

Introduction: Human rights due diligence for practitioners.

CEE+CA Summer Academy, September 30, 2024. Ron Popper



Ground rules for business and human rights practitioners



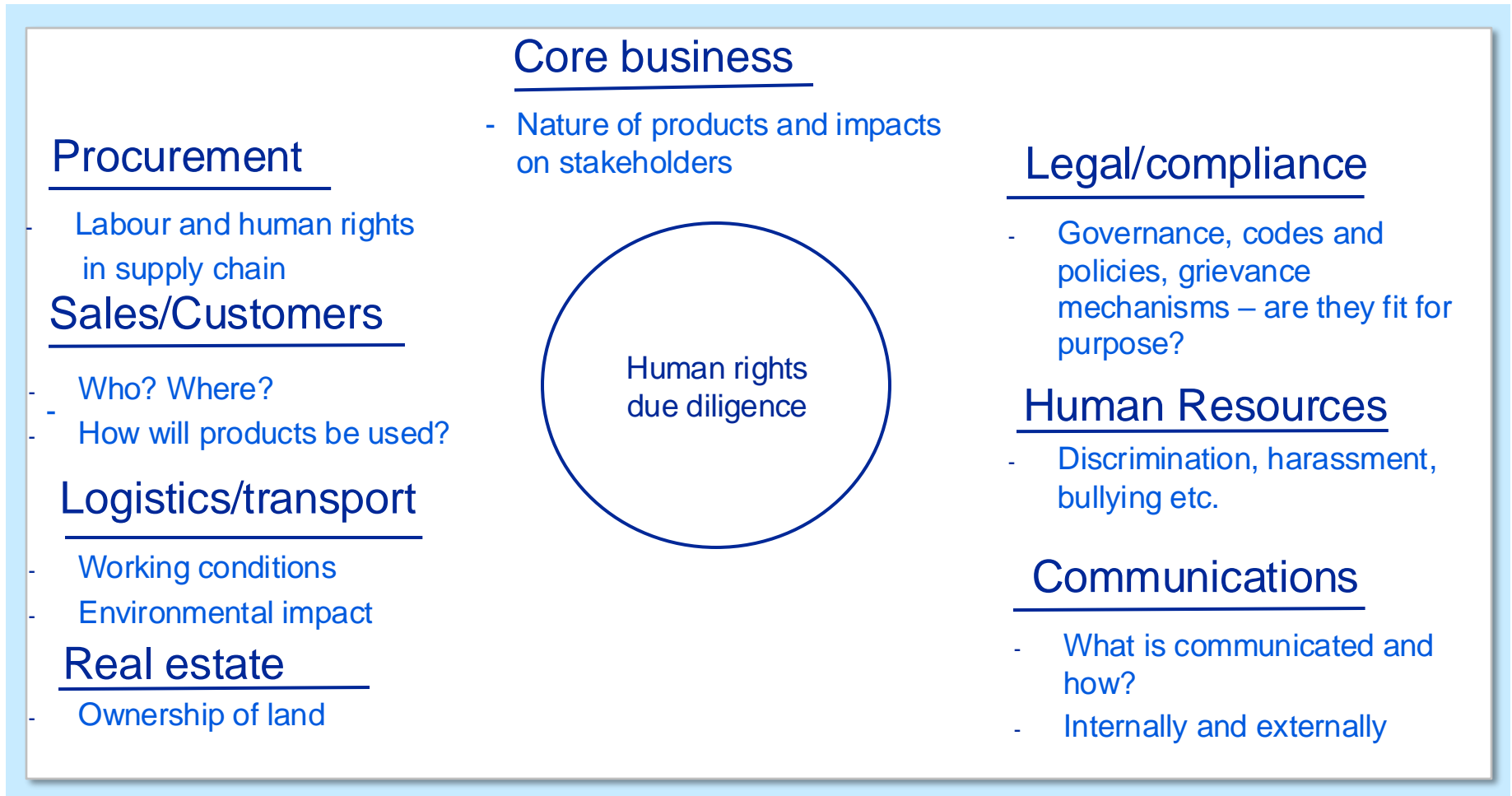
1. Know your company and industry
2. Understand company risk profile and internal mechanisms for dealing with risks
3. Know relevant laws and standards
4. Know your stakeholders and their expectations
5. Get experience of due diligence
6. Develop contacts, internal and external

