Developing a Human Rights Policy

UN Global Compact Webinar
Lucy Amis, 6 December 2011
Instructions & Agenda

Webinar Instructions

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Agenda

- Introduction by the UNGC (5min)
- Presentation by Lucy Amis (25min).
- Question & Answer (15min)
Guiding Principles on Business & Human Rights and Global Compact

- June 2011 – UN Guiding Principles (GPs) endorsed by UN Human Rights Council
- UNGC says GPs ‘an authoritative global standard’ and provides ‘operational clarity’ for UNGC’s Principles 1 & 2 (Human Rights) and 3, 4, 5 & 6 (Labour)
UN Guiding Principles, OECD Guidelines and Human Rights

Guiding Principles apply to States and companies. OECD Guidelines for Multinational Enterprises

To meet the ‘corporate responsibility to respect’ human rights, companies (appropriate to size, nature and operating contexts) should:

- Have a policy commitment to respect human rights;
- Carry out human rights due diligence to identify, prevent, mitigate and account for how address human rights impacts; and
- Engage in a process to enable remediation of any adverse impacts.
Step 1: Human Rights Policy

• Business & Human Rights Resource Centre - nearly 300 companies with a human rights policy.
• Global Compact participants can set an example.
• UNGC building awareness and confidence
• New resources, e.g. A Guide for Business: How to Develop a Human Rights Policy
Human Rights Policy: Definition

- A public statement committing the company to respect all international human rights standards
- Explicitly use of the term ‘human rights’
- Can be found in a company statement of business principles, codes of conduct, or standalone website statement
- Precursor to wider human rights due diligence process – signal of good intent
Why show human rights respect?

- Universal Values: now encoded in GPs
- Commercial benefits: attract investors and new business (e.g. public procurement), recruit best staff, secure and maintain social license to operate
- Legal: ‘not a law free zone’. Human rights standards integrated in domestic laws; Soft law expectations, e.g. OECD Guidelines National Contact Point Specific Instances
Developing a policy: **Advantages**

- A basis for embedding respect for human rights within the company
- To respond to legitimate expectations
- To identify policy gaps and new risk areas
- To build trust with stakeholders
- To trigger in-house learning, management capacity & leadership
- To demonstrate good business practice
Getting Started

Developing a human rights policy is a dynamic process. No perfect recipe.

- Assign senior management responsibility to drive policy development & implementation
- Put in place a cross-functional team
- Conduct a policy mapping gap analysis
- Consult - internal & external stakeholders
- Consider how to communicate the policy
- Think how to reflect the human rights policy in operational policies and procedures
Key policy ingredients (1)

A commitment to respect international human rights standards, e.g. UDHR

- Reference sector standards or voluntary initiatives e.g. UNGC, FLA, ETI, GNI, Kimberly Process, Voluntary Principles
- Commitment to support human rights
- Summarise steps taken to develop the policy
- Outline scope, application and expectations
Key ingredients (1): examples

• The *Mitsubishi Corporation* embraces and complies with international conventions on human rights. These conventions include the Universal Declaration of Human Rights, Fundamental ILO Conventions and Voluntary Principles on Security and Human Rights.

• *We do encourage the creation of education, training or apprenticeship programs tied to formal education of young people.* Alcoa
Key ingredients (1): examples

• One of the most significant and multifaceted challenges facing AngloGold Ashanti is that of artisanal and small-scale mining.

• This [policy] commitment follows an expert third party review of our business... The review assessed ANZ Bank’s performance against guidelines set out in global human rights instruments. ..More work was required ..to mitigate risks in our supply chain.

• Going forward together with our suppliers, our intention is to drive towards the adoption of [this policy], or comparable standards by our suppliers for their own operations, and those of their suppliers in turn. Diageo
Key policy ingredients (2)

Provisions on human rights for workers (labour standards/working conditions), for example on:

• Non-discrimination
• Minimum age/worst forms child labour
• Forced/bonded labour
• Working conditions - health and safety, hours
• Fair wages/compensation
• Right to union representation
Key ingredients (2): examples

• We provide equality of opportunity and treatment for the purposes of eliminating discrimination based on race, colour, gender, sexual orientation, gender identity, religion, political opinion, nationality, social origin and status, indigenous status, disability, age or other status of individuals unrelated to the individual's ability to perform work. National Grid

• Freely-chosen employment: Ensure no forced, bonded or involuntary prison labor is used in the production of HP products or services. Ensure that the overall terms of employment are voluntary.
Key ingredients (2): examples

- We respect the rights for individuals to join legal labour unions as provided by [UDHR Article 23 (4)] ...to the extent that it does not conflict with the relevant local laws and regulations. Anadolu Efes

- Child labour is not used. There is no recruitment of child labour. If any incidence of child labour is identified in the supplier’s industry and region, the supplier shall initiate, or participate in, a programme to transfer any children involved in child labour into quality education... No one under eighteen years old is employed at night or in hazardous work or conditions. Pentland Group

- Employees of a Tata company shall be treated with dignity and in accordance with the Tata policy of maintaining a work environment free of all forms of harassment...
Key policy ingredients (3)

Provisions on non labour-related human rights, for example:

• Indigenous People’s rights
• Right to privacy
• Ethical clinical trials
• Use of security forces
• Child sexual exploitation
• Migrant workers
Key ingredients (3): examples

- It is the policy of **Cerrejón** to maintain its relationship with Private Security Companies and the legally constituted State Security Forces, within the highest standards or practices and with the greatest transparency possible, thus developing corporate behaviour in accordance with the Voluntary Principles; for this reason it trains them and keeps them abreast of matters of Human Rights...

- **[We] have regard to the principles of ILO Convention No. 169 on Indigenous and Tribal Peoples, wherever our operations may impact the human rights of indigenous peoples.** **BG Group**

- We put safeguards in place to ensure that the human rights of people taking part in our clinical research are protected. This includes the informed consent process and procedures to protect patient privacy... **GSK**
Next Steps

- Communicate the policy internal & externally
- Reflect the human rights policy in operational guidelines and procedures to embed it throughout the company
- Conduct human rights due diligence to identify, prevent, mitigate & account for how the company addresses human rights impacts
- Track performance
- Provide for/co-operate in processes for the remediation of any adverse human rights impacts
Question & Answer

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Thank You!

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