

# Global Compact Human Rights Working Group (HRWG) Meeting Summary Report

17 November

Rio Tinto Headquarters, London

## Summary

This HRWG meeting covered a range of topics and resulted in a number of outcomes:

- This HRWG agreed that follow up at the international level to the mandate of the Special Representative to the Secretary-General on business and human rights, John Ruggie, which it expires in June 2011 should include a multi-stakeholder component. A group of HRWG members will work together to develop a submission to this effect to the President of the Human Rights Council. The timing of the submission is still to be determined.
- A webinar will be organized to further the discussion that began at the meeting in London on how to revamp the HRWG with a view to increase its effectiveness and substantive contribution to the business and human rights field. In particular, if the HRWG is to be a working group, as opposed to a forum for exchange of information, membership criteria should be introduced in order to ensure that all members contribute to the work being produced and that the secretariat, which is comprised of the UN Global Compact Office and OHCHR, helps to coordinate, rather than having to drive, the various work streams. This will bring greater legitimacy to the HRWG and in turn to the human rights component of the UN Global Compact. The HRWG current terms of reference can be found at: [http://www.unglobalcompact.org/Issues/human\\_rights/Human\\_Rights\\_Working\\_Group.html](http://www.unglobalcompact.org/Issues/human_rights/Human_Rights_Working_Group.html)
- The HRWG should actively contribute to human rights-related Global Compact initiatives, including the Women's Empowerment Principles Initiative and the Children's Rights and Business Principles Initiative. It was suggested that a small task force of HRWG members, preferably multi-stakeholder in nature, be responsible for engaging directly with, and test the application of such initiatives and report back to the broader HRWG, flagging opportunities for engagement.
- Systematic links between the UNGC and NHRIs should be established to foster collaboration. A one-pager will be developed jointly by the two entities as a first step.
- The relationship between the Human Rights Working Group and the Labour Working Group should be strengthened to maximize opportunities for collaboration.

## 1. Welcome and introductions

Sir Mark Moody-Stuart, Global Compact Board member, chaired this Human Rights Working Group meeting on behalf of Mary Robinson, Chair of the HRWG. Sir Mark welcomed HRWG members and observers from business and civil society to the meeting and explained that Mary Robinson regretted that she was unable to join the meeting. The Global Compact Office (GCO) reminded participants of the opportunity to contribute to the Special Bulletin on Business and Human Rights that will be circulated as part of the Global Compact's December Monthly Bulletin in honour of International Human Rights Day (10 December). HRWG members were asked to send business and human rights related news, engagement opportunities, events, new tools and resources to Lauren Gula ([gulal@un.org](mailto:gulal@un.org)) by 30 November.

## 2. Update on the SRSR mandate and relationship with the UNGC

The Office of the UN High Commissioner for Human Rights (OHCHR) explained that the Draft Guiding Principles on the UN Protect, Respect, Remedy Framework would be released for public comment on 22 November, following the HRWG meeting. Consultations with business, UN Member States and Civil

Society Organizations on the key issues to be covered by the draft Guiding Principles took place during Fall 2010. The Draft Guiding Principles are available for comments and review at: <http://www.srsgconsultation.org>. All interested stakeholders are strongly encouraged to comment until 31 January 2011.

Participants discussed how to sustain the momentum of the SRSG's work on business and human rights and build on the immense progress that has been made once his term expires in the Spring of 2011. A number of follow up options are available to the Human Rights Council: the Human Rights Council may renew the mandate of the SRSG and appoint a new individual (six years is the maximum term that an SRSG can serve); an intergovernmental working group may be established to draft a proposed legal text based on the Protect, Respect, Remedy Framework (although this would be a lengthy process); a Working Group of experts could be established (like the current Working Group on human rights implications of mercenaries and Working Group on arbitrary detention); and an Annual Forum on business and human rights could be established in addition or instead of the previous options to further work in this area.

The HRWG felt strongly that whatever follows the mandate of the SRSG should contain a multi-stakeholder component. It was agreed that the HRWG will make a submission to the President of the Human Rights Council to this effect. A number of HRWG members offered to assist in drafting such a submission. Additional HRWG members that are interested in contributing to this work are asked to contact Lauren Gula ([gulal@un.org](mailto:gulal@un.org)). A conference call will be organized in January on this topic. Once a draft has been developed, it will be circulated to the HRWG for comment. Groups and organizations independent from the HRWG are also encouraged to submit recommendations to the Human Rights Council on this matter.