Understand the business case for human rights

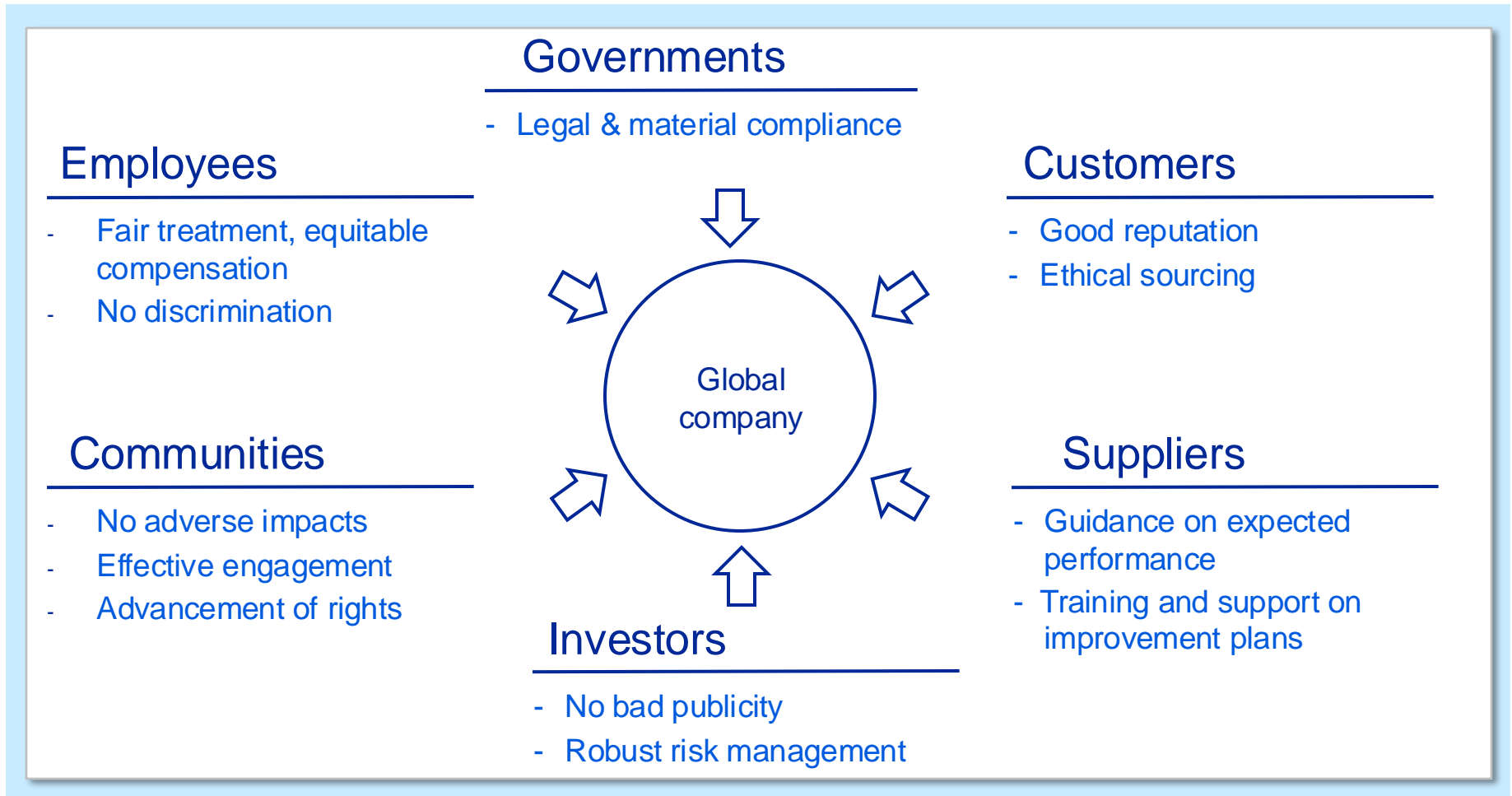
	Getting it right	Getting it wrong
Legal	<ul style="list-style-type: none">• Consolidates compliance reputation	<ul style="list-style-type: none">• Costly, time-consuming cases
Reputation	<ul style="list-style-type: none">• Enhanced corporate reputation• Part of social license to operate	<ul style="list-style-type: none">• Damage to brand• Bad media coverage
Business/ Financial	<ul style="list-style-type: none">• Consolidates business relationships• Minimises disruption	<ul style="list-style-type: none">• Project delays, loss of revenue• Loss of confidence among business partners• Stock price shocks
Employees	<ul style="list-style-type: none">• Want to work for moral, compliant company	<ul style="list-style-type: none">• Low morale• Cost of hiring/training new staff

Where are your human rights risks – who is involved?

Some examples



Understand changing stakeholder expectations



Practioners' main work



1. Carry out due diligence to understand human rights risks and actual or likely impacts
2. Work with other departments to strengthen risk profile and due diligence processes
3. Stakeholder engagement (internal and external)
4. Reporting
5. Communications
6. Training of colleagues

Human rights practitioners: The essentials

➤ Practitioners need to

- Be trained
- Be close to/in business
- Have right tools
- Have management support
- Know what to do with findings
- Understand that risks will change
- Ensure consistent reporting
- Evaluate mitigation/remediation measures
- Have access to external support



Expanding the practitioner's influence in a company



1. Develop connections in other functions
2. Develop due diligence processes (supply chain, sales etc.)
3. Communicate clearly with managers and colleagues on risks (people and business)
4. Develop a training programme
5. Set up a circle of champions of trained colleagues in other parts of business

Internal leadership on human rights is key

➤ Tone from top vital

- Clear policy commitment
- Executive responsibility
- Embed in business processes

➤ Need to invest

- Research
- Training
- External support



Due diligence: who to work with?

Working partners/stakeholder engagement

- Business partners in value chain
- Governments, local authorities
- NGOs, civil society representatives
- Affected communities
- Human rights defenders
- Professional organisations, trade unions
- Academia
- Independent human rights experts
- Intelligence providers



Due diligence: areas of focus

- Due diligence surveys will cover
 - Impacts on people, environment
 - Full range of human/labour rights
 - Context: country, region, factory, site
 - Workforce: Race, religion, gender etc.
 - Sector: Varying risks in different industries
 - Checklists cover full range of questions
 - Pave way for corrective action plans



Due diligence: common issues in the workplace

➤ Common issues in workplace

- Child/forced/trafficked labour
- Labour /contract violations
- Excessive overtime, delayed payments
- Poor working and living conditions
- Health and safety hazards
- Inadequate PPE
- Discrimination/harassment
- Freedoms curtailed (speech, assembly, bargaining)
- Retaliation against whistleblowers



Practitioners need a good nose



1. Are you being told truth?
 1. By colleagues
 2. By suppliers
 3. Other value chain partners
2. Use instinct/experience
3. Choose your key moments well