



Guide to Human Rights Impact Assessment and Management (HRIAM)

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The International Business Leaders Forum (IBLF) and the International Finance Corporation (IFC), in association with the UN Global Compact.

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It is available free of charge

www.ifc.org/hriam

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“

I am pleased to join the International Business Leaders Forum, the International Finance Corporation, and the United Nations Global Compact in welcoming you to the revised Guide to Human Rights Impact Assessment and Management (HRIAM) online tool.

Having companies assess the actual and potential human rights impacts, through their own activities and through their business relationships, are a critical component of human rights due diligence, enabling companies to know and show that they are meeting their responsibility to respect human rights. I hope that companies will find this Guide useful in doing so.”

John Ruggie

Former UN Secretary-General's Special
Representative on Business & Human Rights

About the Guide to HRIAM

What is the Guide to HRIAM?

Developed for companies committed to assessing and managing the human rights risks and impacts of their business activities, the Guide to Human Rights Impact Assessment and Management (HRIAM) provides guidance on how to:

- Identify potential and/or existing human rights risks
- Assess potential and/or existing human rights impacts
- Integrate findings from the assessment into the company's management system

The Guide to HRIAM is divided into seven stages.

The seven stage framework offers a comprehensive and systematic methodology for companies to follow and adapt to their needs when:

- Developing their own human rights impact assessment, or
- Integrating human rights into other kinds of risk and/or impact assessments (see section [Stand alone HRIA vs. Integration: a dilemma for companies?](#))

By following and adapting the Guide to HRIAM's seven stage process, and completing a human rights impact assessment, a company will be in a better position to address any potential and/or existing human rights risks and impacts.

Why Use the Guide to Hriam?

Information gathered during a human rights impact assessment process will generate useful business intelligence on:

- Potential and/ or existing human rights risks and impacts
- The company's capacity to assess and manage its human rights risks and impacts
- Stakeholders' perceptions of the company

It may also identify:

- Gaps in the company's approach to assessing and managing human rights issues
- Opportunities for developing a systematic management process that incorporates human rights risks and impacts

Who Should Use the Guide to HRIAM?

FROM A COMPANY PERSPECTIVE

The Guide to HRIAM offers general guidance to companies of any size, industry sector, country of origin and/or type of activity.

FROM A COMPANY FUNCTION PERSPECTIVE

Within a company, often 'human rights' issues fall under the responsibility of different functions. Resultantly, the Guide to HRIAM may be useful to more than one function; the following roles may find aspects of the tool particularly relevant to their work:

- Projects/ Operations
- Corporate Responsibility/ Sustainability
- Environmental and/or Social
- Health and Safety
- Security
- Compliance
- Business risks
- Quality assurance
- Public Relations
- Policy
- Legal

When Should the Guide to HRIAM Be Used?

An optimum time to conduct a human rights impact assessment is:

- Ideally at the beginning stages of the planned business development, or
- Alongside other due diligence activities, before committing financial investment

The below list identifies some titles attributed to the early stages of business development, which serve as good illustrations of when a HRIA could commence:

- Start-up and planning
- Seed
- Pre-feasibility
- Feasibility
- Exploration
- Project Planning and Design

While it is recommended to start a HRIA at the earliest opportunity, companies may also want to undertake a HRIA when significant changes to the business activities arise, such as the onset of:

- New development activity
- Merger and/or Acquisition
- Expansion
- Refurbishment
- Decommissioning and closure

Where Should the Guide to HRIAM Be Used?

The Guide to HRIAM offers guidance to companies of any size, industry sector and geographical location.

Conducting a HRIA should be decided on a case-by-case basis, based on a number of factors, which may include the:

- Business activity
- Magnitude of investment
- Industry sector
- Country of operation, and its national laws governing human rights issues
- Perceived human rights risks associated with the country/ region/ local area

Countries, regions and/ or situations considered to be of high risk for business activities may require a more comprehensive approach to understanding human rights risks and impacts, for example:

- A weak governance zone
- A fragile and/or conflict-affected country
- An area where human rights commitments are poorly implemented
- An area with high environmental and/or social risks and impacts
- An area inhabited by vulnerable local communities (e.g. indigenous people)

In such situations, companies may want to take extra caution to ensure that their presence in the country does not exacerbate the existing difficult situation.

What Are Human Rights?

Human rights are basic rights and freedoms that all people are entitled to.

The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols, and the International Covenant on Economic, Social and Cultural Rights (ICESR) make up the International Bill of Human Rights, which underscores all **30+ human rights and fundamental freedoms**.

All human rights are underpinned by the following principles: universality, inalienability, indivisibility and interdependency.

WHAT DOES THIS MEAN IN PRACTICE?

