



What business needs to know about the UN Guiding Principles

Business & Human Rights in Southeast Asia –online workshop series

05 October 2020

Webinar **logistics**

Chatham House rule

Use the information you receive today, but do not affiliate the information with the identity of the speaker(s) or other participants.

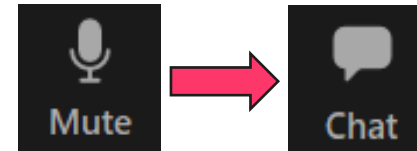
Recording & materials

The meeting is being recorded.

Slides and recording will be made available following the call.

Questions & Comments

Use the chat feature to ask a question or comment.



Mentimeter

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Welcome



Catie Shavin
Director

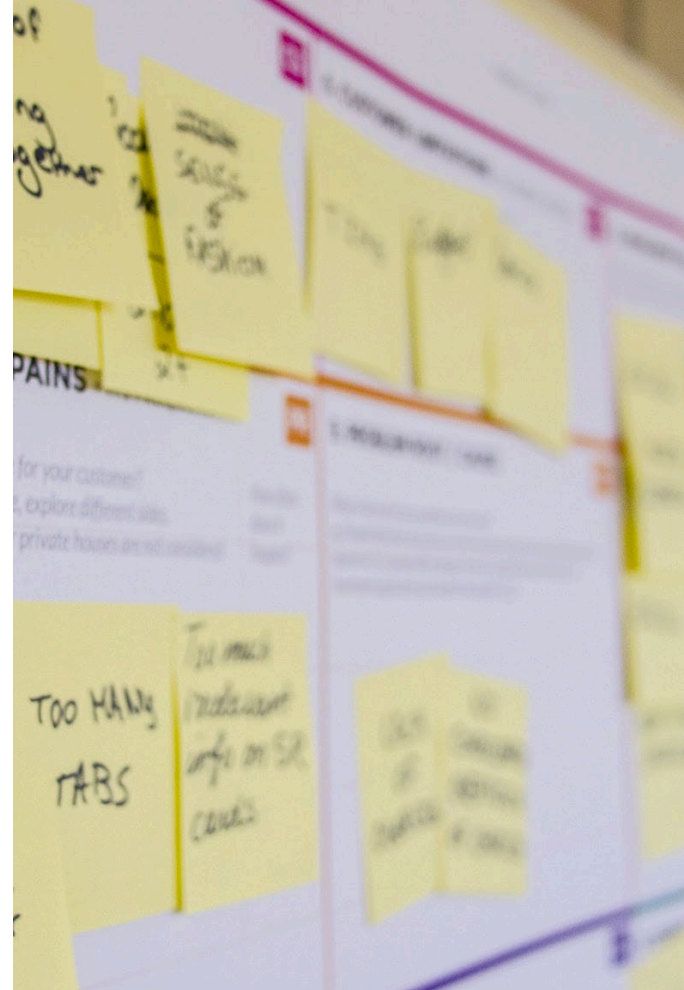


Davide Fiedler
Manager - Social Impact, WBCSD



Agenda

- 1) Welcome & orientation
- 2) Introducing the **UN Guiding Principles on Business and Human Rights**
- 3) Practical resources



Today's guest speaker



Gerald Pachoud

Advisor, GBI



Workshop series overview and introductions

Davide Fiedler, WBCSD



Business & Human Rights in Southeast Asia workshop series



Monday 5 October

What business needs to know about the UN Guiding Principles on Business and Human Rights (UNGPs)



