

# Human Rights

What are they?

What do they mean for your company?

## What Are Human Rights?

The concept at the heart of human rights is simple: Every person, no matter where they live or who they are, is entitled to basic dignity, needs, and freedoms.

In that sense, human rights are designed to provide a minimum “floor” and are sometimes informally called the only truly global code of conduct on the ethical treatment of people—spanning all cultures and political ideologies.

This is not simply a list of aspirations. Human rights are enshrined in international law—the International Bill of Human Rights—and further elaborated in more than 80 international instruments, ranging from the Universal Declaration of Human Rights (UDHR) to conventions to protect the rights of racial minorities, migrants, and women.

The components of human rights, like the values behind them, are easy to understand. Rights are sometimes grouped as civil, political, economic, social, and cultural rights—protecting

essential needs (such as rights to food and housing) and essential freedoms (such as rights to free speech and privacy).

### Human Rights Conventions

- Universal Declaration of Human Rights
- International Covenant on Economic, Social, and Cultural Rights
- International Covenant on Civil and Political Rights
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention on the Rights of the Child



EXAMPLES

### Economic, Social, and Cultural Rights

- Right to education
- Right to highest attainable standard of health
- Right to an adequate standard of living
- Right to desirable work and to join trade unions
- Right to rest and leisure

### Civil and Political Rights

- Freedom from torture and degrading treatment
- Right to life, liberty, and personal security
- Freedom from slavery
- Freedom from discrimination
- Right to equality before the law

But human rights do not simply define the dignity and freedoms to which each person is entitled. They also define the actors with the responsibilities to provide them. Governments hold the primary responsibility for safeguarding human rights. Businesses also have an important role to play.

It scarcely needs to be stated that companies have the potential to promote or violate nearly every human right. Businesses create jobs, produce food, provide healthcare, and unlock livelihoods. But they can also discriminate against different groups, invade privacy, displace vulnerable populations, pollute drinking water,

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and employ workers under exploitative conditions.

For many years, it was hotly debated whether responsibilities toward international human rights could or should apply to companies. Governments, after all, created, signed, and ratified human rights

commitments. But as our world globalized, it became clear that companies have extensive impacts on human rights. The UN took up the question, and a global consensus was reached in 2011 that companies indeed do have responsibilities for human rights.

**Private-sector human rights** impacts cut across all business functions. Human rights are relevant to the entire company, not just a few departments.

**Government Relations**

Bribery, corruption, lobbying, political contributions, law enforcement relationships



**Supply Chain**

Labor conditions, migrant workers, child labor



**Business Relationships**

Buyers', suppliers', and joint-venture partners' human rights conditions



**Employees**

Discrimination, unions, health and safety, fair pay



**Community**

Land, livelihoods, environmental damage, indigenous peoples, grievance mechanisms



**Product Use and Customers**

Privacy and data management, health and safety



**Security**

Use of force, bodily harm, loss of life

# Business Respect for Human Rights: **UN Guiding Principles** on Business and Human Rights

In 2011, the United Nations endorsed the UN Guiding Principles on Business and Human Rights (UN Guiding Principles). Aimed at preventing private-sector human rights abuses, the UN Guiding Principles define the responsibilities of businesses for respecting human rights and provide guidance on how to meet those responsibilities.

Unanimously endorsed by the UN Human Rights Council and supported by global corporations, governments, and civil society across the ideological spectrum, the UN Guiding Principles are based on three pillars:



## **1 States have a duty to PROTECT human rights.**

This means preventing human rights violations by businesses through effective policies, regulations, legislation, incentives, and enforcement.

## **2 Businesses have a responsibility to RESPECT human rights.**

This means refraining from violating human rights in all their operations by putting in place good due diligence to effectively identify and manage adverse impacts.

## **3 Individuals whose human rights are harmed by businesses must have ACCESS TO REMEDY.**

This means governments should provide effective judicial and non-judicial systems for investigating and redressing human rights violations. Companies, for their part, should ensure that effective operational-level grievance mechanisms are available and take part in government remedy systems in good faith.