The HRWG also discussed implementation of the Guiding Principles and the particular support the HRWG and the human rights work of the Global Compact more broadly can provide to companies.

- HRWG members agreed that there is a need for training and toolkits to help companies understand the UN Framework and implement the Guiding Principles.
- The Guiding Principles are meant to be globally applicable and general in nature. The capacity of Global Compact Local Networks to help companies apply the UN Framework locally should be strengthened.

To view an explanatory note on the relationship between the Global Compact and the SRSG's "protect, respect, and remedy" framework developed by the Global Compact and SRSG, see: [http://www.unglobalcompact.org/docs/issues\\_doc/human\\_rights/Resources/UNGC\\_SRSGBHR\\_Note.pdf](http://www.unglobalcompact.org/docs/issues_doc/human_rights/Resources/UNGC_SRSGBHR_Note.pdf)

### **3. Embedding Human Rights in Business Practice IV**

The GCO briefed the HRWG on the current case studies being developed for possible inclusion in Embedding Human Rights in Business Practice IV. See background document.

The HRWG also reviewed the role of the Editorial Board and peer reviewers. In addition to becoming a member of the Editorial Board and/or a peer reviewer for one of the case studies, the HRWG were asked to suggest topics for new case studies and consider being the subject of a case study. To contribute to this workstream, please contact Lauren Gula ([gulal@un.org](mailto:gulal@un.org)).

Background Document: [EHRBPIV Updates – November 2010](#)

### **4. Discussion on the Women's Empowerment Principles**

The Global Compact Office provided the HRWG with an update of the Women's Empowerment Principles (WEPs), a joint Global Compact and UNIFEM (now part of UN Women) initiative. The Principles have attracted great attention and overwhelming support since their launch in March 2010. Local UNGC and UNIFEM networks, as well as a number of dedicated local and international women's rights groups and civil society organizations, have played key roles in disseminating information about the WEPs and encouraging uptake of the Principles around the world. At the time of the HRWG meeting, more than 115 executives from around the world, representing a broad range of industries, had signed a CEO Statement of Support for Principles.

On 9-10 March, 2011, the UNGC and UNIFEM will host the 3<sup>rd</sup> annual Equality Means Business event in honour of International Women's Day. The event will bring together business, civil society, UN, government, labour and academic representatives and will focus on implementation of the Principles, highlighting tools, resources and good practices from around the world.

It was recommended that a member of the HRWG follow and engage closely with this initiative on behalf of the working group. He or she would be responsible for providing updates to the HRWG at meetings and flagging opportunities for the working group to contribute to this important initiative. It was also suggested that 2-3 companies from the HRWG and HRWG members from other stakeholder groups volunteer to pilot the WEPs for set period (ie. six months) and report back to the HRWG and WEPs team on their experiences and results.

For more information about the Women's Empowerment Principles and the upcoming event, or to volunteer to engage with the Women's Empowerment Principles initiative please contact Lauren Gula (gula@un.org).

## **5. Discussion on Children's Rights and Business Principles Initiative**

The HRWG was briefed on the status of a consultation to develop a set of principles on how business can respect and support the rights of children. Led by the UN Global Compact, UNICEF and Save the Children (Steering Committee), the Principles will present business, civil society, government, academia and other stakeholders with an unprecedented opportunity to join forces in an effort to enable the private sector to become a more positive force for children. Specifically, they will provide a coherent set of practical considerations that business can apply throughout their operations.

The Steering Committee is in the process of finalizing the Expert Reference Group (ERG), which is currently made up of 26 leading experts in the area of child rights, human rights, corporate responsibility, business, investment and academia who will assist in developing the Principles and determining the context in which they will be used. The ERG represents the global north and south, women and men, business across sectors, investors, the United Nations, government and civil society. It also includes a member from the SRSG's team. Concurrently, the Steering Committee has created a Child Participation Strategy as well as a draft Research Plan which includes a literature review, compendium of good practices and a mapping exercise, all of which are focused on identifying the impact business has on children across all its spheres of influence. The output of these research streams will inform the basis for discussions at multi-market consultations which are expected to be held in person and online, starting in December 2010 through May/June 2011.