Tuesday 6 October

Training and capability building - Talking to colleagues about human rights



Wednesday 7 October

Engaging with suppliers to address risks relating to migrant workers



Thursday 8 October

Looking ahead – the next decade of business respect for human rights



Participating companies



The UNGPs: What you need to know

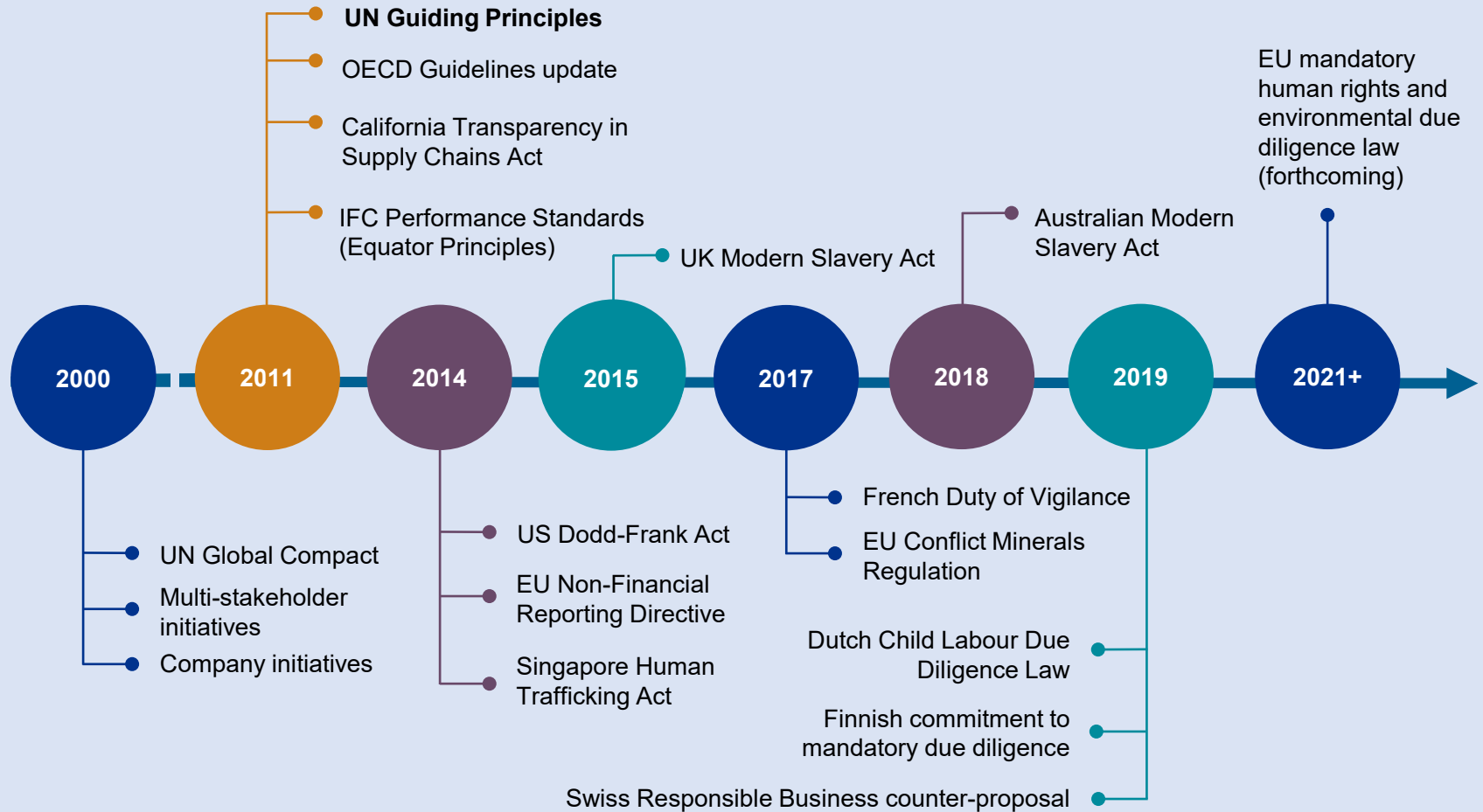
Catie Shavin, GBI



Introduction to the UN Guiding Principles on Business and Human Rights



A fast-changing environment: 2000 - Present



A fast-changing environment: 2011 - Present

NORTH AMERICA

United States

US Federal Acquisition Regulation: Ending Trafficking in Persons (eff. March 2015)

US Dodd-Frank Act Final Rule 1502 (eff. Feb 2012)

Canada

An Act respecting the fight against certain forms of modern slavery through the imposition of certain measures and amending the Customs Tariff (proposed law)

UNITED KINGDOM

UK Modern Slavery Act 2015

The Companies, Partnerships and Groups (Accounts and Non-Financial Reporting) Regulation

ITALY

Legislative Decree no. 231/01 on administrative liability

EUROPEAN UNION

Mandatory human rights and environmental due diligence law (proposed law)

Conflict Minerals Regulation (eff. on companies in 2021)

SWITZERLAND

Counter-Proposal by the Swiss Parliament to the Responsible Business Initiative (proposed law)

NORWAY

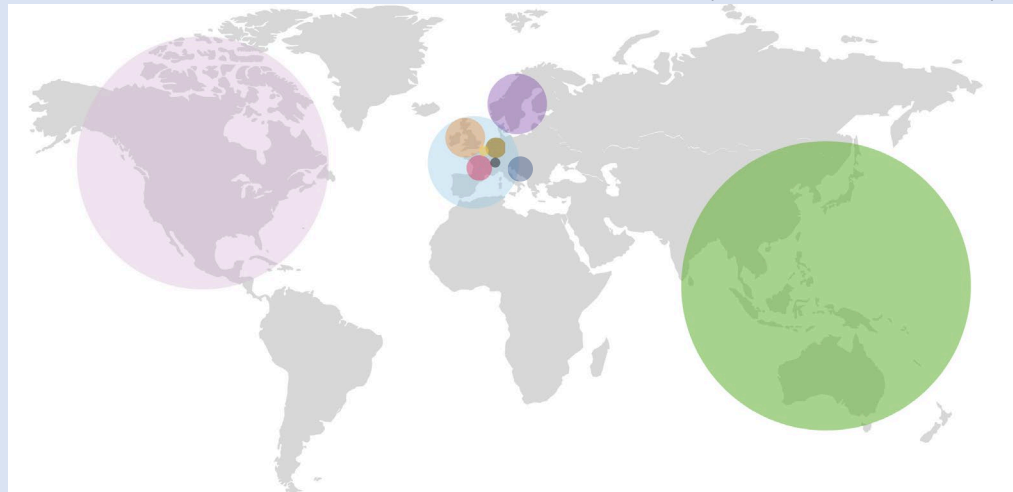
An Act regulating enterprises' transparency regarding supply chains, the duty to know and due diligence (proposed law)

ASIA PACIFIC

Australian Modern Slavery Act 2018 (eff. Jan 2019)

NSW Modern Slavery Act 2018 (passed, not yet eff.)