- **Universal:** All people are born with and are entitled to the same human rights, regardless of nationality, residence, gender, race, ethnicity, religion and cultural heritage.
- **Inalienable:** Human rights should not be taken away or compromised except in specific situations and according to due process.
- **Indivisible:** All human rights should be equally considered. Civil and political rights are of equal importance to economic, social and cultural rights.
- **Interdependent and interrelated:** Human rights are mutually reinforcing. The enjoyment of one human right often relies wholly, or in part, on the existence of other human rights. Similarly, the interference of one human right often negatively affects other human rights.

Non-discrimination is also a cross-cutting principle in international human rights law.

Human Rights - an Umbrella Term

As 'human rights' includes each and every individual right, an easy and helpful way to understand 'human rights' is to consider it as an umbrella term, encompassing all 30+ individual human rights (see Graphic: Human Rights - an umbrella term, page 10).

Companies and Human Rights

While many companies do not use the language of 'human rights', most of them cover a number of human rights issues through their existing policies and procedures, for example:

- Companies have occupational health and safety policy and procedure

The health and safety of employees is protected by the right to life (UDHR 6), the right to just and favourable conditions of work (UDHR 23), and the right to health (UDHR 25).

- Increasingly, more companies are introducing statements prohibiting the use of child labour into their contracts with third party suppliers

Child labour is addressed in UDHR 6 (Right of protection of the child) and UDHR 26 (Right to education).

In many cases, companies do not refer to health and safety and child labour issues as 'human rights' issues within the company, but rather view and address them as stand-alone 'health and safety' and 'labour' issues.

Right to life Right to liberty and security *Right not to be subjected to slavery, servitude or forced labor* Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment Right to recognition as a person before the law Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred Right to equality before the law, equal protection of the law, non-discrimination *Right to access to effective remedies* Right to a fair trial Right to be free from retroactive criminal law Right to privacy Right to freedom of movement Right to seek asylum from persecution in other countries Right to have a nationality Right of protection for the child Right to marry and form a family Right to own property Right to freedom of thought, conscience and religion *Right to freedom of opinion, information and expression* Right to freedom of assembly Right to freedom of association Right to participate in public life Right to social security, including social insurance *Right to work* Right to enjoy just and favorable conditions of work Right to form trade unions and join the trade unions, and the right to strike Right to an adequate standard of living Right to health *Right to education* Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors Right to self-determination Right of detained persons to humane treatment Right not to be subjected to imprisonment for inability to fulfill a contract Right of aliens due process when facing expulsion Rights of minorities



Human Rights - an umbrella term

The Un 'Protect, Respect and Remedy' Framework

In 2008, the UN Human Rights Council unanimously endorsed the [UN 'Protect, Respect and Remedy' Framework](#), which was drafted by the Special Representative of the United Nations Secretary General on Business and Human Rights, John Ruggie.

The Framework is based on three pillars:

- The **state duty to protect** against human rights abuses by third parties, including business
- The **corporate responsibility to respect** human rights
- **Greater access by victims to effective remedy**, both judicial and non-judicial

In 2011, the Special Representative presented the [Guiding Principles on Business and Human Rights: Implementing the UN 'Protect, Respect and Remedy' Framework](#) to the Council, which they also endorsed. The 'Guiding Principles' are now viewed as the authoritative global reference on business and human rights.

The Corporate Responsibility to Respect Human Rights

Companies can demonstrate they are respecting human rights by ensuring their business policies and practices do not infringe the rights of others (i.e. they do no harm). In practical terms, this can be achieved by conducting human rights due diligence.

Human rights due diligence

The UN 'Protect, Respect and Remedy' Framework advances that human rights due diligence can be discharged by companies in four ways:

1. **Human rights policy:** A company should adopt a human rights policy
2. **Measuring impact:** A company must take proactive steps to understand how existing and proposed activities affect human rights
3. **Integration:** A company should integrate human rights policies within the company
4. **Tracking performance:** A company should monitor and audit processes to track its performance

The Corporate Responsibility to Respect Human Rights and the Guide to HRIAM

The Guide to Human Rights Impact Assessment and Management provides guidance on all four elements of human rights due diligence, as advanced in the UN 'Protect, Respect and Remedy' Framework.

Below, the relevant stages are identified:

- **Human rights policy:** The Guide recommends integrating human rights into existing company policies or adopting a stand-alone policy [especially, [Stage 6: Management/ Human Rights Policy Statement](#)]
- **Measuring impact:** The Guide provides guidance on how to identify, assess and measure the human rights impact of the business activities on the rights of stakeholders [especially, [Stage 2: Identification](#); [Stage 3: Engagement](#); [Stage 4: Assessment](#)]
- **Integration:** The Guide provides a process on how to integrate human rights within a company's management system and processes [especially, [Stage 6: Management](#)]
- **Tracking performance:** The Guide provides guidance on how to monitor, evaluate and report on the performance of a company's ability to address human rights risks and impacts [especially, [Stage 7: Evaluation](#)]

