

# BLIHR #4



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## Business Leaders Initiative on Human Rights

### Policy Report 4



# Business Leaders Initiative on Human Rights

**Honorary Chair**      Realizing Rights: The Ethical  
Mary Robinson      Globalization Initiative

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[www.blihr.org](http://www.blihr.org)

BLIHR was started in 2003 by the seven founder companies, Respect Europe and Realizing Rights: The Ethical Globalization Initiative as a three-year project. In 2006, it was agreed that the initiative should continue for additional three years, ending on 31 March 2009.

# 1. Executive Summary

The member companies of the Business Leaders Initiative on Human Rights (BLIHR) conclude their work at a time of growing international economic challenge. The financial crisis of 2008-2009 has created an environment where many businesses have to retrench or find new models of operating. Workers too face uncertainty and sometimes the loss of the fundamental dignity of work itself. It might be argued by some that human rights are a luxury that business can ill afford at the moment. However, the evidence seems to be mounting the other way.

It is clear that excessive short-termism was one of the failings of the global financial system and that more strategic and sustainable approaches to finance and the wider economy are sought. Similarly both governmental and corporate engagement to meet global environmental challenges, in particular climate change, is recognised as a necessity by all actors. In order to avoid future social crises, *social sustainability* becomes an essential part of this mix: in business terms it underpins functioning markets and maintains the social licence to operate. If we accept that such social values have to be universal in their application, then 'human rights in business' has come of age.

Article 28 of the Universal Declaration of Human Rights proclaims the 'right to a social and international order' and an improved social and international order is clearly needed today. This is primarily a challenge for strong and accountable governments but business also has its own specific responsibilities for human rights. This will mean partnerships with governments around the world to achieve human rights objectives and also much better trusteeship in those contexts when governments might be unwilling or unable to adequately discharge their human rights duties.

BLIHR has supported the mandate of the Special Representative of the UN Secretary General on Business and Human Rights and endorses the common framework of "protect, respect and remedy" which he offers and which the UN Human Rights Council recognised unanimously in 2008. The state duty to protect human rights is central but the corporate responsibility to respect human rights is also a fundamental premise and represents a positive responsibility to act even when a government might not.

BLIHR has come to the conclusion that the common framework applies to all businesses regardless of where in the world they are operating and that it must embody some common principles/standards (or 'essential steps') as well as a lot more that is specific to different industry sectors or particular groups in the locality of operations. During its first few years, BLIHR adopted an evidence-based approach to testing the human rights content such a framework should embody. Then, over the last three years, we have gone on to pre-populate our human rights matrix with 'essential' and 'beyond essential' steps which we hope will guide businesses in their development of human rights

policy and practice. However, the current global context has re-emphasized that a totally non-regulatory approach is not sufficient in order to secure the step-change in impact that is required for those suffering from corporate related human rights abuse. We recognise in particular the need for greater accountability mechanisms and access to remedies both within and outside of companies.

Although there are more than 70,000 transnational companies in the world, only 5,000 have made public their strategic intentions with regard to human rights and only a few hundred have acted on these intentions. BLIHR has worked hard with others to provide some of the basic tools to enable companies around the world to get started on the integration of human rights into business practice – we have recently updated our Guide with the United Nations Global Compact and the Office of the High Commissioner for Human Rights. However, we have not stopped there. We have a strong belief the fundamental change we are looking for will only come about when human rights are embedded in the values and culture of the business itself. We have also embarked on a range of case-studies in emerging economies to show the link to wealth creation and development as also part of human rights and business – it is never just an issue of compliance or ‘do no harm’.

BLIHR calls on all businesses throughout the world to engage with human rights. Our time-limited initiative has now ended but the work continues. The former BLIHR companies will continue to be amongst all those committed to deepening and widening the business and human rights agenda and moving from policies and intention to real impact.

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## 2. Introduction

### **Mary Robinson, Honorary Chair, Business Leaders Initiative on Human Rights (2003-2009)**



I am delighted to welcome this report from the members of the Business Leaders Initiative on Human Rights (BLIHR) to mark the culmination of the programme and its legacy moving forward. As the Honorary Chair of BLIHR and an active participant in many Working Group Meetings I warmly congratulate the businesses who saw fit to gather around the table six years ago with other multinational companies and better understand, translate and apply human rights in a business context.

In 2003 when BLIHR first began the world was a different place and we were not faced with the new and pressing challenges the current global economic crisis has brought. The debate on the human rights obligations of business in 2003 was at best polarised and at worst divisive. Many questions remained as to the human rights obligations of business during the first three years of the BLIHR programme as the companies began to practically road-test the human rights content embodied in the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights and report on their findings (which BLIHR addressed in its 2006 report BLIHR#3: Towards a Common Framework on Business and Human Rights: Identifying Components).

Over the second three year period of BLIHR the focus turned inward as the companies looked less at the 'what' and 'why' of business and human rights and much more at the 'how'. This was essentially through building tools for themselves and other businesses to assess their human rights impacts and provide ideas for proactive steps to be taken (United Nations and BLIHR: Guide for Integrating Human Rights into Business Management).

In parallel, the work of the United Nations Special Representative on Business and Human Rights, Professor John Ruggie, has been instrumental in clarifying the wider debate and formulating a policy framework which speaks to both states and companies on business and human rights and ensures access to remedies in cases of human rights violations. Professor Ruggie also does not shy away from pointing out the systemic nature of the human rights challenge within the context of economic globalisation, calling business-related human rights challenges the "canary in the coal mine" for even broader societal ills.

The business leadership demonstrated by the BLIHR companies has been important in ensuring that an innovative business voice fed into the various debates on this subject and provided a sounding board for the many NGOs, Governments, Investors and businesses the members have engaged with over the six years.