HRWG meeting participants suggested that case studies be developed to illustrate how business can both positively and negatively impact the rights of children. Participants agreed that it is very important to highlight the role of business with regard to vulnerable groups and showed support for the initiative. The Business & Human Rights Resource Centre explained that they are creating portals for specific areas and informed participants that a portal on business and children will be launched in early 2011.

Participants discussed the specific importance of girl's rights and discussed whether a sub-workstream should be included in the Children's Principles Initiative and/or the Women's Empowerment Principles Initiative. The possibility of developing an independent initiative/workstream/platform was also mentioned.

Again, participants noted that it is important that initiatives such as the Children's Principles and the Women's Empowerment Principles not be solely secretariat led. Rather, the HRWG should engage with these initiatives and offer their expertise. The possibility of having a HRWG member represented in this workstream was discussed. In addition to the consultations which will take place with the whole HRWG, some HRWG members are included in the process through their involvement in the Expert Reference Group. The group will provide ongoing feedback on the development of the Principles and provide thought leadership throughout the process, ensuring that the Principles are practical and relevant.

The UNGC invites those interested in being involved to contact Anita Househam [househam@un.org](mailto:househam@un.org) or Elisabeth Abeson [eabeson@unicef.org](mailto:eabeson@unicef.org)

## **6. Discussion on Business and Peace Workstream**

HRWG members were updated on the GC's work on business and peace, including the "Guidance on Responsible Business in Conflict-Affected and High-Risk Areas: A Resource for Companies and Investors" launched in New York City during the UN Global Compact Leaders Summit in June 2010.

Global Compact and the Principles for Responsible Investment (PRI) initiative — in collaboration with members of the Expert Group on Responsible Investment who helped develop the tool — are now entering into the next phase of the Guidance: implementation. This phase aims to promote the Guidance's content and encourage its implementation by companies and investors operating in challenging environments.

The Global Compact and PRI invited Global Compact participating companies and PRI signatories, with the support of Global Compact Local Network Focal Points, to take part in a Pilot Project in an effort to test the operational relevance of the guidance points across business and investor engagement activities. In addition to various awareness-raising activities at both the global and local levels, two pilot groups will be established: one for companies and one for investors. For more information on why and how companies and investors can engage in this process and how UN Global Compact Local Network Focal Points can engage in and support participating companies in this process see: <http://www.unglobalcompact.org/news/80-11-11-2010>

During the second half of this session, Baron Dilip Mehta, CEO, and Iris Van der Veken, Manager Corporate Affairs Global, of the Rosy Blue Group presented their company's approach to respecting human rights, including in high-risk areas. [Rosy Blue PowerPoint Presentation](#)

## **7. New Themes for the Human Rights and Business Dilemmas Forum**

Alyson Warhurst, CEO of Maplecroft, updated participants on the Human Rights and Business Dilemmas Forum (HRBDF), an online, multi-stakeholder platform for multi-national corporations (MNCs) with operations, supply chains and distribution networks in regions of the world that present risks to their responsibility to respect human rights. The Forum, implemented by Maplecroft in partnership with the UNGC and funded by the GE Foundation, is designed to help companies and stakeholders understand and share experiences of how they have addressed real-world human rights, labour standards and corruption challenges, particularly in the fastest growing emerging economies.

The HRWG showed strong support for HRBDF. It was suggested that the Forum would also be a valuable resource for the legal community and suggested that Maplecroft/UNGC reach out to the Lawyers as Leaders group of the International Bar Association: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=60827e49-44df-43de-94b2-11157db1fdb9>

The HRWG also suggested a number of additional business and human rights dilemmas that could be developed for inclusion in the Forum:

1. Local sourcing
2. Mental health (e.g. with respect to Foxconn incidents)
3. Conflict of laws
4. People with disabilities
5. TB and Malaria

HRWG members also suggested broadening the focus of the Forum to include dilemmas faced by corporations operating in developed economies.

