainability reporting is the practice of measuring, disclosing, and being accountable to internal and external stakeholders for organizational performance towards the goal of sustainable development; **Global Reporting Initiative: Good practice note on Human Rights reporting** www.globalreporting.org The Global Reporting Initiative (GRI) is a network-based organization that has pioneered the development of the world's most widely used sustainability reporting framework and is committed to its continuous improvement and application worldwide. **ISO 26000 Social Responsibility Code** www.iso.org/iso/socialresponsibility.pdf is currently being developed for all types of organizations on issues relating to social responsibility. It aims to encompass issues relating to the environment, Human Rights, labour practices, organizational governance, fair business practices, community involvement, social development, and consumer issues. It is at a developmental stage and is expected to be ready by 2010.

BUSINESS AND HUMAN RIGHTS EVENTS CALENDAR 2009-2010

2009

NOVEMBER

5-6th	Business and Human Rights Roundtable	Global Business Initiative on Human Rights	New Delhi, India
5-6 th	Multi-stakeholder Expert Consultation on Corporate Law and Human Rights (SRSG event)	Nathanson Centre	Canada
8-10 th	India Economic Summit	World Economic Forum	New Delhi, India
12-13 th	China/Japan/Korea Global Compact Local Networks Roundtable	UNGC	Seoul, South Korea
12-13 th	Triple Bottom Line Conference 2009	TBLI	Amsterdam, Netherlands
19 th	“The Future of Banking: Ethical and Sustainable?”	ECCR	London, UK
20-22 nd	Summit on the Global Agenda	World Economic Forum	Dubai, UAE
25 th	Workshop on the Relationship between the financial sector and human rights	Institute for Human Rights and Business/SAID School of Business	Oxford, UK

DECEMBER

11 th	Momentum International Sustainability Series-Workshop Business and Human Rights	Momentum Partnerships	Sydney, Australia
12 th	Business side-event at United Nations Climate Conference COP15 Conference	UNGC	Copenhagen, Denmark
15-16 th	Conference on Corporate Complicity in Human Rights Violations	Lauterpacht Centre for International Law (LCIL)	Cambridge, UK

2010

May 2010 Institute for Human Rights and

JANUARY

21-22 nd	African Private Sector Forum	UNGC	Addis Ababa, Ethiopia
27-31 st	Annual Meeting 2010	World Economic Forum	Davos, Switzerland

MARCH

23-24th	Regional Roundtable	Global Business Initiative on Human Rights	TBC
TBC	Business Convening on Land Appropriation and Conflict	Institute for Human Rights and Business	Colombia

APRIL

6-8 th	World Economic Forum on Latin America	World Economic Forum	Cartagena, Colombia
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TBC	Business Convening on Water and Land Use	Institute for Human Rights and Business	South Africa
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MAY

5-7 th	World Economic Forum on Africa	World Economic Forum	Dar es Salaam, Tanzania
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26-28 th	3 rd Global GRI Conference on Sustainability and Transparency	Global Reporting Initiative	Amsterdam, Netherlands
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TBC	Business Convening on Labour Migration	Institute for Human Rights and Business	Vietnam
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TBC	Responsible Business Summit 2010	Ethical Corporation	TBC
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JUNE

6-7 th	World Economic Forum on East Asia	World Economic Forum	Ho Chi Minh, Vietnam
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24-25 th	Global Compact Leaders Summit: 10 th Anniversary of the UN Global Compact	UNGC	New York, USA
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OCTOBER

22-24 th	World Economic Forum on the Middle East and North Africa	World Economic Forum	Marrakech, Morocco
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TBC	Regional Roundtable	GRI	Latin America
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ABOUT THE GLOBAL BUSINESS INITIATIVE ON HUMAN RIGHTS

The Global Business Initiative on Human Rights is a global business-led project committed to advancing human rights in business around the world. The initiative provides a platform for companies from different industrial sectors across the world to show leadership as well as providing a supportive environment in which to learn about how to respect and support human rights and integrate them into the management of their business. Major corporations and multi-nationals will work together to create regional business leadership platforms to:

- Raise awareness of human rights, the business case for respecting rights and the practical steps companies can take to integrate a respect for human rights into their business;
- Support and share concrete, practical examples of companies respecting human rights in a variety of industries and locations around the world (e.g. developing policies, processes, procedures and initiatives); and
- Be a leading global business voice on the realities, challenges and opportunities for incorporating human rights into responsible business and sustainable development and so inform national, regional and international policy dialogues.

The Global Business Initiative on Human Rights works in partnership with the United Nations Global Compact and the Swiss Government.