Hong Kong Modern Slavery Bill 2017 (proposed)



GERMANY

Proposal for a framework law on the sustainable design of global value chains (proposed law)

Law to strengthen the non-financial reporting of companies (NFR Directive Implementation Act).

FRANCE

LAW 2017-399 related to Duty of Vigilance of Parent Companies and Commissioning Companies (eff. March 2017)

Amendments to the Law on Accounting PZE No. 51

THE NETHERLANDS

Dutch Child Labour Due Diligence Act 2019 (passed, not yet eff.)

Decree Disclosure of Non-financial Information PbEU, 2014, L330 and Decree Disclosure Diversity Policy PbEU, 2014, L330.

The UN Guiding Principles

- Provide a **single authoritative** standard
- Clarify and set expectations and boundaries
 - **Different roles** for State and Companies
- Offer a clear roadmap for implementation
- Allow for **alignment** and **scale**

The UN Guiding Principles and ESG

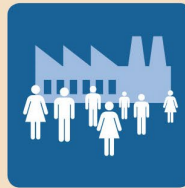
- ESG = Environmental, social and governance
- Human rights are relevant to all three aspects of ESG
 - Human rights impacts are **social impacts**
 - **Environmental** and **governance** issues can also impact human rights
- The UN Guiding Principles provide a tool to demonstrate that you are managing these risks.

The architecture of the Guiding Principles



State duty to protect

States have a duty to protect human rights, including through policy and legal frameworks.



Corporate responsibility to respect

Companies have a responsibility to respect human rights, including by taking steps to identify and address their adverse impacts.



Access to remedy

Affected people should have access to an effective remedy through judicial or other processes.

The state duty to **protect**



States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

Basic standard

- States must protect human rights.

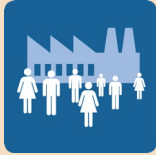
Mechanism

- Take appropriate steps to investigate, prevent, punish and redress.
- Encourage business to respect human rights throughout their global operations.

Scope

- Extraterritorial reach of home state grounded in activities of domiciled entities.

The corporate responsibility to respect



Business enterprises should respect human rights, which means to avoid infringing on the human rights of others and to address adverse human rights impacts they may cause or contribute to.

Basic standard

- All companies should respect human rights (in all contexts)

Mechanism

- Avoid negative impacts or remedy
- Human Rights Due Diligence

Scope

- All internationally recognised human rights: International Bill of Human Rights, ILO Fundamental Rights at Work, others where relevant.

The Guiding Principles roadmap



Set a policy
commitment



Exercise due
diligence



Communicate



‘Know and Show’

Are human rights complicated?

The right to...