PowerPoint Presentation: <http://share.maplecroft.com/HRWG>

## **8. UNGC and NHRI Engagement**

This session explored avenues and concrete actions to integrate National Human Rights Institutions and the UNGC more closely. Participants recognized that although the relationship between the UNGC and NHRIs is positive and individual NHRIs and the UNGC have, on a limited basis, collaborated on projects and events, there is currently no systematic linkage between the UNGC and NHRIs.

Given their common objective, it was agreed that UNGC-NHRI collaboration should be enhanced.

The following ideas for collaboration were suggested the following:

- Developing a Good Practice Note on UNGC-NHRI collaboration, highlighting examples of successful initiatives involving collaboration between NHRIs and businesses
- Including a session on NHRIs at the next UNGC Annual Networks Forum
- Establishing NHRIs as a new UNGC stakeholder category
- Integrating appropriate references to NHRIs in Local Network Guidelines and Recommendations, and supporting materials (e.g. Toolkit)
- UNGC Principles 1 & 2: Introducing appropriate references and guidance regarding NHRIs into materials
- Exploring scope for and assessing value of concluding a UNGC-ICC (International Coordinating Committee) letter of understanding or similar (cf. OECD-UNGC)
- Publicizing NHRIs-UNGC synergies and collaborations at key UNGC events e.g. UNGC Leaders' Summit, Human Rights Day
- Exploring potential to link UNGC Local Networks Regional Networks and corresponding ICC Regional Networks
- Including information on UNGC in the ICC Guide for NHRIs on Business and Human Rights to be developed in 2011
- Exploring opportunities for UNGC participation in ICC Regional Seminars on Business and Human Rights to be held in 2011.

As an initial step, it was decided that a brief, one-page note be developed to introduce the UNGC local networks and NHRIs to one another.

## 9. Human Rights Reporting Guidance

During this session the HRWG provided feedback on a “Draft Guidance to the Human Rights Component of the Global Compact Communication on Progress” (the “Draft Guidance”). The Global Compact’s Annual Implementation Survey has shown that companies find human rights to be one of the most difficult areas to report on. However, it is hoped that this guidance will help motivate companies to report on the first two principles.

The Draft Guidance was developed by the GCO in consultation with 28 geographically and sectorally diverse UNGC business participants active in the field of human rights but not members of the HRWG. In addition, the GCO solicited the opinions of select Local Networks, the OHCHR, and the Global Reporting Initiative (GRI). Please note, a webinar was held to get input from the HRWG on an earlier draft of the guidance on 24 March 2010 (see [http://www.unglobalcompact.org/Issues/human\\_rights/Meetings\\_and\\_Workshops.html](http://www.unglobalcompact.org/Issues/human_rights/Meetings_and_Workshops.html)). The GCO’s intentions were and are for the Guidance Document to be consistent with and build upon the work of the SRSG and linked with the work of the GRI without making participation in the GRI mandatory for UNGC participant businesses.

The HRWG offered the following suggestions:

Small vs. Large companies:

- Whether or not the Draft Guidance would be helpful to both large and small companies was discussed. Some participants felt that independent guidance should be developed for SMEs. Others felt that the current guidance should be revised to take more into consideration SMEs as well as large companies.
- It was suggested that each element be distilled into a step-by-step process for SMEs so they can more easily understand what it entails.
- Some participants believed that the document should be shortened significantly. SMEs will find it overwhelming to have lengthy reporting guidance for all the different principles (assuming that, following in the footsteps of the anticorruption guidance and the draft human rights guidance, reporting guidance on the environment and labour rights will be developed)
- It was recommended that the document have only 10-12 elements, rather than the current 18 elements and that companies only be asked to report on:
  - Policies and structures in place regarding Human Rights
  - What risks the company faces with respect to Human Rights
  - How the company is dealing with those risks.

First and second priority suggestions:

- Participants questioned the difference between the Universal Declaration of Human Rights and internationally proclaimed human rights and suggested that elements 1 and 3 be merged.
- Some HRWG members found organizing the elements into columns confusing and suggested getting rid of them entirely.
- Others suggested keeping the columns and tying them to the basic/intermediate/advanced COP programme.
- It was suggested that elements 11 and 13 be eliminated. Participants felt that stakeholders are primarily concerned about whether and how companies are addressing human rights concerns and have less interest in knowing where the accountability lies or whether management is trained.