BLIHR finishes now because it has completed its six year mission. However, this does not mean for an instant that business leadership on human rights is no longer needed. On the contrary, in the context of the global economic crisis and the extra pressure on the most vulnerable members of society, now more than ever there is a need for a number of strong business voices on human rights. These voices need to represent a diversity of sectors, a range of multinationals and SMEs and most importantly a variety of geographical and cultural contexts.

We are in many ways just at the start of the business and human rights agenda. Perhaps BLIHR's greatest achievement has been its ability to demonstrate, business to business, the ways that human rights are part of business reality and business responsibility across a large number of business sectors and geographies.

Former UN Secretary General Kofi Annan said: "In the end, if globalisation cannot work for all, it will work for none." Today we face challenges to human rights that are perhaps greater than ever before: climate change, lack of food security, access to safe drinking water, internal conflict, political repression and contemporary slavery are just some examples. Business is an intrinsic part of the solution to these challenges and such an approach requires respecting human rights throughout business operations.

I congratulate the member companies of BLIHR for their leadership, hard work and significant development of the business and human rights agenda and I look forward to working with them and many other businesses on this issue in the future.



MARY ROBINSON  
PRESIDENT, REALIZING RIGHTS: THE ETHICAL GLOBALIZATION INITIATIVE  
HONORARY CHAIR, BUSINESS LEADERS INITIATIVE ON HUMAN RIGHTS





In June 2003, when seven companies sat around the table with human rights experts and formed the Business Leaders Initiative on Human Rights, they represented a collective, progressive voice from the business community on human rights at a key moment in time.

BLIHR created a space for these business representatives to share common questions on human rights with other businesses and with human rights experts, in a way that would advance the debate. Over time, BLIHR became a place where individuals working for large multinationals could share stories with peers and with human rights experts to better understand human rights in their own businesses and develop human rights awareness internally.

As the companies stated in December 2003:

*“Businesses face both conceptual and practical difficulties when approaching human rights that need to be addressed. The companies participating in the BLIHR programme are opening a dialogue with a range of NGOs, academics, UN institutions and wider business networks to better understand these areas of complexity. It is within this spirit that the group is engaging positively with the ‘United Nations Norms on the Responsibilities of Trans-national Corporations and other business enterprises with regard to Human Rights’.”*

**BLIHR#1 : Building Understanding, December 2003**

Some of the “conceptual and practical difficulties” business leaders faced when approaching the subject of human rights were:

- Human rights were seen as essentially the concern of governments and not business;
- Human rights were seen as the concern primarily of western governments and was motivated within business by protectionism and externalising the social cost of product to companies in poorer countries;
- The language of human rights – could be off putting to business representatives – difficult to translate internally;
- There were preconceptions that human rights is only about civil and political rights (right to life, right not to be tortured) and not also about the rights to housing, education, health, etc;

Human rights were an issue of compliance and an additional burden – there was no opportunity for business.

This setting and these concrete challenges brought the business representatives to the table and provoked the road-testing of the UN Norms from 2003-2006 and later a focus on building tools to better integrate human rights into business processes from 2006-2009. Over the total six year period, BLIHR has had a constant focus on improving human rights understanding from business and provoking business leadership on this issue.

Some of the “conceptual and practical difficulties” business leaders faced when approaching the subject of human rights has in certain circumstances and contexts diminished. This is due in large part to the work of the Special Representative on Business and Human Rights and the companies, governments and others supporting him. It is welcomed that key business associations now offer practical support to the Special Representative.

Nevertheless, there is still much work to be done by companies, NGOs and governments in better understanding and implementing the corporate responsibility to respect human rights.

This report sets out some key messages and lessons learnt from the BLIHR programme. It is designed to provoke debate and action from all actors concerned with this agenda and to strengthen new and emerging dialogues on human rights and the private sector globally.



## 4. Objectives and Outputs

[www.blihr.org](http://www.blihr.org)

BLIHR set out to involve as many business sectors as possible in its membership and outreach, while maximizing the effectiveness and productive output of the collaborative venture. This has meant keeping the membership to below 15 companies and also convening with business groups, governments, the United Nations and civil society around the world.

The vision and mission statement of BLIHR for the period 2003-2009 was the following:

*Our intention is to find practical ways of applying the aspirations of the Universal Declaration of Human Rights within a business context and to inspire other businesses to do likewise.*

**BLIHR#1 Report, Business Leaders Statement, December 2003**

In practice the vision divided our work into two key components:

**1. Tool box** → the testing of current tools and the development of new tools for business on human rights. Our fundamental intention was to provide a path for the vast majority of businesses around the world yet to engage on human rights issues but might have the intent to do so. The following are available at [www.blihr.org](http://www.blihr.org):

- The Guide for Integrating Human Rights into Business Practice
- The starting place for any business committed to mapping human rights into their existing management systems. The Guide gives a generic cross-business sector introduction to some of the key questions to ask and so resources available when developing policy and practice in this area.

### The Human Rights Matrix and the Essential Steps

Specifically in relation to 'due diligence' as part of the responsibility to respect, the Human Rights Matrix allows any business to take the first step, to move on from a strategic commitment to human rights to ensuring that existing or new policies are adequate in their breadth and depth to do so.

### Accountability Guide

Human rights also belong within the values and culture of any business and the accountability guide demonstrates, based on legal precedent and research within specific BLIHR member companies, how the links between human rights and good corporate governance and business ethics can be made.

### Human Rights and Development

BLIHR has worked, together with the Kennedy School at Harvard University and the Institute for Human Rights and Business, to generate a diverse range of business case-studies which reflect some of the links between human rights, development and business growth and opportunities in emerging economies.