The Guide to HRIAM

The Guide to Human Rights Impact Assessment and Management provides guidance on how to assess and manage the human rights risks and impacts of business activities through an iterative, dynamic and interconnected process divided into seven stages. By moving through each stage in sequence, the company will:

- Consolidate its knowledge and understanding of its human rights risks and impacts
- Use the newly acquired information to inform subsequent decisions and actions



Using the Guide to HRIAM

Companies may decide to enter the Guide to HRIAM process at different stages based on different factors; these include but are not limited to:

- **The level of human rights awareness and buy-in within a company:** [Stage 1. Preparation](#) provides guidance on how to measure the company's human rights due diligence approach and define the scope of the human rights impact assessment. If the company is already aware that a human rights impact assessment for a specific business activity is necessary, the HRIA process may start at [Stage 2. Identification](#)
- **The development stage of the business activity and the quality of the data gathered through other impact assessments:** [Stage 2. Identification](#) provides guidance on how the human rights context in which the business activity is carried out should be identified and clarified. If such identification has already been completed as part of another impact assessment or due diligence process (e.g. political risk assessment, security risk assessment, legal due diligence, etc.), companies may want to enter the process at [Stage 3. Engagement](#)
- If a human rights impact assessment has already been carried out on a business activity but the company lacks guidance on how the identified risks and impacts should be addressed, the company may want to start the process at [Stage 5. Mitigation](#)

In addition, for new business activities, companies may want to combine different types of impact assessments. For guidance on how human rights may be integrated into other assessment processes, see [[Stand alone HRIA vs. Integration: a dilemma for companies?](#)]



PREPARATION

1

A Company's Human Rights Due Diligence Approach

A company's human rights due diligence approach can be defined as the way a company becomes aware of, prevents and addresses any potential and/or actual human rights risks arising from its business activities that may infringe the human rights of its stakeholders.

WHAT DOES THIS MEAN IN PRACTICE?

A company becomes aware of, prevents and addresses human rights risks through developing appropriate and relevant policies, risks and impact assessment processes and management systems.

For example:

- By developing a policy on Equal Opportunities, the company sets a minimum baseline on how it will exercise fairness when recruiting employees and engaging with stakeholders
- By carrying out a risk assessment on a country of potential investment, a company will become aware of potential human rights risk in the location
- By instituting a Health and Safety management system, a company develops a process to protect the health and safety of its employees

Determining a Company's Human Rights Due Diligence Approach

Determining a company's human rights due diligence approach is an important first step towards **scoping an appropriate and relevant human rights impact assessment** that will complement, and add to, the existing company policies, procedures and practices.

A well-structured company human rights due diligence approach will identify:

- How the company affects (positively or negatively) the human rights of their affected stakeholders
- The potential and/or actual human rights risks that can affect the company's business operation
- The processes the company has in place to address the potential and/or actual human rights risks and impacts

Two interactive tools have been developed to help companies determine their company human rights due diligence approach.

- The **Human Rights Identification tool** aims to help companies become aware of a range of potential and/ or existing human rights risks and impacts
- The **Human Rights Due Diligence Mapping tool** aims to help companies map the policies, risks and impact assessment processes and management systems that address potential and/or existing human rights risks and impacts

Users that are unsure what constitutes a 'human right' should revisit the graphic: Human Rights - an umbrella term (pg 10), which highlights all of the international human rights.

To provide relevant context, **both tools** are framed within carefully constructed, fictitious **Human Rights Scenarios** that present a range of human rights allegations against a fictional company. The scenarios aim to sensitise users to a range of intersecting social and economic situations that have potential repercussions on the human rights of the company's stakeholders.

Together, the Human Rights Scenarios, and the two interactive tools will help the user:

- Identify potential human rights risks and impacts associated with its business activity
- Explore how the company is equipped to respond, if faced with a range of challenging human rights risks and impacts in its business activity

- Scope an appropriate human rights impact assessment that adds to, and complements, the existing company human rights due diligence approach

Mapping the company’s human rights due diligence approach at an early stage should prevent the company from developing ad hoc, individual responses to a particular human rights challenge in the future.

Scenarios have been written for twelve industry sectors (page 60 - 134).

- Agriculture (Extensive)
- Agriculture (Intensive)
- Banking and Business Services
- Construction and Infrastructure
- Extractives - Oil and Gas
- Extractives - Mining
- Food and Beverage
- Pharmaceutical and Chemical
- Retail - Garment, Footwear, Homeware and Toys
- Telecommunications
- Tourism
- Transport

The Business Case for Doing a Human Rights Impact Assessment

HRIAs should be viewed as a strategic tool, which can help the company:

- Establish open relationships with affected stakeholders
- Cement relationships with employees, associates and partners (including government and NGOs etc.)
- Secure the social license to operate
- Minimise adverse risks
- Explore opportunities to address a local need and improve the quality of life for local inhabitants

Finally, a HRIA can help a company demonstrate its responsibility to respect human rights.