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## What Are **Companies' Responsibilities?**

According to the UN Guiding Principles, companies are obliged to respect human rights wherever they operate, regardless of their size, industry, or any failure by the host country to protect human rights. This means that companies must carry out three distinct but related tasks: express their commitment through a human rights policy, conduct ongoing human rights due diligence, and provide remedy where they cause or contribute to a human rights violation.

Implementing these aspects of the corporate responsibility to respect human rights requires companies to think differently about how they

assess impacts and engage with their suppliers, customers, and partners. In particular, it means:

» Focusing on the risk of harm to people, rather than to the company.

» Engaging proactively with people at heightened risk of harm, particularly marginalized groups (such as children, indigenous people, impoverished people, migrants, minorities, and women), by consulting them directly and by addressing barriers to effective engagement, such as language, culture, or access to information.

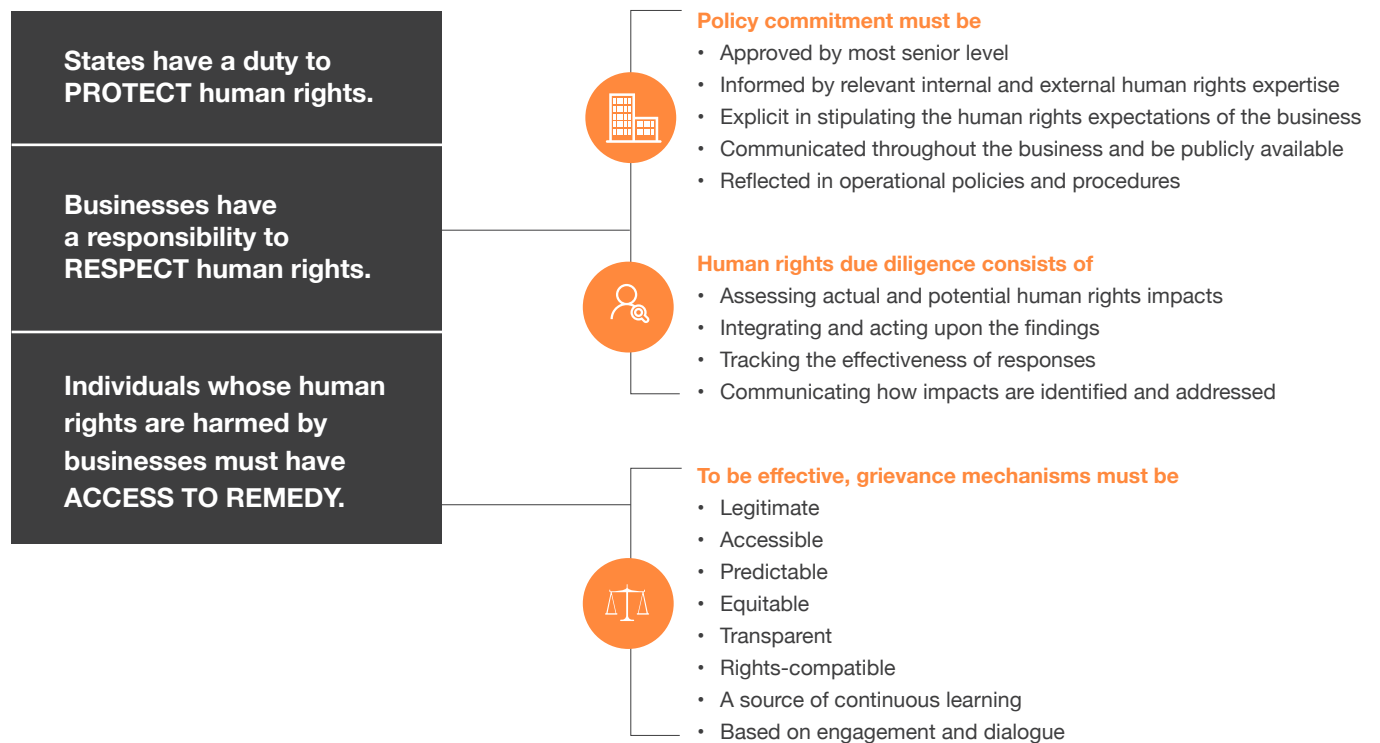
» Identifying and preventing

human rights abuses in suppliers, contractors, and other business partners. Understanding the complexity of the company's human rights footprint requires an honest assessment of potential violations in all its relationships—not just the direct impacts of a single company.