SRSG:

- HRWG felt strongly that, to the extent possible, the language used in the Reporting Guidance should align with Ruggie's final language in the Guiding Principles.

- In light of this suggestion, participants felt that it would be best to wait for the release of the draft Guiding Principles.

#### The GRI:

- Some participants indicated that the language in the Draft Guidance regarding the GRI is too strong. They felt that it should be made clear that involvement with GRI is not required and that perhaps reference to the GRI should be removed from the element descriptions.
- It was suggested that more results-oriented elements be included in the Guidance for those participants who do not use the GRI indicators. The real objective of this guidance is to obtain results, which we should measure.

#### Labour Rights:

- Some participants questioned the appropriateness of asking companies to report on labour-related activities as part of their human rights reporting. .

#### Reporting:

- It should be clear that companies need not submit a paper report to us--reporting via the website is sufficient.

#### Tools and resources:

- Participants were curious to know how the UNGC decides which tools to promote and highlight and warned that it should be wary of showing any preferences with regard to external assessment standards.
- The tools section at the end could be more robust and inclusive.

#### Grievance/Remedy Mechanisms:

- It was noted that disclosure of grievance/remedy mechanisms were missing in the Tracking Performance and Monitoring section.

HRWG members were invited to provide further comments on the [Draft Reporting Guidance](#) to Adam Trott ([Trott@unglobalcompact.org](mailto:Trott@unglobalcompact.org)) with copy to Lauren Gula ([gulal@un.org](mailto:gulal@un.org)) by December 20, 2010.

## 10. Good Practice Notes

In 2008, the HRWG decided that one of its functions would be to act as a “forum” for identifying good business practices in implementing the Global Compact human rights principles. Good practices may be practical solutions to commonly occurring dilemma situations or specific management practices proven to be helpful in enabling a company to respect and/or support human rights.

Chip Pitts, coordinator of Good Practice Note workstream, provided participants with a brief overview of the notes currently being developed.

Comments on notes in the beginning stages of development included:

1. The Role of Lawyers in Developing and Promoting In-House Human Rights Policies
2. Living Wage
  - The author must connect with the ILO and other labour representatives on this note.
3. Human Rights Challenges and the Pharmaceutical Industry
  - It was suggested that the author of this note connect with York Lanau from Novartis
  - One participant commented on the broad scope of this GPN and stressed that the author should have a good understanding of the pharmaceutical industry.
4. Business, Violent Crime and Human Rights
  - The focus of this note was questioned. Some participants felt that the connection as well as the distinctions between violence and human rights was not explicit enough.

5. Community Engagement and Investment to Advance Human Rights in Supply Chains
  - Trade Unions should be consulted on this GPN
6. Multi-Stakeholder Worker Empowerment to Advance Human Rights In Supply Chains
  - Again, given the focus on supply-chains, trade unions must be consulted

To view the above concept notes see: [GPN Concept Notes](#)

Participants were asked to send written comments to Chip Pitts Participants ([chip.pitts@att.net](mailto:chip.pitts@att.net)) on a complete draft Good Practice Note [Corporate Responses to Conflicts between International Human Rights and Host Country Laws](#) following the meeting. Initial comments included:

- References to countries need to be reviewed. While countries as a general matter should not be named, except perhaps when widespread awareness and documentation of the situation exists, or the country itself has acknowledged it, the situation can be described.

The following comments on the Good Practice Note process and workstream were provided:

- Good Practice Notes that are up for endorsement by the HRWG should be circulated to members in a separate email--not as part of the regular HRWG updates-- to ensure that they are adequately brought to participants' attention.
- Since Good Practice Notes are meant to provide guidance to companies, one participant felt that they should be renamed 'Global Compact Recommended Practices'. However, it was pointed out that there may be more than one good practice and that whether or not the practice is relevant and/or suitable for a company will depend on numerous factors. By developing Good Practice Notes, the GCO and its HRWG hope to take stock of company practices that companies have found to be helpful in implementing the first two principles of the Global Compact rather than dictate what practices companies should adopt.
- The Good Practice Note Sub-Working Group needs to be revisited to ensure that all members are contributing to the workstream

Participants are kindly asked to send all written comments to Chip to be [chip.pitts@att.net](mailto:chip.pitts@att.net)