**2. Soap box** → speaking publicly on human rights issues to other business to develop the debate

*"As members of the Business Leaders Initiative on Human Rights, our claim to leadership is based on the role we can play in encouraging wider business interest in supporting the greater realisation of human rights around the world."*

**BLIHR#2 Report**

Over the period 2003-2009, BLIHR co-convened a plethora of international events on business and human rights. Some of these have been through sector-specific business groups (e.g. South Africa, Peru, Mexico, France, Sweden,

UK, USA), Global Compact networks (e.g. India, China, Scandinavia, Sudan) or multi-stakeholder groups (such as the Business and Human Rights Seminar in London in 2003, 2004 and 2005).

In December 2008, to mark the 60th anniversary of the UDHR, BLIHR in partnership with the francophone programme EDH, brought over 300 delegates to Paris for the International Seminar on Business and Human Rights.

*“We support Professor Ruggie's emphasis on the state duty to protect human rights as a foundation of the human rights system, and also welcome his efforts to define business responsibilities in this area as distinct from those of states. In particular, we welcome the recognition of the corporate responsibility to respect human rights. It requires the performance of due diligence, which is not just a passive or reactive process. The responsibility to respect and its due diligence component form a very useful baseline for any business wishing to engage on human rights. Moving forward, it would be helpful to clarify under what circumstances companies might have more extensive responsibilities in order to respect human rights”.*

**BLIHR statement May 2008**

The BLIHR companies have publicly supported the work of the Special Representative on Business and Human Rights and the development of the policy framework setting out the state duty to protect, the business responsibility to respect and the need for access to remedies. Our 2008 Statement was cited by the Special Representative in his 2009 report.



## 5. Messages: Our Conclusions

This section summarises over the following pages some of the broader public policy conclusions of our work.

All human rights must be respected by business: any time, any place, any where We have examined the full content of the International Bill of Human Rights (the Universal Declaration of Human Rights and the two International Covenants) in the light of ILO conventions, other UN human rights and other treaties and instruments, and expert communications of the United Nations. Whilst it is clear that some rights will be more pertinent than others to specific businesses, we stand by our position, first adopted in 2006, that all internationally recognised civil, political, economic, social and cultural rights are relevant to every business potentially implicated by business actions and omissions, and helpful for businesses to keep in mind in strategic planning and operations.

In our BLIHR#3 Report (2006) we stated:

*“In the experience of the BLIHR companies, the relevant standards within a common framework should include the 1948 Universal Declaration of Human Rights; the civil, political, economic, social and cultural rights set out in the two UN Covenants and other key UN human rights treaties, including the labour rights set out in the core ILO Conventions.”*

This position was adopted by BLIHR in 2006 after our road-testing activities across a range of business sectors and locations during 2004 and 2005. We observed then, and still maintain now, that business should respect the inalienability, indivisibility and inter-relatedness of all human rights. Therefore, we agree with the United Nations Special Representative (2008) when he states:

*“Business can affect virtually all internationally recognised human rights. Therefore, any limited list will almost certainly miss one or more rights that may turn out to be significant in a particular instance, thereby providing misleading guidance.”*

In light of the 2009 economic crisis, it is more important than ever for business leaders to stand by commitments made to integrate human rights within business operations. It should also be noted that the responsibility to respect human rights exists regardless of whether the relevant government is fully willing or able to undertake its duty to protect human rights in relation to business. This presents particular challenges to businesses in human rights sensitive countries. BLIHR recommends its work in Sudan, through members such as ABB, as an attempt to balance the very strong concerns of international and national stakeholders in relation to human rights.

There are some essential steps on human rights common to all businesses

*We are interested in how a level playing field of ‘minimum standards’ (the ‘essential’ actions of business) can be developed across the full range of business sectors and with universal applicability.*

**BLIHR#3 Report**

Expectations on business vary between specific companies and are built on a number of factors such as the business sector, company size, market exposure, geographic location and history. Much of what is relevant in business and human rights can only be understood when the circumstances of a particular business operation are investigated and understood.

Nevertheless, the BLIHR companies found it useful to develop a bedrock of essential steps that any company should take regardless of its size, location or the nature of its business. These ‘essential steps’ have been developed by BLIHR within the context of the updated Human Rights Matrix – a strategic tool which allows a business to map its

existing policy against the content of the International Bill of Human Rights. The BLIHR companies found it useful to specify something about the common core of such policies in order to help any particular business diagnose some of its vertical gaps (i.e. the specific content of rights and policies) in addition to horizontal gaps (the range of issues, themes and policy areas covered). These do not represent a full list of possible responsibilities for business, as much of this will be defined at the sector-specific or geography-specific level, but it does represent a starting point at a truly universal level – a level playing field for all businesses around the world.

Although a good amount of time was spent on developing these essential steps, they are offered to other businesses and the international community purely as a set of benchmarks developed by business for business. It is clear that business should do much more than these essential steps and that ‘beyond essential’ behaviour should be governed by factors such as those listed above in the previous section. It has thus been the experience of BLIHR that it is possible to establish a more level playing field of minimum standards when the International Bill of Human Rights is considered from a business perspective. This will be of use to all businesses that engage authorities, suppliers, partners and peers around the world in common approaches to human rights.

The Essential steps are set out in the Appendix to this report.

## Integration into business management is key

An important aspect of our work, especially over the last three years, has been to focus on the effective and productive integration of human rights into business management systems: i.e. the ‘how’ as opposed to the ‘why’ or the ‘what’ of business and human rights. At a generic level, this is reflected in the content of the Guide to Integrating Human Rights into Business Management (a joint online publication from BLIHR, the UN Global Compact and the Office of the UN High Commissioner for Human Rights). Much more work has been done at the sector-specific and company-specific level.