» Recognizing that companies must respect human rights everywhere, even when states fail to enact or enforce human rights in national or local laws. Challenging contexts, like operating in conflict zones, non-democratic states, and developing countries, require more effort on the part of the company to respect human rights, not less.

# UN Guiding Principles on Business and Human Rights

## 3 Pillars



## The Future of Business and Human Rights

The UN Guiding Principles have had a significant impact. They have been incorporated into the OECD Guidelines for Multinational Enterprises, ISO 26000, IFC Performance Standards, Equator Principles, UN Sustainable Development Goals, multilateral trade agreements, and many other international and industry-specific frameworks. They have been endorsed by business and industry organizations representing thousands of companies, civil society organizations and NGOs, and member states of the United Nations. Some governments are currently calling for a binding treaty applicable to business based on the UN Guiding Principles.

Alongside these international developments, many countries have developed national action plans and legislation to implement the UN Guiding Principles domestically, as well as extend regulation of their companies abroad through such extraterritorial legislation as the U.K.'s Modern Slavery Act, the United States' Dodd-Frank conflict minerals legislation, and France's corporate duty of vigilance law. A litany of high-profile extraterritorial lawsuits have expanded the sphere of responsibility for companies, especially around complicity in gross human rights violations. NGOs have begun to publicly

rank companies on their human rights impacts, and investors are beginning to assess companies on these impacts.

These efforts point to the same conclusion: A mandatory legal and social framework for respecting human rights is emerging. And human rights are rapidly becoming a core component of sustainability, not only for businesses, but the world around them. In the future, successful companies will be those that comply, and thrive, in this new legal and normative context.

# BSR's Approach to Human Rights

For 25 years, BSR has worked with companies to turn the principles of human rights into practice. This includes raising awareness among companies of the importance of the UN Guiding Principles, as well as helping them demonstrate the benefits of the human rights approach for their operations.

Led by the former chair of the UN body tasked with implementing the

UN Guiding Principles, BSR's human rights team is made up of industry experts, international lawyers, and issue specialists. BSR's services focus on guiding companies from an entry-level understanding of human rights to a complete implementation of corporate human rights risk mitigation. BSR has conducted more than 200 human rights impact assessments and implementation plans across a range of industries, from high-level corporate

analyses to in-depth field studies.

BSR's signature initiative is the Human Rights Working Group, a forum of 40 companies that share information on human rights management, emerging issues, and key developments in the field. BSR hosts eight regional meetings per year in Asia, Europe, and North America.

## BSR's Human Rights Strategy:

3-step approach to embedding robust human rights practices in companies

←..... Translation, Solution, Collaboration .....→



### Respecting Rights (Compliance)

**STEP 01** Ensure respect for human rights across all functions and operations

This involves developing robust human rights policies and good systems and processes for embedding human rights considerations into all aspects of the business, including risk management, procurement, training, reporting, stakeholder engagement, government relations, and grievance handling.

### Strategic Rights Promotion

**STEP 02** Identify opportunities to promote human rights

Companies can affect human rights both positively and negatively. BSR helps companies find opportunities to advance human rights, making investments that produce both financial and social returns.

### Human Rights Ecosystem

**STEP 03** Collaborate to promote systemic change

Companies do not act in a vacuum. Some of the most powerful human rights impacts come through relationships with government agencies, industry partners, civil society organizations, and international institutions. BSR helps companies identify the forums and issues where collaboration can have the greatest impact.

The goal of these activities is the same: **A private sector that knows and manages its negative human rights impacts and works to maximize its positive impacts.** BSR works with companies that share its vision of a world where business treats workers, communities, and customers with dignity and respect as a fundamental part of building a more just and sustainable world.



BSR is a global nonprofit organization that works with its network of more than 250 member companies and other partners to build a just and sustainable world. From its offices in Asia, Europe, and North America, BSR develops sustainable business strategies and solutions through consulting, research, and cross-sector collaboration. Visit [www.bsr.org](http://www.bsr.org) for more information about BSR's 25 years of leadership in sustainability.

To contact us about our human rights work, visit [www.bsr.org/human-rights](http://www.bsr.org/human-rights).