Equality and freedom from
discrimination

Life, liberty, and personal security

Freedom from torture and
degrading treatment

Equality before the law

A fair trial

Privacy

Freedom of belief and religion

Freedom of opinion

Peaceful assembly and
association

To participate in government

Social security

Work

Health

Education

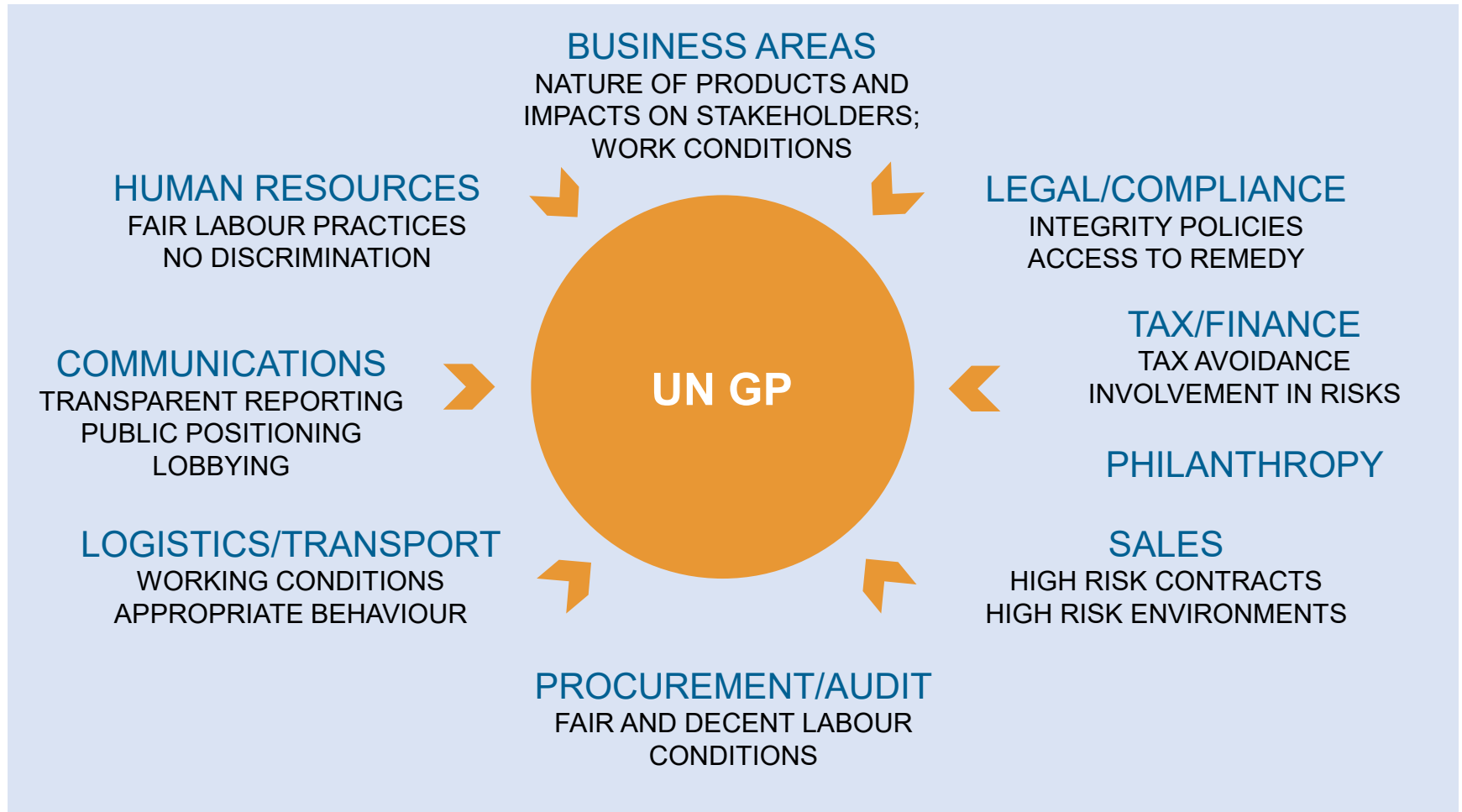
An adequate standard of living

Food and housing

Not really.



Human rights are present in all areas of a company



Human rights due diligence

Identify
& Assess

Includes engagement with potentially impacted people

Communicate

Not the same as
"reporting"

Integrate &
Act

Track

Prioritisation

Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irreparable.

Three criteria:

- **Scale:** gravity of the impact; → **How serious is the impact?**
- **Scope:** the number of individuals that are or will be affected; → **How widespread is the impact?**
- **Irreparable character:** any limits on the ability to restore those affected to a situation at least the same as, or equivalent to, their situation before the impact. → **If the impact occurs, can it be put right?**

Challenging contexts

In all contexts, business enterprises should:

- a) Seek ways to **honour the principles** of internationally recognized human rights when faced with conflicting requirements;
- b) Treat the risk of causing or contributing to **gross human rights abuses** as a legal compliance issue wherever they operate.

Companies should:

- Ensure they do not exacerbate the situation
- Draw on expertise within the company and independent experts

can we operate responsibly in the context?

Access to remedy



States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.

Where **business** identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.