The BLIHR companies endorse the integration of rights-aware decision-making into business planning, processes, and operations and can offer some of the following general observations:

- Integration cannot be as effectively achieved by approaching human rights issues in a “silo” fashion or as an “add on,” but should ideally be taken into account in core business planning, processes, and operations. Integration can be enabled by the introduction of human rights into existing governance systems and leadership and management practices, only creating new policies and systems or elements when nothing suitable already exists.
- Businesses are already addressing many human rights and related issues, explicitly or implicitly, through existing company policies, practices and guidelines. But in many cases, these efforts are not perceived as ‘human rights’ within the company concerned. However, for every company, there will also be gaps. For example, each BLIHR company has found gaps in its own practice when mapping existing policies and practices against the Essential Steps - this is likely to be true for other businesses also.
- Integration should be driven through the full circle of continuous improvement in business management: from strategy to policy to processes and procedures, monitoring and reporting. Firmly integrating human rights into country risk analyses, impact assessments, procurement policies, investment policies, corporate communications and all other key business processes are important examples of this.

We welcome the ‘business responsibility to respect human rights’ as set out by the United Nations Special Representative and endorsed by Governments in 2008. An approach of ‘due diligence’ to human rights issues is in part a ‘do no harm’ approach but is also, BLIHR believes, a responsibility to take positive and proactive steps when appropriate. We also welcome the range of business tools currently under development and urges all those involved in testing these tools to work more closely and to unify learning as much as possible so as to diminish overlap and duplication of efforts.

## Business should adopt a ‘rights aware’ approach

Since 2006, BLIHR has worked on understanding what a ‘rights aware’ approach to doing business might mean. This is inspired by the rights-based approaches to development adopted by Governments, United Nations agencies and Civil Society. The approach rests on three key premises:

1. No human right should be considered out of context. Rights are interrelated; they can reinforce each other and sometimes conflict with each other. But it is very misleading to focus on any specific right or group of rights to the exclusion of all others;
2. Business and human rights is as much an approach as it is a set of outcomes. Therefore all business functions should seek to support the realization of all key human rights principles in addition respecting the rights themselves. Key principles governing a rights-based approach from governments - such as accountability, participation, access to a remedy, respect of human dignity, inclusion and non-discrimination – can also guide corporations in their implementation efforts.
3. Stakeholders should be seen among other things as rights-holders – and the rights of individuals and communities need to be central when considering the impact of any project.

BLIHR believes that rights-aware and rights-based approaches will be a key cornerstone of business and human rights approaches over the years to come. We welcome that the United Nations Special Representative has cited such principles with regard to access to remedies in his 2008 report.

The United National Development Programme recognizes the realization of human rights as a precondition to economic development. We believe it is also in the self interest of business to contribute to the realization of human rights in order to sustain current markets as well as access future markets. BLIHR notes that there are still too many silos and fragmented channels in the way business is asked to interact with the key issues of our century, be it the Millennium Development Goals, Climate Change, Humanitarian Assistance or Human Rights. Our work looking at the business case for human rights in emerging economies has shown that it is still hard to quantify or confirm all the human rights or even business benefits of more recent economic models, such as the ‘bottom of the pyramid’ models. It is unlikely that local or international businesses will, in significant numbers, target such markets based on human rights motivation alone. It seems likely that over the years ahead we will better understand how human rights contribute to more sustainable approaches to business in emerging economies and maintaining and strengthening what is commonly called the ‘social licence to operate’. Social, environmental and economic development are all interwoven and all three need to be managed sustainably and with due regard to the rights of those involved.

## Business culture and greater accountability

*“More efforts are needed to prevent and repair the business-related human rights abuses that are still occurring today, and more must be done to maximise the contribution business can and does make to human rights around the world. There’s no doubt that much progress has been made in recent years on the business and human rights agenda and we should celebrate that but also redouble our efforts to ensure that the lessons learnt become part of a much wider circle and that there is accountability”*

**Mary Robinson, Honorary Chair of BLIHR, speaking at the International Seminar on Business and Human Rights held in December 2008 to mark the 60<sup>th</sup> anniversary of the UDHR.**

Accountability sits at the apex of business and human rights but perhaps has the furthest to travel over the years ahead. Within business, much good practice with regard to corporate governance and business ethics can be allied to rights-aware or rights-based approaches, yet few leading business ethics practitioners do so explicitly. Too often, business ethics has been written with a small “e” to encompass a narrow group of stakeholders to whom companies owe ethical responsibilities—such as investors, employees, and customers--and not with a large “E” to include a broader range of stakeholders in society whom the company’s business affects. There is good reason to believe that this is changing, particularly as information technology has radically increased the ability of those external stakeholders to mobilize, collaborate, and make their collective voice heard.

BLIHR’s Accountability Guide describes the need for companies to embed into their cultures authentic values that integrate hard law, soft law, and ethical/cultural norms that work together to support accountability. However, there are relatively few effective external mechanisms to hold business to account if a business itself or a host Government is unwilling or unable to do so. BLIHR supports the need to reform such processes as the OECD Guidelines National Contact Points and the ILO’s tripartite mechanisms, to enhance effectiveness and to provide additional pathways for resolving complaints of business related human rights abuse. There is a need for more effective na-

tional, regional, and international mechanisms that are fair and equitable, to help create a level playing field and a stronger global accountability framework.