ACTIVITIES

The core activity of the initiative is to support action-learning activities in relation to concrete human rights issues and core business activities such as Health and Safety, Non-Discrimination, Fair treatment of employees in the workplace, Community relations, Supply Chain Management and Public Policy. This will be done primarily through regional business leadership platforms.

REGIONAL PLATFORMS

Led by local business leaders and supported by civil society groups including UN Global Compact local Networks, GBI will support the creation of regional business leadership platforms. These will start with 2-day roundtable meetings to explore what human rights means for companies in a particular regional context. The roundtable events are aimed principally at business leaders and are designed to provide an overview of the international debate on business and human rights and to capture examples of leadership on human rights within the various regions.

South Asia & South East Asia Roundtable 5 & 6 November, 2009 New Delhi, India
Middle East and North Africa Roundtable Spring 2010
Latin America Roundtable Autumn 2010

FURTHER PROJECTS AND INTERVENTIONS

The initiative will also work to support business-to-business learning and action on human rights through one-off projects. This work will respond to needs and interests of corporations following the principles of shared learning, exchange, practical action and policy engagement so please contact us to explore collaboration. We will shortly announce further projects.

Core Members



Partners



SECRETARIAT MEMBERS: Mark Hodge, Director (based in India) Email: Mark.Hodge@global-business-initiative.org Kathryn Dovey, Director, (based in France) E-mail: Kathryn.Dovey@global-business-initiative.org Jo Clark, Research and Communications, (based in the UK) E-mail: Jo.Clark@global-business-initiative.org Laura Underwood, Co-ordinator, (based in the UK) E-mail: Laura.Underwood@global-business-initiative.org

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LOCAL PARTNERS

The Global Business Initiative on Human Rights is working with CSR advisory organizations, thought leaders and Global Compact Networks in different parts of the world. We would like to highlight the expertise and work of two of our partners in particular, both of whom have not only made the roundtable session possible, but are also committed to support action by business leaders in the coming months and years.



Partners in Change (PiC) is a not for profit Indian organization that has been pioneering the development and practice of Corporate Social Responsibility (CSR) in the country since its formal establishment in 1995 under the Societies Registration Act 1860. PiC is committed to the promotion of responsible business practices through encouraging partnerships between business and stakeholders in its sphere of influence, especially the vulnerable and marginalized communities, to achieve sustainable development. The organization is advocating for global standards on business and Human Rights and stronger legal frameworks at both national and international level to hold companies to account for their Human Rights impact. PiC calls on companies to respect Human Rights and make it an integral component of their business operations. PiC's work in this area includes:

- Training events for private and public sector corporations and strategic guidance to individual companies.
- The co-authoring and publication of Human Rights and Business Primer (launched in 2008) and the (soon to be released) follow-up tool for business focused on Integrating Human Rights into Community Engagement.
- Support of the work of the Institute for Human Rights and Business including acting as local partner for a multi-stakeholder convening on Land acquisition and use.
- Acting as one of the partners giving GRI training to Companies in India to draft reports, it has also collaborated with Global Compact Society, India to conduct training for reporting by member companies on Human Rights.
- Partners in Change is also a member of National Mirror Committee on ISO26000. It is a part of the working group which is nominated by the Bureau of Indian Standards to give recommendations on the guidelines.
- Support of the UN SRSG on Business and Human Rights regional consultation in Delhi, India to get multi stakeholder views from across Asia Pacific to operationalise the framework. The report of consultation is available on the Pic website.

For further details please visit www.picindia.org, or contact Smita Singh at Smita.singh@picindia.org



The Global Compact Network India was formed by some of the organizations from India who were participating in the United Nation's Global Compact Programme. GCN acts as an all India Apex level nodal agency representing various Indian Corporate bodies, Institutions/ SMEs/ NGOs, who are committed to UN 's Global Compact principles on Human Rights, Labour standard, the environment & anti-corruption. GCN Membership is open to the organizations, Institutions, SMEs, NGOs, who comply to the UNGC Principles. GCN work in this area includes:

- Co-authorship and release of Human Rights and Business Primer on the occasion of the 60th Anniversary of the Universal Declaration on Human Rights in December 2008 (in partnership with Partners in Change).
- Hosting of senior business leaders' conclave to engage with the UN SRSG on Business and Human Rights in February 2009.
- Recent commitment from newly formed GCN Mumbai Chapter to form an active working group and centre of excellence on Business and Human Rights.
- Formation of national Working Group on Business and Human Rights to provide expert guidance and support to GCN members.

For details please visit GCS's website: www.globalcompactindia.org, or contact Pinaki Roy at pinaki.gcs@gmail.com