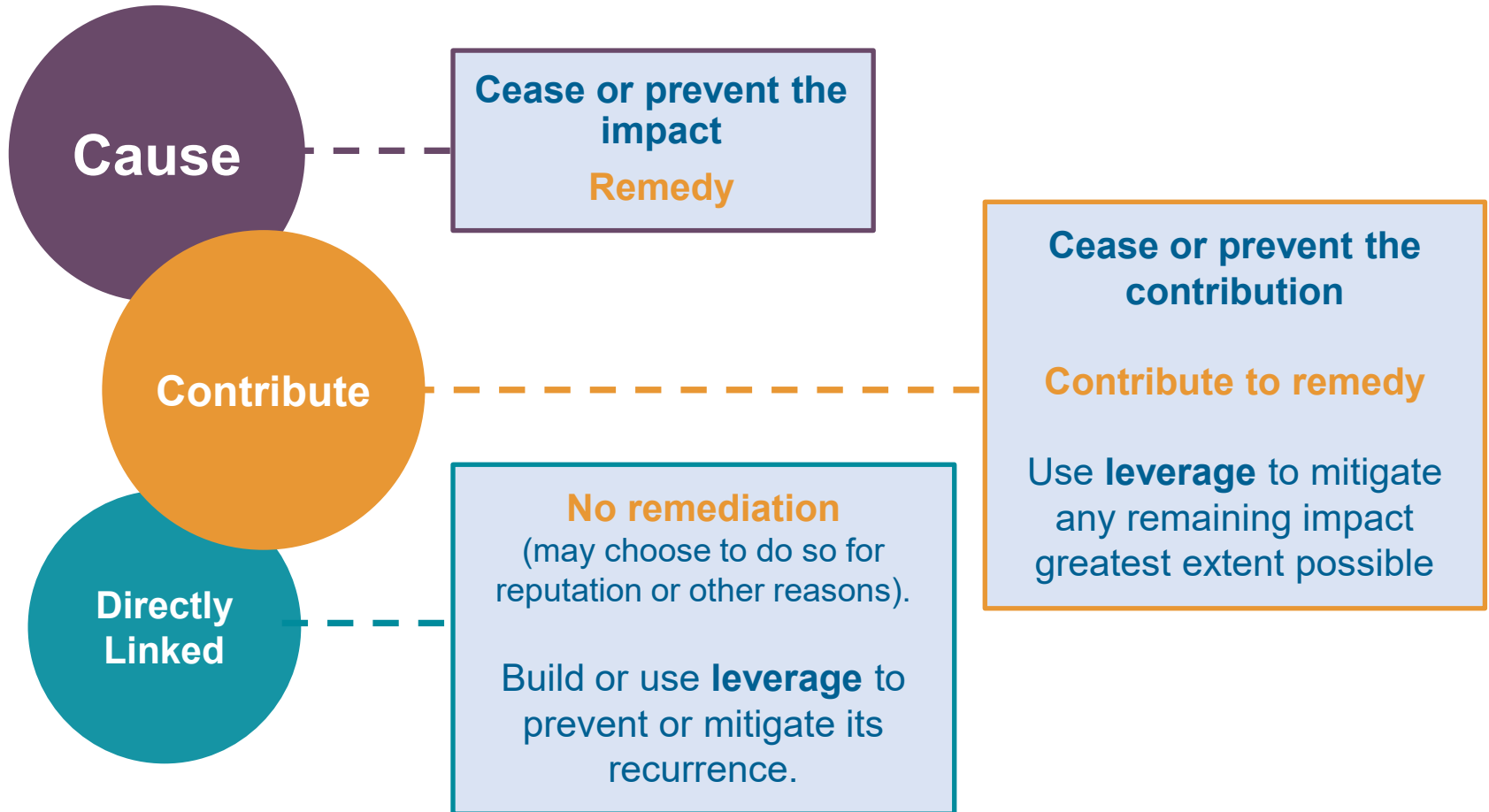
States:

- Effectiveness of domestic judicial mechanisms
- Reduce legal, practical and other relevant barriers to access to remedy.
- Provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms
- Facilitate access to effective non-state-based mechanisms

Companies:

- Develop operational-level grievance mechanisms
 - Legitimate
 - Accessible
 - Predictable
 - Equitable
 - Transparent
 - Rights-compatible
 - Based on engagement and dialogue

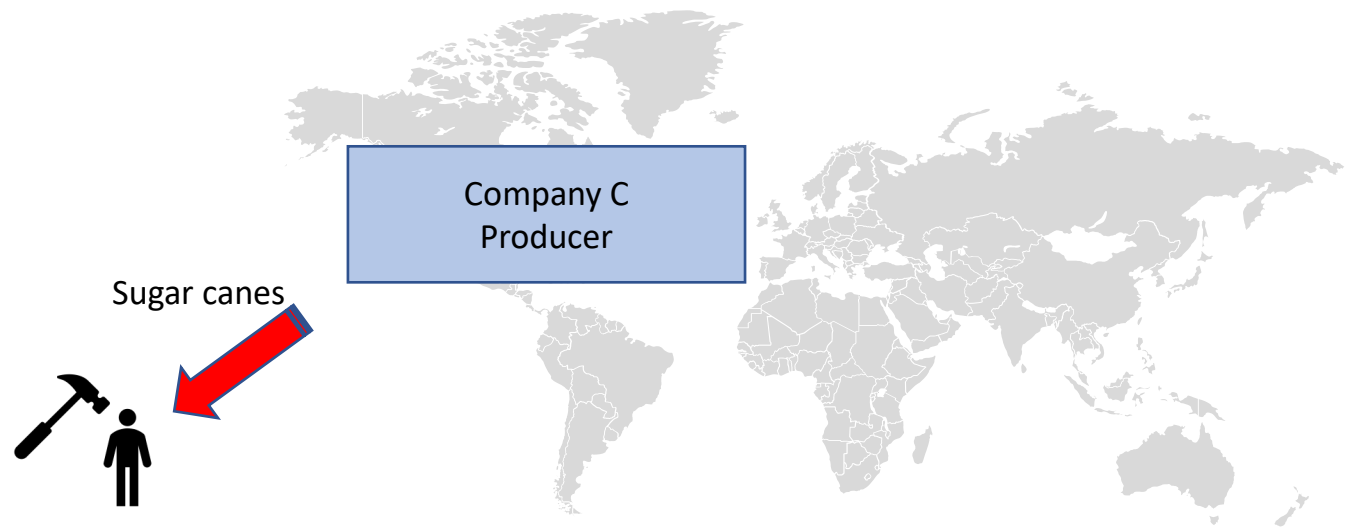
Involvement and response



So what ???