## Leadership from the top is crucial

Leadership in business, as in all walks of life, requires individuals who are willing to lead and to manage; that is, to state a vision and to implement it. Human rights are no different. Human rights will flourish within the business community so long as business leaders, managers and employees are free to embrace the humanity of their work. This can be incentivised, and bad behaviour can be penalised, but at its heart it is an issue of proper internalized values including integrity, empathy, and an authentic respect for human rights. The BLIHR companies believe that the people who work in business will willingly and eagerly embrace such values in their work if given the real opportunity, encouragement, and means to do so.

This begins with leadership by exhortation and example at the top, then embraces businesses policies and processes including assignment of shared responsibilities, communications and training, monitoring and tracking, human rights dispute resolution mechanisms and is reinforced down to the individual level both by internal champions and effective external resources and advisors, and the use of effective human rights dispute resolution systems for both internal and external complaints.

Nurturing a genuinely ethical and rights-aware culture is not easy, but it is worth the effort in terms of risks avoided and business case benefits achieved. The current economic and financial crisis can be traced in large part to lack of adherence to sensible standards, best practices, risk management techniques, and attention to business duties to society. Avoiding recurrent crises in the future vitally depends on restoring confidence and trust through more sustainable and responsible business practices including the integration of human rights. Currently, the relationship between business and the most vulnerable in society is characterized by a vicious cycle of mistrust and disempowerment. It is in strongest interest of business to transform that into a virtuous cycle of mutual respect and empowerment.

## There remains a critical need to scale up activity

If there is a lament after six years of working together, it is that human rights have yet to become a truly mainstream business concern. It is most certainly the case that many more companies are involved in integrating human rights internally than was the case in 2003. However, this represents at best a few hundred companies, still mainly (but not exclusively) in OECD countries. The majority of the 5,000 companies who have signed the UN Global Compact have, therefore, yet to communicate on their actions in relation to the first two Principles and beyond this the majority of the world's 70,000 transnational corporations have yet to engage in this debate at all.

BLIHR is hopeful that the work on the United Nations Special Representative and his seminal report of 2008 is the beginning of the sea-change required. The unanimous support of governments, as well as solid support of international business associations, trade unions and NGOs, augers well. The current global financial and economic crisis and the social impacts that will follow in the years to come might be the ultimate test that will bring human rights centre stage. We hope that BLIHR's work has also contributed to this process. In many ways it is now governments which must also step out their own activities in ensuring that they are, in parallel in corporate responsibility to respect, aligning their own efforts to ensure they are fulfilling their fundamental duty to protect human rights in relation to the activities of business enterprises.

The BLIHR companies have travelled a bold journey. The universal human rights principles represent values that carry unique global recognition and legitimacy. The challenge for all companies is primarily a question of understanding and constant attention to the issues by all decision makers. Creating a culture that can leverage the value that stems from integrating human rights in business for both business and society is fundamental to future success.

The BLIHR companies look forward to much closer cooperation between business, governments and all elements of society over the months and years ahead.



### 2003

- Launch meeting in Brussels to present BLIHR with Mary Robinson and Margot Wallstrom (May)
- Seven founding companies to BLIHR (ABB, Barclays, National Grid, MTV Europe, Novartis, Novo Nordisk, The Body Shop International)
- BLIHR working group meetings in Zurich (June) and London (October)
- Publication of BLIHR#1 report
- First Business and Human Rights Seminar in London (December)

### 2004

- HP and GAP Inc. join
- BLIHR working group meetings
- Publication of BLIHR#2 report
- Second Business and Human Rights Seminar in London (December)

### 2005

- Statoil joins
- BLIHR working group meetings
- Appointment of Professor John Ruggie as UN Special Representative (July)
- Publication of Guide for Integrating Human Rights into Business Management
- Outreach included: China (with UN Global Compact) and Peru (Latin American Oil and Gas companies)
- Third Business and Human Rights Seminar in London (December)

### 2006

- Alcan, AREVA and Ericsson join
- Launch of Entreprises pour les droits de l'Homme in Paris
- Publication of BLIHR#3 report
- Publication of UN/BLIHR Guide for Integrating Human Rights into Business Management (first edition: printed)
- BLIHR working group meetings
- Outreach included South Africa (with UN Special Representative)

### 2007

- General Electric and The Coca-Cola Company join
- BLIHR working group meetings
- Outreach included: Mexico (Latin American Oil and Gas companies)

### 2008

- Zain and Newmont join as final year members
- BLIHR working group meetings
- Start of Indian Business and Human Rights network discussions in Delhi
- International Seminar on Business and Human Rights to mark the Sixtieth Anniversary of the Universal Declaration of Human Rights, Paris (December)

### 2009

- Final BLIHR meeting in Geneva (March)
- Launch of the Human Rights Matrix
- Launch of revised UN/BLIHR Guide for Integrating Human Rights into Business Management (revised edition: on-line)
- Publication of BLIHR#4 report
- Publication of Emerging economy case-studies



