

## What are human rights?

Human rights are the basic universal freedoms and entitlements that apply to everyone. They are shared standards of dignity, justice and safety that all people should expect from states. Some human rights are absolute and can never be interfered with (e.g. freedom from torture). Other rights can be qualified in certain circumstances, though any qualification should be set out in law and be proportionate and justifiable (e.g. the right to family and private life).

The human rights of people in Northern Ireland are protected through international law, the European Convention on Human Rights and the UK Human Rights Act. While human rights obligations apply to governments and public authorities, the UK Human Rights Act makes it clear that private organisations which are contracted to deliver public functions (e.g. private security firms providing prison services) are also required to comply with human rights law.

Examples of human rights that are relevant to workers and communities affected by business operations include:

- Right to life
- Right to family and private life
- Right to liberty
- Freedom of association and peaceful assembly
- Freedom from torture or cruel, inhuman or degrading treatment
- Freedom from slavery, forced labour and child labour
- Freedom of movement
- Freedom of thought, conscience and religion; freedom of expression
- Right to equal pay for equal work
- Right to organise and participate in collective bargaining
- Right to a fair hearing
- Right to work in a safe environment
- Right to rest and leisure

- Right to an adequate standard of living (including food, clothing and housing)
- Right to physical and mental health; access to medical services
- Right to education and training

### **Why should businesses be concerned about human rights?**

Human rights impact all businesses. Customers increasingly demand transparency from companies and make choices based on the evidence of whether businesses are taking human rights seriously through the treatment of employees and ethical sourcing of products and materials. Maintaining a good reputation is vital to all businesses.

Like business, human rights operate globally through international standards agreed by the United Nations and regional bodies (e.g. the Council of Europe). These standards have been signed up to by the United Kingdom and Irish governments. In the United Kingdom, the European Convention of Human Rights has been incorporated through the Human Rights Act.

Alongside acting positively through providing decent terms and conditions for employees and ensuring supply chains operate lawfully and ethically, businesses need to avoid negative human rights impacts. These can include environmental damage in production, forced labour, corruption, and health and safety issues.

It is recognised that businesses can operate in countries which do not always take their human rights seriously. Identifying whether a government, a business or both is responsible for human rights violations is not always easy.

## What do the UN Guiding Principles on Business and Human rights say?

The United Nations Guiding Principles (UNGPs) were unanimously adopted by the UN in 2011.

The UNGPs are organised under three pillars:

### 1. The State duty to protect human rights

Governments have to make sure that businesses don't abuse human rights.

This means passing laws and making sure they are implemented, for example by carrying out labour inspections and investigations, enforcing licensing requirements and providing human rights guidance to the private sector.

### 2. The corporate responsibility to respect human rights

Businesses have to refrain from violating human rights when doing business.

This means going beyond complying with laws where they operate and auditing a few of their suppliers. Instead, businesses have to *know* their human rights impacts and take *concrete steps* to improve them.

This entails a continuous process of due diligence including making a policy commitment to protect human rights, integrating human rights standards throughout all levels of the business, monitoring the outcomes, communicating internally and externally, assessing risk and putting right any adverse human rights impacts.

Vitaly, it also means talking to the people whose lives the business affects and at least ensuring that workers or communities are not made worse off.

### 3. Access to remedy for victims of corporate human rights abuses

This is about putting things right when they go wrong. If a business abuses human rights then governments have to ensure that the courts or some other *legitimate* process is in place (e.g. labour tribunals, ombudsman) to allow the victim to complain and have the complaint investigated and settled effectively. Businesses must participate in legitimate remedy processes.

Any process chosen must fit with the effectiveness criteria defined by the UN Guiding Principles to be legitimate, learning-focused, predictable, rights compatible, transparent, accessible and equitable. It should *not* be slow, expensive, inaccessible or corrupt.

Businesses can also establish internal mechanisms to address human rights abuses. These can provide an early warning system to businesses on areas that are not working correctly. An early and effective response to abuses can also help prevent further damage being done. These do not affect the rights of those who have suffered abuses from turning to the formal state run processes.