How companies can be involved in human rights impacts

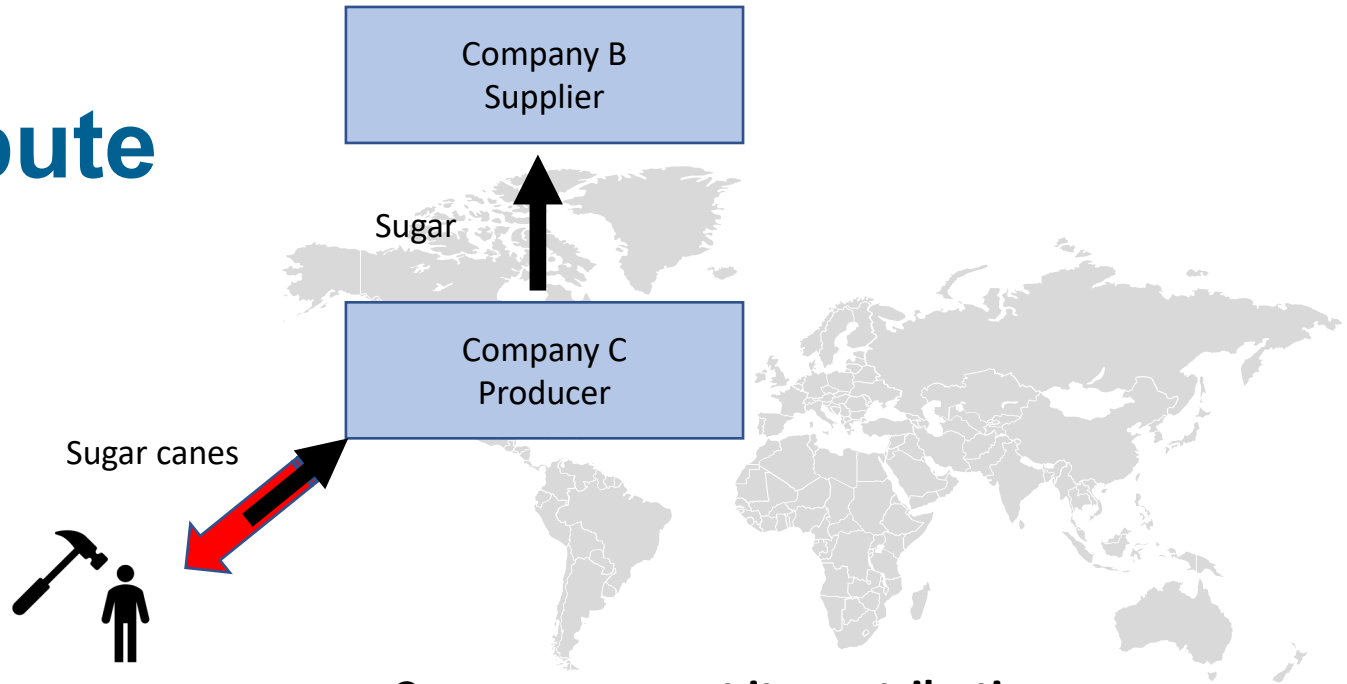
Cause



- Cease or prevent the impact
- Remedy
 - You break it, you fix it

How companies can be involved in human rights impacts

Contribute



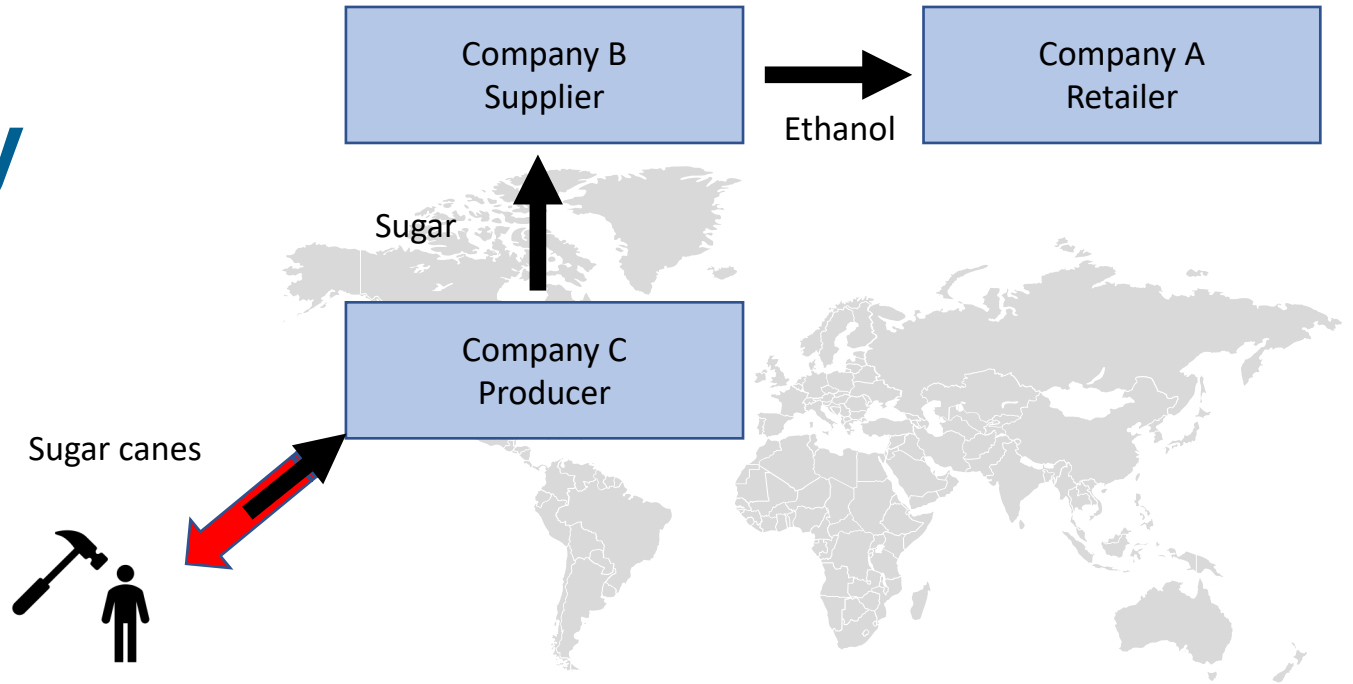
- Cease or prevent its contribution
- Contribute to remediation