## 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.

NUMBER	ESSENTIAL STEPS
<b>RESPONSIBILITIES IN RELATION TO THE RIGHT TO NON-DISCRIMINATION</b>	
1.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> <li>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:</li> <li>b. Providing a work environment free from any form of harassment, particularly sexual harassment, intimidation or bullying;</li> <li>c. Ensuring that promotion and termination are based on legitimate non-discriminatory business reasons, such as experience and competence;</li> <li>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;</li> <li>e. Not viewing affirmative action policies as discriminatory.</li> </ul>
<b>RESPONSIBILITIES IN RELATION TO THE RIGHT TO LIFE</b>	
2.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> <li>a. Ensuring that company workplaces, assets and operations do not pose a risk to the lives of workers or other potentially impacted persons;</li> <li>b. Endeavouring to minimise risks of fatality or injury that may occur from using its products;</li> <li>c. If the product is intended to cause injury (e.g. firearms), demonstrating due diligence as to how the product is sold;</li> <li>d. Ensuring business security arrangements are used only when necessary for preventive or defensive services;</li> <li>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.</li> </ul>
<b>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</b>	
3.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> <li>a. Not committing torture or cruel, inhuman or degrading treatment or providing equipment intended for these purposes;</li> <li>b. Abstaining from using verbal or physical abuse or harassment in disciplining workers;</li> <li>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.</li> </ul>
<b>RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST SLAVE, FORCED OR COMPULSORY LABOUR</b>	
4.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> <li>a. Not making use of slave, forced or compulsory labour in any form;</li> <li>b. Ensuring that employees are free to resign;</li> <li>c. Ensuring that all feasible measures are taken to prevent workers from falling into debt bondage through company loans or otherwise.</li> </ul>
<b>RESPONSIBILITIES IN RELATION TO THE RIGHT TO LIBERTY AND SECURITY OF PERSON</b>	
5.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. Ensuring that any detention as described above is as short as possible and that the situation is resolved expeditiously.</li> </ul>

**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:
- 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. In respecting this right, the BLIHR companies see the following as essential steps:
- 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. In respecting this right, the BLIHR companies see the following as essential steps:
- 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"><li>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;</li><li>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.</li></ul>
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**RESPONSIBILITIES IN RELATION TO FREEDOM OF ASSOCIATION, INCLUDING THE RIGHT TO FORM AND JOIN TRADE UNIONS AND THE RIGHT TO STRIKE**

12.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"><li>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;</li><li>b. Engaging in collective bargaining with legally recognised employee representative organisations to conduct negotiations on terms and conditions of employment;</li><li>c. Respecting workers' rights to organise peaceful and properly authorised strikes.</li></ul>
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**RESPONSIBILITIES IN RELATION TO THE RIGHT TO TAKE PART IN THE CONDUCT OF PUBLIC AFFAIRS**

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

14.	<p>In respecting this right, the BLIHR companies see the following as essential steps:</p> <ul style="list-style-type: none"><li>a. Seeking to make work schedules and business practices respectful of minority groups' cultures or religions;</li><li>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;</li></ul> <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"><li>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;</li><li>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;</li><li>e. Offering appropriate compensation and due process to those with customary use of the land for the use of land;</li><li>f. Entering into good faith negotiations with the community;</li><li>g. Only relocating Indigenous or traditional peoples when no other feasible alternative exists;</li><li>h. When land is no longer required for commercial use, restoring it and facilitating the return of Indigenous or traditional peoples to their land;</li><li>i. Seeking to ensure that the appropriate party obtains consent in situations concerning 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.</li></ul>
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**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> <ul style="list-style-type: none"><li>a. Providing in writing an outline of job duties, payment and regular hours of work;</li><li>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;</li><li>c. Providing workers with basic technical training as needed to enable the fulfilment of work duties.</li></ul>
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**RESPONSIBILITIES IN RELATION TO THE RIGHT TO A FAIR WAGE AND DECENT LIVING**

16. In respecting this right, the BLIHR companies see the following as essential steps:
- 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. In respecting this right, the BLIHR companies see the following as essential steps:
- 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 are trained in its use;
  - g. Investigating work-related accidents, keeping records of incidents, stating their cause and taking remedial measures to prevent similar accidents;
  - h. Providing measures to deal with emergencies and accidents, including first-aid arrangements;
  - 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.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO REST, LEISURE AND HOLIDAYS**

18. In respecting this right, the BLIHR companies see the following as essential steps:
- 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;
  - b. Allowing workers in certain work environments (such as construction, utilities and exploration), to voluntarily work additional hours beyond those referenced above;
  - c. Compensating for overtime at a rate higher than the normal hourly wage rate or providing time off in lieu thereof where permitted;
  - 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.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO SOCIAL SECURITY, INCLUDING SOCIAL INSURANCE**

19. In respecting this right, the BLIHR companies see the following as essential steps:
- 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;
  - b. Make required payments to state social security schemes and other such mechanisms for employees.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO A FAMILY LIFE**

20. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Providing women with maternity leave for a minimum of 14 weeks without risk of losing their employment or responsibilities;
  - b. Not subjecting pregnant or breastfeeding women to conditions that would be harmful for them;
  - c. Granting breastfeeding women reasonable breaks and a designated area where feasible for breastfeeding during work hours;
  - d. Granting women temporary leave in case of illness or complication related to pregnancy or birth, without risk of losing their employment.

**RESPONSIBILITIES IN RELATION TO THE PROHIBITION AGAINST EXPLOITATIVE CHILD LABOUR**

21. In respecting this right the BLIHR companies see the following as essential steps:
- 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.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, INCLUDING ADEQUATE FOOD, CLOTHING AND HOUSING**

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

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH**

23. In respecting this right, the BLIHR companies see the following as essential steps:
- 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 contagious diseases in the local community;
  - 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;
  - h. Providing medical assistance and emergency care for workers in the workplace if they are unavailable elsewhere.



**RESPONSIBILITIES IN RELATION TO THE RIGHT TO EDUCATION**

24. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Ensuring that company operations do not interfere with individuals' physical access to educational facilities.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO TAKE PART IN CULTURAL LIFE**

25. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Making reasonable accommodations for workers to participate in cultural life when such access is otherwise unavailable in the business location;
  - b. When planning and conducting business operations, seek to avoid adverse impacts on existing cultural landmarks.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO ENJOY SCIENTIFIC PROGRESS**

26. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Considering how the business's intellectual property and technology could benefit as many people as possible without compromising legitimate business interests.