A company’s business case for doing a HRIA should consider both:

- The **challenges** arising from the mismanagement of human rights risks and impacts, and
- The **opportunities** presented in proactively managing the human rights risks and impacts

The Challenges

The diagram identifies some of the key challenges a company may face if they do not address human rights risks and impacts.

A human rights impact assessment will help the company demonstrate its operations are not only fiscally sound but also socially acceptable.



The Opportunities

The opportunities arising from proactively managing a company's business activity is often overlooked.

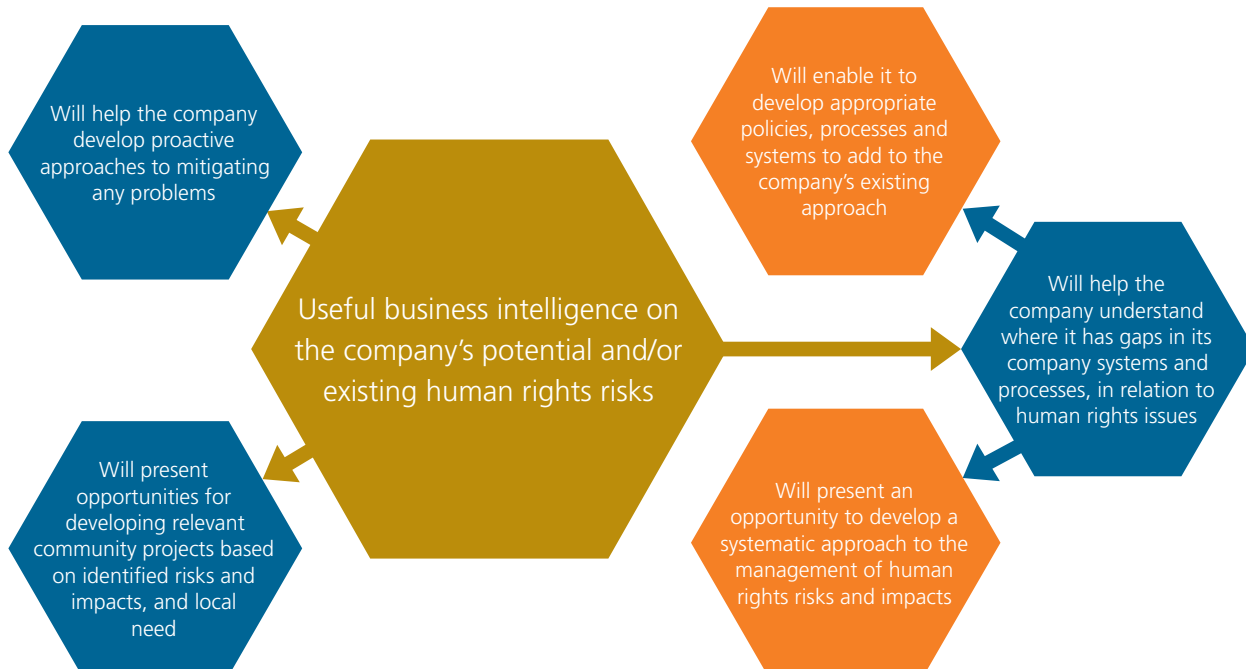
Should a company make a genuine attempt to assess its human rights risks and impacts, they will find that this exercise will yield useful business intelligence that can lead to a number of positive spin-offs.

For example, useful business intelligence on a company's human rights risks and impacts can help the company to:

- Develop proactive approaches to mitigating any problems
- Understand where the company lags and has gaps, in relation to human rights due diligence
- Develop appropriate policies, processes and systems to add to the existing company approach
- Develop a systematic approach to the management of human rights risks and impacts
- Develop relevant community projects based on identified risks and impacts, and local need

These opportunities are visually depicted in the diagram below.

Engaging in a human rights impact assessment that has stakeholder engagement at the heart of the process will also present an opportunity to interact and work in partnership with stakeholders, to co-create mitigation plans that are feasible, practical, and meet the needs of both the company and the stakeholders.



Scope the Company's Human Rights Impact Assessment

When scoping a human rights impact assessment, companies may wish to consider some key questions, such as:

First, the company may have to address some specific issues at the company's level that relate to:

- What are the triggers for conducting a HRIA?
- When should the HRIA start?
- Will it be proactive or reactive?
- What kind of HRIA should be conducted?
- Will it be a specific HRIA or integrated within other impact assessments?
- Who should coordinate the HRIA process? (e.g. In-house vs. external)

Secondly, the company will need to identify and clarify the business context. This aspect is addressed in [Stage 2 - Identification](#)

What Are the Triggers for Conducting a HRIA?