- Use its leverage to the greatest extent possible

How companies can be involved in human rights impacts

Directly Linked

Links through:

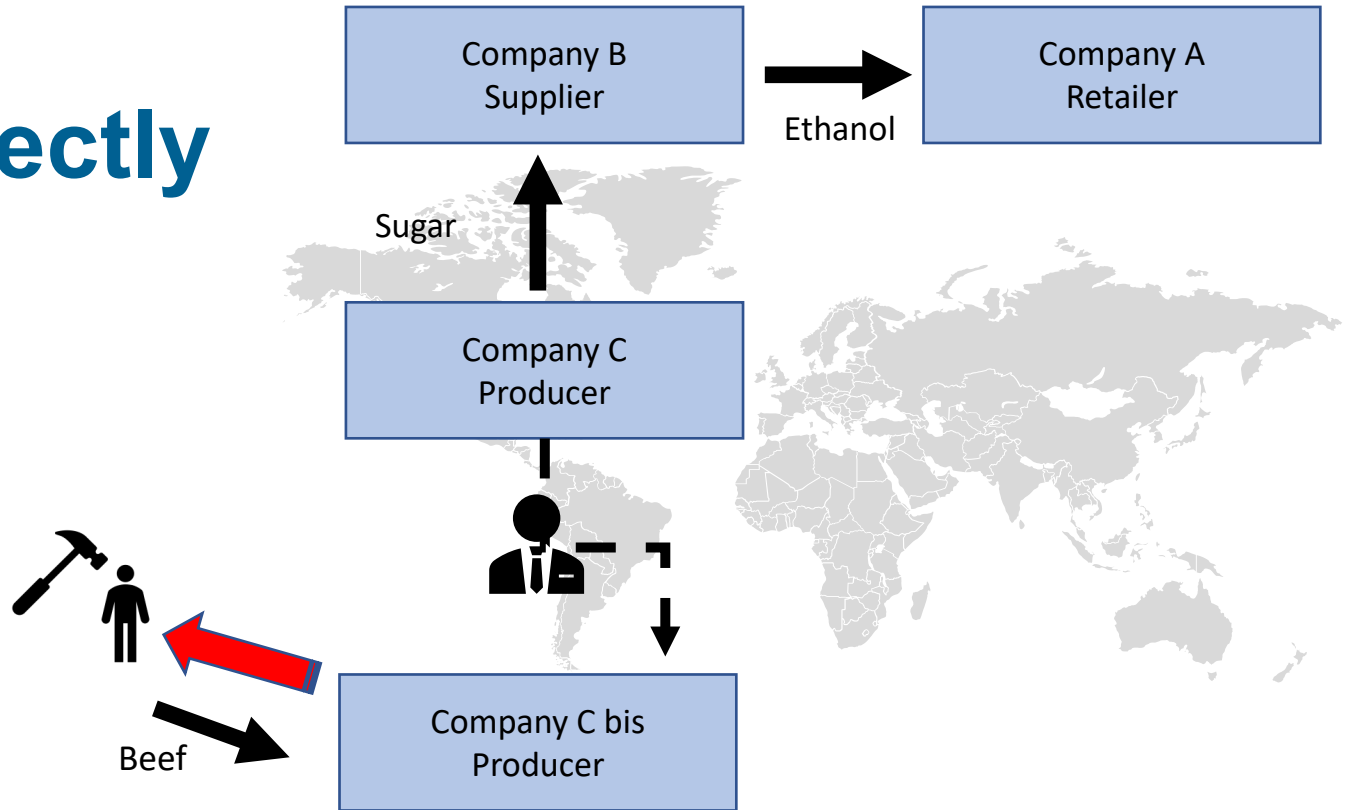
- Products
- Services
- Operations



- **No remediation**
- **May choose to do so (reputation or for other reasons)**
- **Use its leverage to encourage the actor to prevent or mitigate**