**RESPONSIBILITIES IN RELATION TO THE RIGHT TO PROTECTION OF THE BENEFITS RESULTING FROM SCIENTIFIC, LITERARY OR ARTISTIC PRODUCTIONS**

27. In respecting this right, the BLIHR companies see the following as essential steps:
- a. Ensuring that employees are adequately compensated for their contributions to inventions made for and used by the business;
  - 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.

**RESPONSIBILITIES IN RELATION TO THE ACTIONS OF OTHERS (AVOIDING COMPLICITY)**

28. In relation to avoiding complicity, the BLIHR companies see the following as essential steps:
- 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).  
  
The list below is subject to change over time:
    - the rights of detainees,
    - 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.

## 8. Core Tools and Resources

### **Business and Human Rights Resource Centre**

<http://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.

### **Guide for Integrating Human Rights into Business Management**

[www.blihr.org](http://www.blihr.org) and <http://www.ohchr.org/Documents/Publications/GuideHRBusinessen.pdf>

A joint publication by the Business Leaders Initiative on Human Rights (BLIHR), the United Nations Global Compact Office, and the Office of the High Commissioner for Human Rights (OHCHR). The Guide is principally meant for business leaders and managers in large and medium-sized private and public sector enterprises and offers practical guidance to companies that want to take a proactive approach to Human Rights within their business operations.

### **Work of the UN Special Representative on Business and Human Rights**

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 Compliance Assessment – The Danish Institute on Human Rights** <https://www.humanrightsbusiness.org/>

The HRCA is a diagnostic tool, designed to help companies detect potential Human Rights violations caused by the effect of their operations on employees, local residents and all other stakeholders. The interactive web-based computer programme allows each company to select questions in the database to suit their type of business and area of operations.

### **Human Rights Impact Assessment- IBLF/IFC/UNGC** [http://www.unglobalcompact.org/docs/news\\_events/8.1/HRIA\\_final.pdf](http://www.unglobalcompact.org/docs/news_events/8.1/HRIA_final.pdf)

This Guide provides a toolkit that business managers can use to identify, assess and implement responses to Human Rights challenges in new or evolving business projects. It is a practical tool to bring Human Rights impact assessment into core business planning and management processes.

### **Human Rights Matrix- Business Leaders Initiative on Human Rights** [http://www.blihr.org/Reports/GIHRBM\\_Matrix.pdf](http://www.blihr.org/Reports/GIHRBM_Matrix.pdf)

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.

### **Business and Human Rights: A geography of corporate risk** <http://www.iblf.org/resources/general.jsp?id=69>

Amnesty International and IBLF have collaborated to produce a series of seven detailed world maps, which depict where Human Rights abuses and violations exist. The purpose of this series of maps is to illustrate where companies are most vulnerable to the cost and reputational damage associated with Human Rights violations. The extent to which a particular company is exposed to risk depends on where the company operates and the types of activity in which it engages.

**Global Leadership Network Implementation Tool** [www.globalleadershipnetwork.org](http://www.globalleadershipnetwork.org)

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.

**Global Compact Business Guide for Conflict Impact assessment and Risk Management**

[www.unglobalcompact.org/docs/issues\\_doc/7.2.3/BusinessGuide.pdf](http://www.unglobalcompact.org/docs/issues_doc/7.2.3/BusinessGuide.pdf)

The goal of this business guide is to aid companies in developing strategies that minimize the negative effects and maximize the positive effects of investing in areas of conflict or potential conflict.

**Human Rights and business learning tool: Office United Nations High Commissioner for Human Rights**

[http://www2.ohchr.org/english/HR\\_Learning.htm](http://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.

**OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones**

[www.oecd.org/dataoecd/26/21/36885821.pdf](http://www.oecd.org/dataoecd/26/21/36885821.pdf)

The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones aims to help companies that invest in countries where governments are unwilling or unable to assume their responsibilities. It addresses risks and ethical dilemmas that companies are likely to face in such weak governance zones, including obeying the law and observing international instruments, heightened care in managing investments, knowing business partners and clients and dealing with public sector officials, and speaking out about wrongdoing.

**Sustainability reporting guidelines**

<http://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. Sustainability reports based on the GRI Reporting Framework disclose outcomes and results that occurred within the reporting period in the context of the organization's commitments, strategy, and management approach.

**Overview of the ISO 26000 Social responsibility code** <http://www.iso.org/iso/socialresponsibility.pdf>

It is a guidance document 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.

## SOME QUOTES FROM GROUP MEMBERS

*“It’s very important that we are able to say to our management and regularly update them on the fact that we are part of a business leader’s initiative on human rights. That’s important. It is keeping the business leaders aware that we are part of a movement and a group, that’s important and that has relevance, and this is even important from a resource perspective.”*

*“It’s really refreshing to come to a meeting where the discussion is about heavy, interesting, challenging content that also appeals on a personal and professional level because it’s an important cause and then with facilitators and people running the group who keep a sense of light heartedness about the discussion but also push the group forward. So that’s just very unique. I mean this, for me personally, is probably my favorite thing about my job is BLIHR, to be honest.”*

*“I think one of the things that works about it is that the group is very serious and dedicated so people are not here just because someone sent them to this meeting, I mean you are very senior people here, and myself not included, you know, they have a lot of other things to be doing and they make their time to come here.”*

*“It’s a strength for someone working with human rights to have peers, that’s how I see that the BLIHR companies have been peers to help me also shape my work. So it has been hugely inspiring to speak with the individual companies, and also seeing that the challenges of making this happen are the same, whether it’s HP or Novo Nordisk or Ericsson.”*