Two main factors may trigger a HRIA for a specific business activity:

- The **context** within which the business activity will take place
- The **specific nature** of human rights risks and impacts

THE CONTEXT OF THE BUSINESS ACTIVITY:

- **The human rights framework within which the company operates:** A HRIA will help the company meet its responsibility to respect all human rights, based on the International Bill of Human Rights. It will also help the company assess and address the legal requirements relating to its existing and/or potential human rights impacts. In addition, a HRIA will help the company avoid the repetition of past human rights infringements.
- **Investors' expectations:** Investors increasingly expect the company to address human risks and impacts that may impact their operational and financial results.
- **Monitoring from civil society organisations(CSOs):** CSOs increasingly monitor the human rights impact of companies and release articles and reports that may have a negative impact on their reputation and operations. A HRIA will help address human rights risks and impacts before they materialise and engage a discussion with local civil society organisations.
- **Initial stakeholders' perceptions:** A HRIA will help better identify affected stakeholders' concerns about their rights and, wherever possible, address them.
- **Business relationships:** Joint venture partnerships, mergers, acquisitions, contractors and suppliers may represent an additional layer in the responsibility of companies to respect human rights that is usually not covered by other traditional impact assessments or due diligence processes.
- **Industry sector:** Industry sectors with an important footprint on the environment and livelihood of local communities may have an important impact on human rights.
- **Country of operations:** Human rights risks, especially when they relate to complicity, may be more important for companies operating in conflict-affected countries, weak governance zones, and situations where international human rights commitments are poorly implemented.

THE SPECIFIC NATURE AND SCOPE OF HUMAN RIGHTS RISKS AND IMPACTS

Specific human rights issues that are not covered by other impact assessments or due diligence processes may trigger a separate HRIA, for example:

- The human rights risks relating to environmental impacts, e.g. **Right to health** and, in extreme cases, **Right to life; Right to an adequate standard of living (Housing, Food, Water & Sanitation)**
- The human rights impact of the intensive use of natural resources, e.g. **Right to life; Right to an adequate standard of living (food, water)**
- The human right impact of resettlement or relocation plans: e.g. **Right to an adequate standard of living (housing), Right to freedom of movement**
- The human rights impact of excessive use of force on employees and local communities by security contractors, e.g. **Right to liberty and security, Right not to be subjected to torture, cruel, inhuman and/or degrading treatment and punishment; Right to access to effective remedies; Right to freedom of opinion, information and expression; Right to freedom of assembly; Right of detained persons to humane treatment**
- The human rights impacts of business activities on stakeholders that are usually not considered – or at least not in a comprehensive and systematic way - in other impact assessment and due diligence processes:
 - Disadvantaged and vulnerable people, e.g. **Right to equality before the law, equal protection of the law, non-discrimination; Right of protection for the child**
 - Indigenous Peoples: **Right to self-determination; Right of minorities; Right to own property**
 - Consumers and customers: **Right to health; Right to equality before the law, equal protection of the law, non-discrimination**

Companies should refer to the **Human Rights Impact Assessment and Management Table** for a comprehensive overview of the human rights risks and impacts, based on the International Bill of Human Rights.

WHAT MAKES A HUMAN RIGHTS IMPACT ASSESSMENT DISTINCT?

Issues that are not addressed in Environmental and Social Impact Assessments may be addressed in a human rights impact assessment, for example:

- The human rights context in which the company operates (at the international, regional, national and local levels)
- The business activities in relation to all the human rights risks and impacts outlined in the International Bill of Human Rights
- Explicit consideration of the rights of disadvantaged and/or vulnerable stakeholders
- Specific consideration on complicity or acts of third parties that may be attributed to the company
- Considerations of the legal, financial and reputational consequences of direct and indirect human rights risks and impacts on business activities, and the company

Stand Alone HRIA vs. Integration: a Dilemma for Companies?

While more companies increasingly accept that it is important to assess the human rights impacts of their activities, the idea of undertaking a specific and stand-alone human rights impact assessment remains a dilemma for many.

Some companies view that a specific human rights impact assessment will duplicate elements within their existing due diligence tools and processes, for example, Social Impact Assessments (SIA), Environmental and Social Impact Assessments (ESIA), Labour Audits, Health Impact Assessments (HIA), Security Risk Assessments, Country Assessments etc.

It is a fact that there can be significant overlaps between a HRIA and other impacts and risks assessments that often consider some human rights issues. For example, many ESIA completed by mining companies consider the rights of indigenous communities. In addition, ESIA usually address some important aspects of the **right to health** and the **right to an adequate standard of living** by assessing the risks and impacts of business activities on the environment, the natural resources in the project area, and the health of local communities.

However, while other risks and impacts assessments focus on some human rights concerns, they often do not address human rights issues in a systematic and comprehensive way.

A reliance on existing risks and impacts assessment without considering human rights in a comprehensive and systematic way may leave the company exposed to a host of hidden and nascent human rights issues that may develop into significant human rights risks (including legal, financial and reputational) for the company, its investors and its shareholders in the future.

An Integrated Process?