How companies can be involved in human rights impacts

**Not Directly
Linked**



In conclusion



Q&A

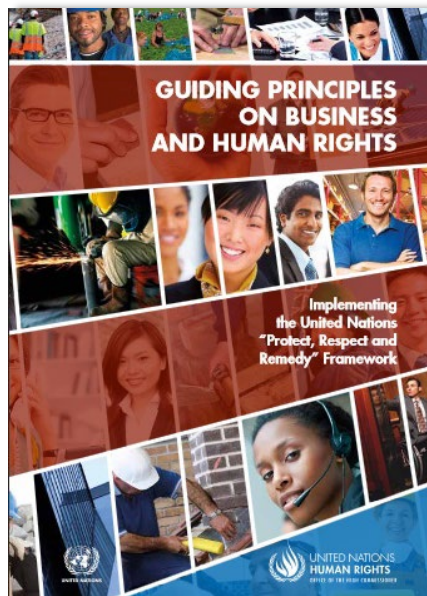


Resources

Davide Fiedler, WBCSD



Getting started



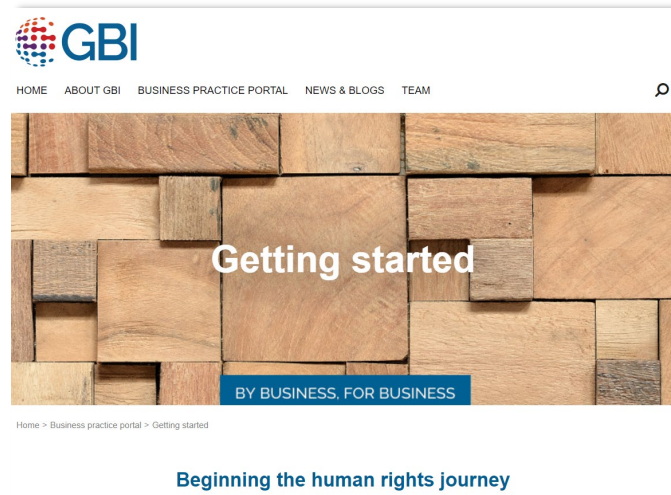
[UN Guiding Principles on Business and Human Rights](#)

OHCHR

[The corporate responsibility to respect human rights – An interpretive guide](#)

OHCHR

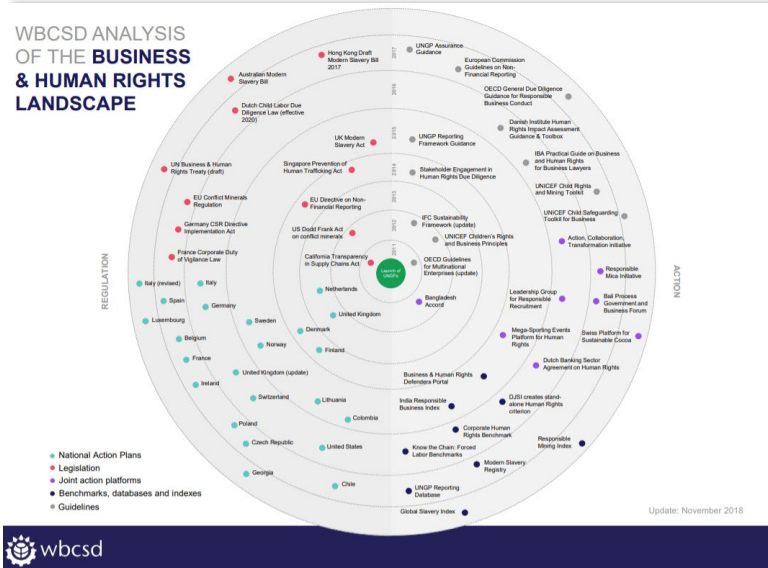
[GBI Business Practice Portal – Getting started](#)



Legal and policy developments



Business and human rights: navigating a changing landscape
 GBI, Clifford Chance



Analysis of the Business & Human Rights Landscape
 WBCSD

Business practices and approaches

GBI Business Practice Portal

WBCSD Business & Human Rights Gateway

CEO Guide to Human Rights WBCSD

The Human Rights Opportunity
Shift & WBCSD

Next dates in this series



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Contact us



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Thank you.
Stay safe.