



THE
GOVERNANCE
GROUP

Business and Human Rights

What Are Human Rights?

- Human rights are rights inherent to all human beings
- Universal
- *Individuals* have rights
- *States* must guarantee our human rights

Obligations of states:

- Protect against human rights abuses
 - Fulfil human rights

This includes ensuring companies' conduct does not undermine or violate human rights



What is the role of business?

In recent years, the relationship between business and human rights has gained recognition as an area of international human rights law. There is also growing recognition that business’:

- Should protect, respect and remedy human rights;
- Own actions (or non-action) can both positively and negatively affect the enjoyment of human rights;
- Should take steps to avoid possible negative human rights impacts

Examples of areas in which human rights are relevant for business

- The right to certain standards of health and safety in the workplace
- Environmental concerns e.g. pollution of soil, water, air etc.
- Workers' rights to freedom of expression and opinion
- Workers' rights to association and peaceful assembly

Why human rights matter for businesses

- Profitability
- Risk reductions
- Worker's health and happiness
- Community relations
- Reputation, locally and globally
- Legal obligations, national and international

Human rights standards

Reponsibilities of the states

- The UN Universal Declaration of Human Rights
- The UN Convention on the Rights of the Child

State and business

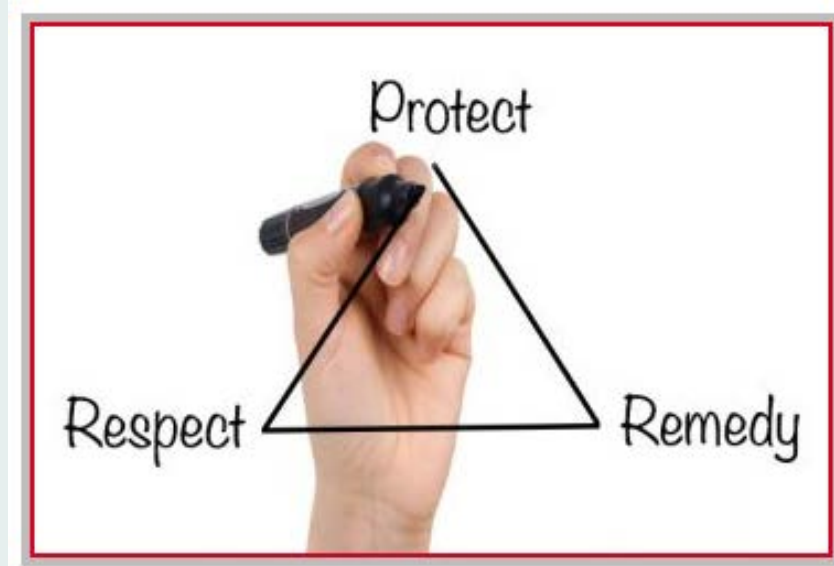
- The ILO conventions
- UN Guiding Principles for business and human rights

Responsibilities of business

- The UN Global Compact
- The OECD Guidelines for Multinational Enterprises

UN Guiding Principles

- The [UN Guiding Principles on Business and Human Rights](#) are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations.
- They have become the global reference point on business and human rights



UN Guiding Principles

What is expected of companies?

A. A policy commitment

B. A human rights due diligence process

C. Processes to enable remediation



UN Global Compact

- World's largest corporate sustainability initiative
- Calls on companies to align strategies and operations with universal principles on human rights, labour, environment and anti-corruption

Based on ten principles:

Human Rights

Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and

Principle 2: make sure that they are not complicit in human rights abuses.

Labour

Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

Principle 4: the elimination of all forms of forced and compulsory labour;

Principle 5: the effective abolition of child labour; and

Principle 6: the elimination of discrimination in respect of employment and occupation.

Environment

Principle 7: Businesses should support a precautionary approach to environmental challenges;

Principle 8: undertake initiatives to promote greater environmental responsibility; and

Principle 9: encourage the development and diffusion of environmentally friendly technologies.

Anti-Corruption

Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

Sustainable Development Goals (SDGs)

Sustainable Development Goals



SDGs and Business

1. Conduct business responsibly
2. Pursue opportunities to solve societal challenges through business innovation and collaboration

Coffee break – 15 minutes
Intervalo – 15 minutos



Examples of Business and Human Rights connecting:

- Gender
- Exploitation of child labour

Gender

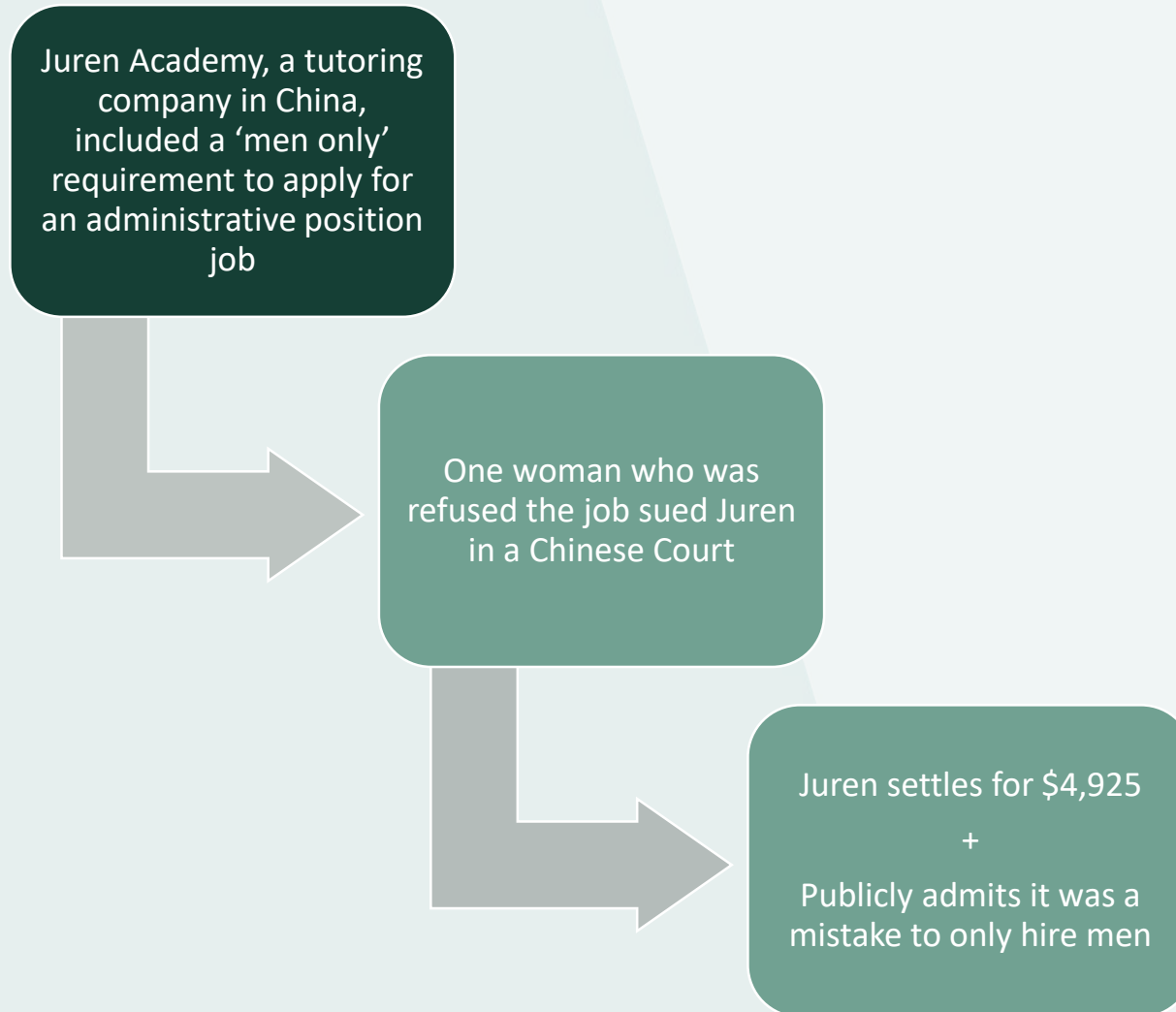
UN Guiding Principle 7(b):

– Government must provide adequate assistance to businesses to address risks of gender-based and sexual violence.