Companies pursuing an integrated impact assessment approach may want to consider the following factors:

- **The development stage of the business activity:** For greenfield projects, it may make sense to integrate human rights from the beginning of the ESIA process
- **The nature of the business activity:** Integration may also be relevant in the context of major new business activities, including mergers and acquisitions, that require an ESIA
- **Financial and human resources:** For SMEs with limited financial and human resources, the only viable option may be to assess human rights risks and impacts through existing impact assessment procedures and processes, using approaches and tools that help them address the relevant human rights in the process

Should companies decide to embark on an integrated process, they should try to ensure it includes:

- Relevant human rights that derive from the International Bill of Human Rights.
- Stakeholder engagement which is based on free, prior and informed consultation with affected stakeholders, including disadvantaged and vulnerable people
- Human rights expertise whether derived in house or externally

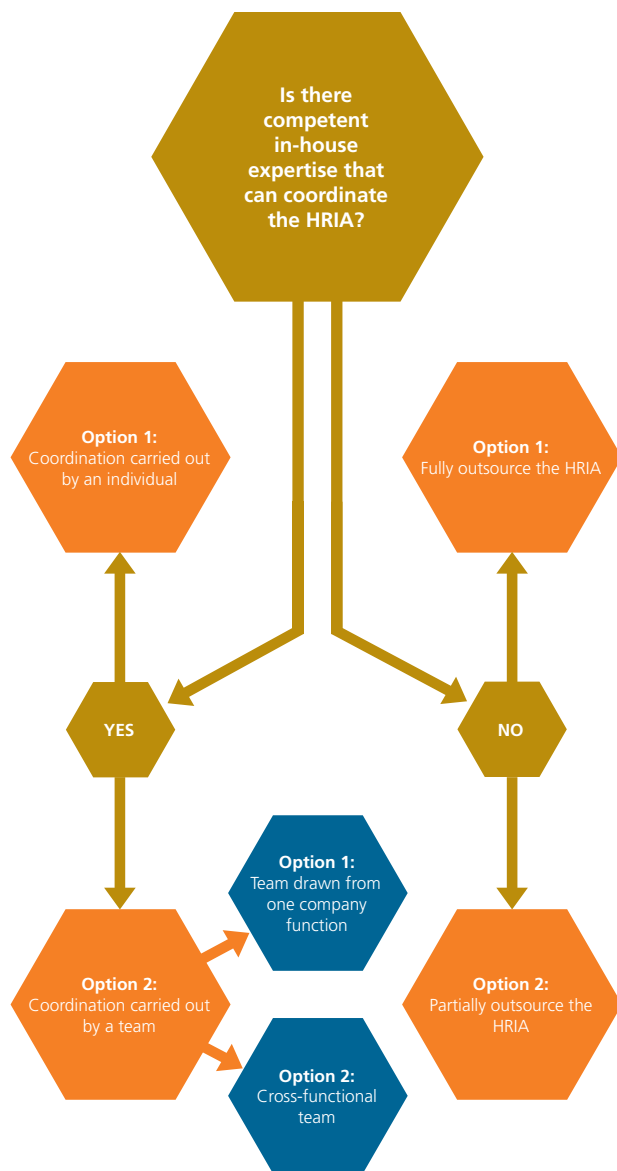
The assessment should provide concrete and explicit recommendations on how the company should mitigate and manage the identified human rights risks and impacts

The [Human Rights Impact Assessment and Management Table](#) offers guidance on how human rights risks and impacts can be assessed separately or integrated in other impact assessment and due diligence procedures.

Who Should Coordinate a HRIA Process?

Companies will need to consider a range of factors when deciding who will be responsible for coordinating the human rights impact assessment.

For example, is there adequate, in-house, competent staff, and sufficient capacity to project manage the impact assessment, or will the company need to contract a third party supplier to help with the certain aspects of the coordination.



The figure presents a decision tree that provides guidance on the key points to address when deciding who to appoint as project manager/ team of the HRIA process.

Building in fiscal incentives for key responsibility holders within the impact assessment process will help sustain motivation.

A CROSS-FUNCTIONAL TEAM APPROACH: THE BENEFITS

Companies should consider establishing a cross-functional team for the following reasons.

A cross-functional team may:

- **Secure buy-in from relevant key company functions that directly or indirectly impact the rights of affected stakeholders:** their support during the HRIA will facilitate the future integration of human rights issues across the company
- **Provide differing views and opinions:** having divergent perspectives may be particularly helpful when the company develops mitigating actions
- **Provide practical information on the feasibility and likelihood of mitigating action plan proposals**

It is recognised that certain company functions, for example, Sustainability/ Corporate Responsibility/ Community Relations etc, may take the lead in initiating internal discussions re coordinating and conducting the company's human rights impact assessment.

Companies will need to make a decision on which company function will project manage the HRIA on a case-by-case basis, based on the specifics of the business activity.

The coordinator of the HRIA does not have to become a human rights expert, however, it will be important for them to seek an understanding of how the human rights of the company's stakeholders are being affected, and their causes, to ensure that future decisions are well founded.