### What are companies in Northern Ireland doing to respect human rights?

Many local companies have made a policy commitment to respect human rights and taken measures to embrace human rights impacts. Here are a few examples.

#### Case Study 1

**Company name:** Hardscape

**Sector:** Landscape stone supplier

Even before the UNGPs were introduced, Hardscape was working to promote human rights through challenging labour rights abuse in its global supply chain. The company does this by cementing its work in the nine base code principles of the Ethical Trading Initiative (ETI) through an active approach, with 'boots on the ground' at the origin of our materials, and a practical programme of engaging with stakeholders to achieve effective remedies to problems.

**Policy Commitment:** Hardscape's social and ethical policy is publicly available on its website and directly references the UNGPs and the commitment to improving human rights in its supply chain in line with these principles. Hardscape has published its statement of commitment to the Ethical Trading Initiative base code, including the designated 'achiever' status which signifies implementation of nine base code principles through working alongside

suppliers and reporting on progress annually. Recently the company has published a statement of commitment to the elimination of bonded, child, forced and slave labour at all tiers of its supply chain as a response to the Modern Slavery Act.

**Process:** Mapping a supply chain through all tiers was Hardscape's task i.e. getting into the nitty-gritty of where materials come from, which meant not just the stone but the wooden packing, the logistics providers and so on. Once mapped, a process of social auditing was introduced to get a bench mark and assess compliance with obvious priority issues such as child labour or bonded labour in our tier 1 suppliers, i.e. where the company can exert most control. Performance is assessed against the standards in the ETI base code, working our way down to tier 2 and 3 suppliers and further.

**Remedies:** Throughout all the due diligence processes great importance is placed on networking and outreach. This is particularly key to achieving a remedy for problems that arise. It is done through collaboration with trade unions, NGOs, Government or State Legislators and Departments and then, most importantly, directly with workers and their families. This approach allows the company to get end to end 'user agreements' which once in place assure workers are free from exploitation and discrimination and work in conditions of freedom, security and equity.

## Case Study 2

**Company Name:** Tesco

**Sector:** Retail

**Policy commitment:** Tesco has a human rights policy that is published online alongside other corporate responsibility documents. It outlines the commitment of respecting human rights through compliance with relevant legal instruments, membership of the Ethical Trading initiative, and the actions taken to address human rights risks, investigating and addressing human rights impacts, and embedding human rights into governance processes to ensure full accountability at the most senior level. The policy was formed through consultation between the board and experts in relevant departments, including Personnel, Corporate Affairs and the Responsible Sourcing Team. It was also independently reviewed in 2013 to improve the commitment further.

**Process:** Tesco monitor human rights impacts through the use of Sedex self-assessment questionnaires for suppliers backed up by intelligence from staff in the relevant country/region and independent audits by qualified experts at sites considered high or medium risk to establish the actual situation. This process means engaging directly with suppliers and also with workers and their representatives via interviews which are part of the audit process. Discussions are held with other stakeholders such as local NGOs, trade unions, either directly or via intermediaries such as international umbrella organisations.

The audit process provides an understanding of actual conditions for workers throughout the supply chain, creating action plans to improve where necessary, and incentivises suppliers towards improvement supported by providing training to buyers, technical staff and suppliers on human rights issues. Progress towards ethical goals is included in setting periodic key performance indicators and by reporting to the company's Compliance Committee which provides oversight at the board level.

**Remedies:** Tesco operates a confidential phone and email service called Protector Line which allows colleagues, suppliers and their workers to raise concerns at the earliest possible stage. Tesco investigates concerns impartially to try and establish the truth and agree action plans with suppliers to address issues, either bilaterally or as part of multi stakeholder programmes. A good relationship has been established with the Gangmasters Licensing Authority and the Home Office to collaborate where illegality has been identified. In some cases, if suppliers are unwilling to change the last recourse is to terminate business.

Tesco has also engaged with external mechanisms that support effective remedies for human rights concerns. These include membership of the Ethical Trading Initiative and other fora such as the Global Social Compliance Programme, the Bangladeshi Accord on Fire and Building Safety, Project Isaara (addressing migrant workers' issues in Thailand), Bananalink and the Ethical Tea Partnership.