*“I think I feel like I’ve become a better human being by participating in these types of meetings. I think what is special about BLIHR. I mean we break new ground in what we do. We are advancing the understanding of business and human rights and the role and responsibilities of business and human rights. We learn and we share experience and that is very good.”*

*“Having something like BLIHR is extremely helpful because then management has the expectation if you’re involved in such a high level leadership group to think about something important, societal issue, surely you want to keep them abreast of what are the dynamics in that group, what is the group doing, what are their group’s expectations of the CEO, for example, just they want him to sign this or that or attend this or that.”*

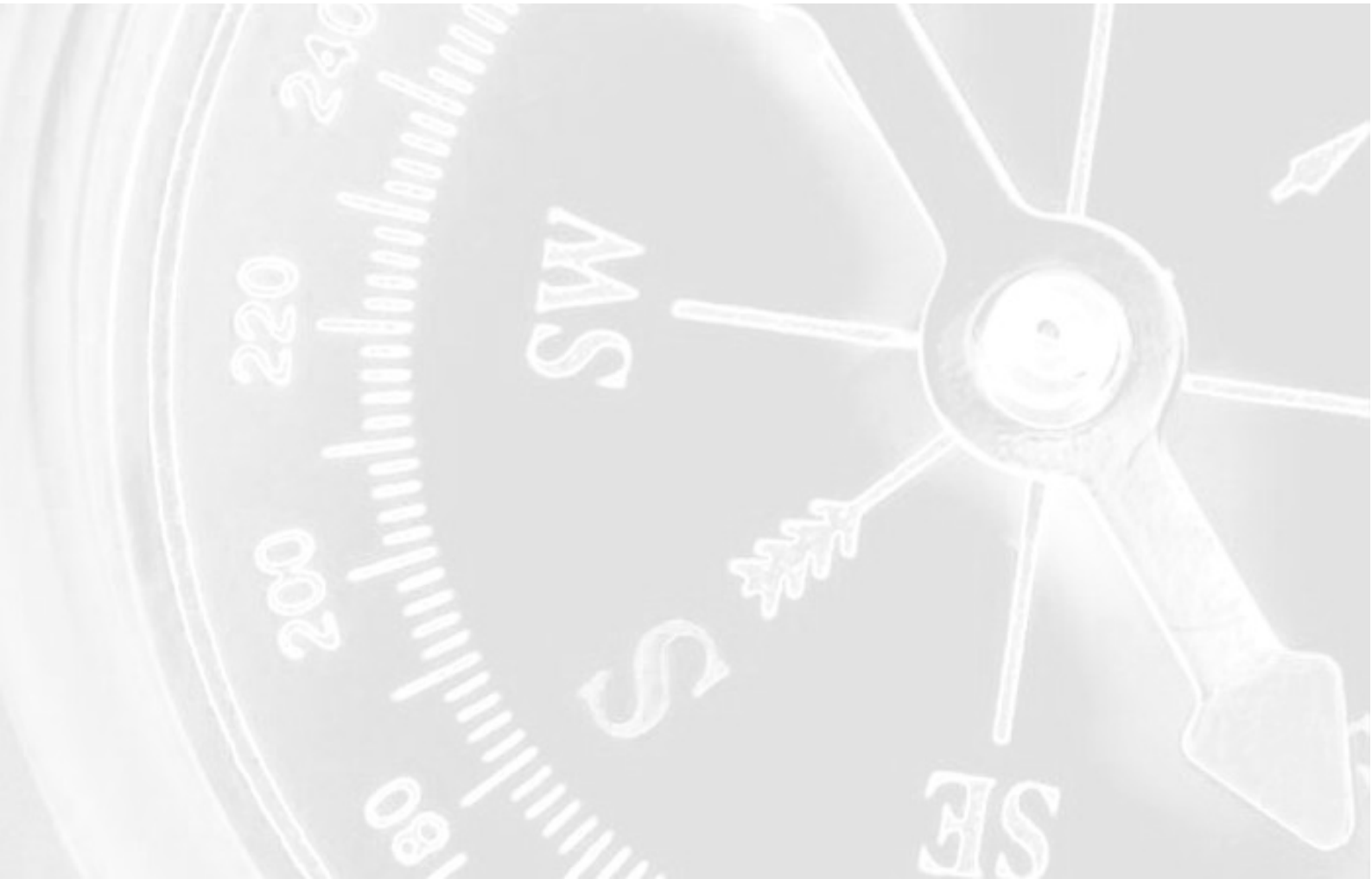
*“I think we each bring various experiences or perspectives based on the various businesses that we are all engaged in and I think that that helps with an organization like this that we don’t get too myopic and too narrowly minded on what the end-result should be or how we should get there and how we push it, rather we’re forced to have a very broad perspective or forced to listen to each other and really think through ‘what would it be like to sit in the other person’s seat for a while and have to deal with some of the issues that they are currently facing in their business right now’.”*

*“I think the fact that we have European and American brands also certainly helps because you end up having very different perspectives on how regulation works or the types of rights or where the bar should be set altogether and I think that that helps to have a little bit of that tension in pulling back and forth and really coming to a great place in the, if you will, compromise and I think that sounds like a weak word but it really is it. It means we are all coming together, 14 perspectives, ending up as one, I think that’s one of the most valuable trades but definitely one of the most challenging.”*

*“Markets can be highly efficient means for allocating scarce resources, and powerful forces for promoting social objectives ranging from poverty alleviation to the rule of law. But for markets to work optimally they must have adequate institutional underpinnings and be embedded in the broader values of social community”*

*Professor John Ruggie, Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, United Nations (2009)*





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