Employing a Third Party

While the Guide to HRIAM process has been written for companies to follow, there are some aspects within the HRIA process that may require the expertise of a credible third party supplier, for example, someone with human rights expertise etc.

The figure presents some advantages and disadvantages of employing a third party contractor to help project manage the human rights impact assessment process, and using in-house personnel to coordinate the impact assessment process.

Where Should a HRIA Take Place?

Where the company conducts its impact assessment will be based on where the potential investment asset is located and/or the location of the existing business activity.

Understanding the social, economic and political history of the geographical area in question, and in particular, any historical tensions concerning human rights issues in the area, will be instructive during the scoping stage.

The following questions will guide a company's research on the human rights legacy and challenges associated with the area in question.

- How is the country perceived by international human rights associations?
- Does the area in question have a history of human rights repression by the national/ state police and/or private military personnel
- Has the area suffered from ethnic conflict in the past?
- Are there disadvantaged or vulnerable groups resident in the area, or surrounding areas?

By considering these initial questions, companies will be aware of the human rights footprint associated with the geographical area in question.

When Should a HRIA Start?

An optimal time to conduct a human rights impact assessment is at the beginning stage of a planned business activity, or as a last optimal alternative, alongside other due diligence activities, before committing significant financial investment.

In reality, human rights risks and impacts can arise at any time during a business cycle. As a result, companies should be receptive to conducting a human rights impact assessment at any stage within the business cycle, for example:

- Design
- Construction
- Operation
- Extension of the existing activity
- New development activity
- Merger and/or Acquisition
- Decommissioning and closure



Before proceeding to Stage 2. Identification, a company should ensure that it has:

- Appointed a coordinator of the human rights impact assessment process; this could be an individual, a team, or a cross-functional team etc.
- Secured buy-in from senior corporate level
- Allocated adequate resources to the human rights impact assessment
- Developed a realistic time-plan which considers the existing working commitments of staff
- Integrated the responsibility of the human rights impact assessment into the job descriptions of the relevant designated staff

Checklist: Key questions

WHY?

- Why is the company motivated to conduct a HRIA?
- What is the business case for undertaking a HRIA?

WHERE?

- Is the company aware of any human rights challenges in the geographical area of the planned/ existing business activity?
- Will the company operate in a geographical area that has a history of human rights problems?

WHO?

- Is there competent in-house expertise that can coordinate the HRIA?
- Will the company need to outsource some tasks within the HRIA?

WHEN?

- Are there certain processes and systems that need to be established before the HRIA can commence?
- Are there any political, financial or other obstacles preventing the company from conducting a HRIA?



IDENTIFICATION

Identify the Key Human Rights Risks and Impacts

To identify any key human rights risks and impacts associated with the business activity, it will be important to understand the activity in context, in particular:

- The company's policies, procedures and commitments
- The human rights legal framework within which the company operates
- Investors' growing expectations
- Monitoring from third party organisations, key **business relationships** connected to the business activity that may impact the human rights of stakeholders
- The **industry sector** and its particular human rights risks and challenges
- The **country of operation** and its human rights profile

The human rights impact assessment process permits a company to systematically identify, predict and respond to the potential human rights impacts of a business activity, having regard to the following:

- The affected stakeholders
- The country and locality
- The company's policies, procedures and practices
- The business sector in which it operates
- The business relationships within the project
- The business activity's time frame and lifecycle

A Company's Human Right Policies, Processes and Commitments

Companies should draw on the information collected during the Human Rights Due Diligence Mapping exercise, which may have raised some human rights risks and impacts associated with the company's past activities and gaps in the current policies, processes and management procedures.

RESEARCHING THE COMPANY'S HUMAN RIGHTS RECORD

To derive a 360° understanding of how the company's business activity impacts the human rights of its stakeholders, the HRIA assessment team or project manager should access the accumulated knowledge from all company functions that engage with the business activity - on how their respective functions currently and/or potentially could impact the human rights of the company's affected stakeholders.

In particular they should:

- Collate and organise all the company's published material on human rights
- Create a record of actual experience across the business relating to human rights issues
- Catalogue experiences from colleagues who have been involved in other similar business activities
- Review any previous business activities that led to a claim of allegedly committing or being complicit in human rights violations
- If applicable, discover the mitigation actions explored and understand how the matter was resolved
- Identify the international conventions the host country has signed and ratified
- Examine the host country's incorporation of international conventions into national laws
- Ascertain whether gaps in the protection of human rights are prevalent in the national laws, and its application
- Conduct a gap analysis exercise on the company's conduct in relation to human rights issues addressed in the host country's legal framework

Companies that have acquired a business operation will need to be aware of the concept of 'inherited liability'. If the company's predecessor has been accused of involvement in alleged human rights violations, the company may find there is a lot of ill will and heightened expectations from local stakeholders levied at the company.