## **11. UNGC and Human Rights:**

The first half of this session focused on the UNGC's Strategy on human rights for 2011-2013. The GCO explained that the Strategy is an internal document developed to guide the office's allocation of resources and inform its board and donors. HRWG were invited to comment on the human rights section of the Strategy. Feedback received included:

- It was suggested that the Strategy point to possible collaborations with National Human Rights Institutions. The Strategy currently only mentions the Danish Institute for Human Rights.
- Participants suggested that the "expected outcomes" should focus on the actual practices of companies in addition to the policies and procedures that companies have in place that are intended to inform their practices.
- Participants suggested that indicators be added to address companies due diligence processes and complaint mechanisms
- Some participants felt that the target for outcome indicator 2 – that 80% of companies have an explicit policy statement on human rights, whether integrated into a code of conduct or stand alone. – is too low.
- One participant suggested that companies should be asked to list the top three human rights risks in relation to their company/industry

- One participant asked if it would be possible for the GCO to include in its Strategy the contribution it seeks to make to the broader human rights and business field in addition to GC stakeholders

\*\*\* Please note that the following changes were made to the Strategy based on the feedback received:

- Outcome indicator 1: “And the resulting changes are reflected in COPs” at the end of outcome indicator 1. Outcome indicator one now reads: By 2013, GC participants have taken more concrete steps to embed the human rights principles into their policies and processes and the resulting changes are reflected in COPs”
- Addition of a 4<sup>th</sup> indicator: “By 2013, a significant number of participants have demonstrated through their COPs that they are assessing human rights risks and impacts and have in place mechanisms for grievances”.

During the second half of this session participants discussed how the HRWG could be revamped to maximize its impact and contribution to the business and human rights field. The HRWG is increasingly being referenced and giving legitimacy to business and human rights related resources and business practices (ie. Good Practice Notes). However, the HRWG currently operates more like a human rights forum for exchange of information than like a genuine working group, with most of the working group’s activities being externally or secretariat driven. If there is an appetite to make the current group into a genuine working group, rather than a forum, membership criteria should be introduced to ensure that all members are actively engaged and contributing to the group’s activities and work. In addition, the objectives and focus of the HRWG should be revisited to reflect new developments within the business and human rights field, such as the UN Protect-Respect-Remedy Framework and the Draft Guiding Principles.

Given the importance of this topic, it was decided that a webinar meeting be scheduled to continue the discussion that took place at the HRWG meeting in London and give members that were not able to attend them meeting an opportunity to provide input. Initial feedback received at the meeting included:

- Membership in the group could include active contribution to one workstream and participation at one HRWG meeting per year (whether in-person or webinar). This would align with the newly launched Blueprint for Corporate Sustainability Leadership, which calls for active participation in working groups (<http://www.unglobalcompact.org/HowToParticipate/Lead/blueprint.html>).
- Current members that do not wish to remain ‘core’ members of the HRWG could still be welcome to meetings and invited to contribute to workstreams as ‘observers’.
- Some participants mentioned that they find the HRWG email updates overwhelming and suggested minimizing the amount of information included.
- Creation of a virtual working group could provide a platform for information sharing and allow email updates to be reserved for key communications.
- Some participants suggested that the scope of the HRWG activity be reduced and that the direction of the work be more focused. Sub-working groups could be established to contribute to specific platforms and initiatives.
- It was suggested that the main purpose of the HRWG should be to help advance the UN Protect-Respect-Remedy Framework and that whatever follows the SRSB’s mandate should inform the work of the HRWG.
- Some participants felt that the Good Practice Note workstream is where the HRWG has the greatest comparative advantage.
- It was suggested that Task Forces for the various workstreams be established, with members being accountable to the rest of the HRWG .
- Some participants called for more systematic collaboration between the Human Rights Working Group and the Labour Working Group.

- A suggestion was made to explore the possibility of getting funding from the GC Foundation to bring at least some members of the HRWG together for a meeting once a year.

## **12. Local Network Reflections:**

Members of the Global Compact's UK Local Network were invited to participate in the London 2010 HRWG Meeting. Both HRWG members and UK Local Network representatives agreed that this was beneficial and local networks should be invited to participate in meetings whenever possible. A number of UK Local Network representatives indicated that they were interested in becoming involved with the HRWG following the meeting.