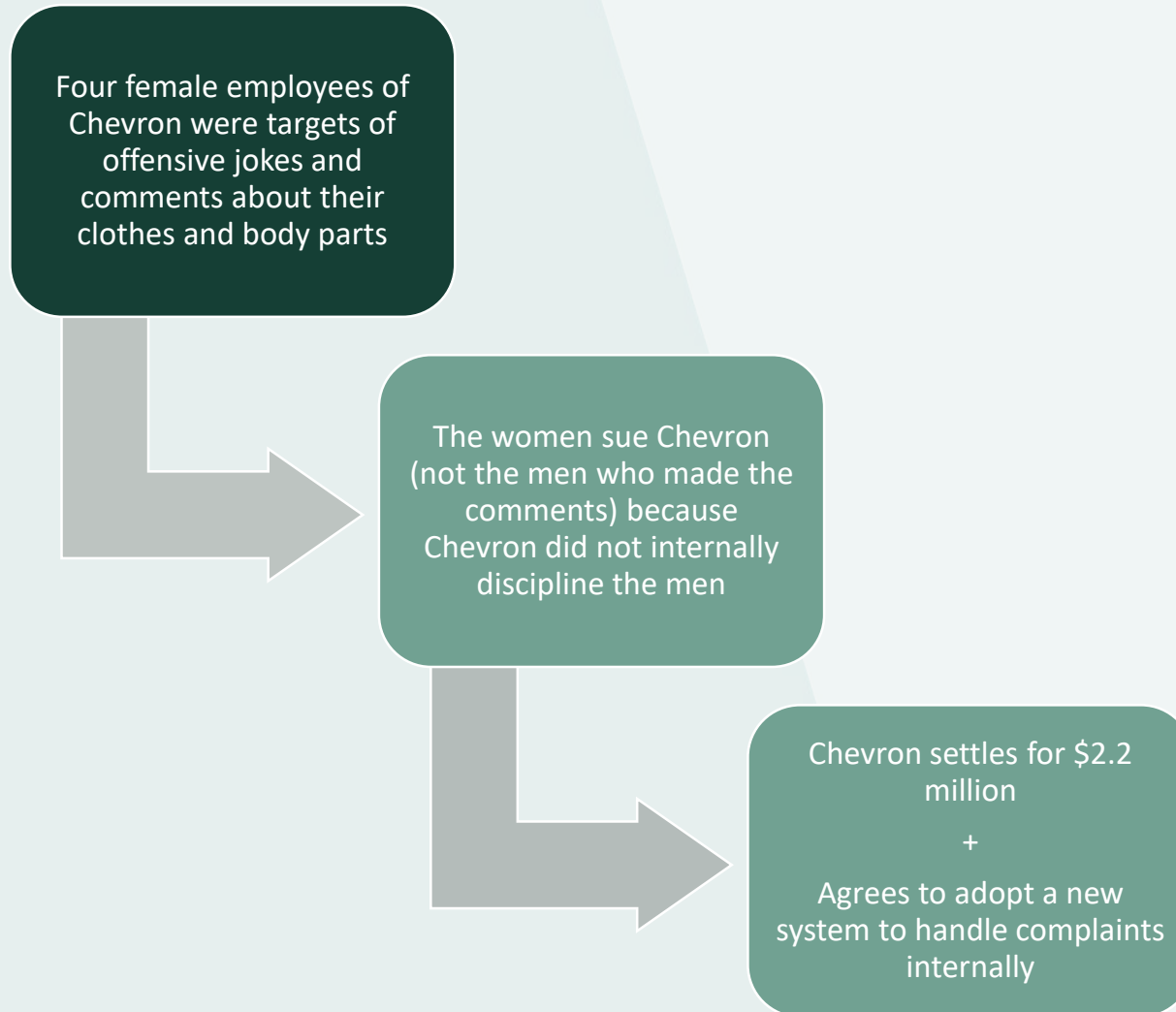
UN Sustainable Development Goal 5:

– Achieve gender equality in the labor market.

Gender: Example 1



Gender: Example 2



Gender: What do you think?

- Safeway, a Canadian grocery store, provides insurance to its employees only if they work 25 hours each week or more.
- A pregnant woman worked only 17 hours because of health problems related to the pregnancy.
- Should Safeway still give her insurance?
- What if a man only works 17 hours, should he get insurance?

Gender: What really happened?

- Canadian Supreme Court rules for the women.
- Although men might also have health problems, women can have the same problems + additional problems because of pregnancy, so they need more time off.

Child Labour

UN Guiding Principle 12:

– Businesses must respect human rights set out in the International Bill of Rights, and the International Labor Organization Conventions on Child Labor, such as protecting children from economic exploitation and forced labor.

UN Sustainable Development Goals:

- Achieving quality education
- Eradicate forced labor

Child Labour: Example

Hershey was accused of buying cocoa from West African farms, which are known for illegal child labour and brutal working conditions

A shareholder sues in a US court, requesting Hershey to disclose its records and show where its cocoa comes from

The Court rules in favour of Hershey, stating that the investor only relied on news reports and did not have any direct evidence that Hershey's cocoa came from such a farm



Child Labour: Questions

- Do you agree with the court's decision that no one can see Hershey's records until they already have evidence that Hershey is doing something wrong?
- Should Hershey, a U.S. company, be responsible for illegal child labor on a farm in West Africa?
- How can Hershey behave better? Can Hershey do anything to stop illegal child labor?

Child Labour: What do you think?

- Monsanto, a biotechnology company, is accused of using child labor in its Indian cottonseed fields. Children are paid 20 cents per hour and work from sunup to sundown without a break. Additionally, children are exposed to very toxic pesticides and as a result have difficulty breathing, seizures, and headaches.
- Do you think that a child or his parent must bring the lawsuit, or can a human rights organization bring the lawsuit?
- Should Monsanto be responsible for child abuse if it does not know?

Child Labour: What really happened?

- No one has yet sued Monsanto. But, the public has pressured Monsanto into changing its policies to check more carefully that its farms abroad do not employ children.
- If someone sued Monsanto, a human rights organization could do it.