While in some situations, the company may find it has inherited legal responsibility for the past problems, in other situations it may not, however, local stakeholders may still hold the company accountable for the past problems and expect the company to address and resolve the issues.

Engaging with local stakeholders, and where applicable, stabilising the environment, is recommended before commencing activity.

HUMAN RIGHTS LEGAL FRAMEWORK

A significant body of international and national conventions, laws, regulations and guidelines on human rights have created a landscape in which companies and other actors operate.

To determine the relevant human rights landscape applicable to the business activity, companies should:

- Identify the international conventions the host country has signed and ratified
- Examine the host country's incorporation of international conventions into national laws
- Ascertain whether gaps in the protection of human rights are prevalent in the national laws, and its application
- Conduct a gap analysis exercise on the company's conduct in relation to human rights issues addressed in the host country's legal framework

Where gaps in host country commitments are identified, companies should determine the extent to which the national law and practice – or lack of it – might undermine or put at risk the company's responsibility to respect human rights.

Third-party organisations with financial interests in business activities, such as investors, lenders and insurers etc., are increasingly interested in corporate related human rights risks, and are increasingly issuing guidelines and reports that advise their clients on how to minimise adverse human rights impacts.

IFC's Policy on Environmental and Social Sustainability (para. 12) and Performance Standard 1 (para. 3) explicitly recognises the responsibility of business to respect human rights. This responsibility means to avoid infringing on the human rights of others and to address adverse human rights impacts, businesses may cause or contribute to.

IFC's Performance Standards support this responsibility of the private sector. Each of the Performance Standards has elements related to human rights dimensions that businesses may face in the course of their operations.

[Consult the [Human Rights Impact Assessment and Management Table](#) for information on key relevant international covenants and the IFC Performance Standards.]

MONITORING FROM THIRD PARTY ORGANISATIONS

In addition, many civil society actors, such as NGOs, trade unions and religious institutions etc., specifically monitor the social and human rights impact of company practices. They often publish detailed reports on the human rights risks associated with some individual companies, and industry sectors more widely.

It will be important for a company to be aware of any views and expectations on its business activity, held by key third party organisations.

Consulting relevant guidelines and reports from a diverse range of organisations will provide companies with a broad understanding of how they are perceived, and may stimulate opportunities for dialogue and working in partnership later on, in addressing any complex human rights challenges.

Business Relationships

A business activity can often be a hybrid relationship involving one or more actor, for example:

- Joint Venture Partnerships
- Mergers
- Acquisitions
- Private-Public Partnerships
- Partnerships with Government
- Contractor relationships

Each partner in a business relationship has the capacity to impact, both positively and negatively, the human rights of stakeholders. The framework of standards within which the partners conduct the business is therefore critical in defining the parameters of the business activity.

Impacts can be positive and negative. Employing long-term, unemployed local residents is an example of a positive impact that may arise from a business activity.

In contrast, the exclusive hiring of local residents from the ruling ethnic minority elite class may provoke allegations of favouritism or even corruption, and could trigger social tensions that may escalate into conflict. This is an example of how an unintended consequence could lead to an intractable negative impact.

Companies should be mindful of associations with actors that have a bad human rights record, which could expose the company to charges of complicity in human rights violations.

Undertake Comprehensive Human Rights Due Diligence On Each Partner Organisation

This will imply assessing the policies and practices that relate to human rights issues, of any potential partners. In particular, companies should specifically identify if the partner organisation has allegedly violated or been complicit in any human rights abuses in the past. Should research highlight a bad record of respecting human rights, the company will need to consider if it wants to establish or continue with the business relationship.

Companies should add human rights considerations to financial, technical and other compliance and due diligence assessments.

Determining the Company's Level of Control

Some human rights issues may not be under the direct control of the company, however, its proximity to the issue may expose it to serious accusations, which although they may be unfounded, could damage a company's reputation.

In some business relationships, the company will be able to exercise direct control over the partner, for example, a **contractor** and **supplier**. In determining the level of control, companies will be able to ascertain what level of influence they may exert regarding human rights issues.

Key questions to address include:

- What is the nature of the business relationships within and throughout the business activity?
- Does the company retain the majority ownership or overall control of the business activity?
- If the company has a minority interest, where does the control lie and how are minority interests protected?
- What provisions within the project documentation address the exercise and control of business standards by all participating organisations?

- What mechanisms enable the partners to respond effectively to human rights and other challenges?
- Will the company's brand be at risk if human rights challenges arise in the business activity?

Should the company have direct control, it may want to exert their influence and ensure international human rights standards are upheld through augmenting business agreements to include clauses on the respect for human rights.

Contractors

Companies should examine all existing contractual relationships, for example, those that supply and distribute products or services, undertake construction work, or represent the company, to ascertain any human rights risks.

Often, contractors and sub-contractors will be viewed as acting on the company's behalf, therefore, a company's reputation can be damaged if a contractor or sub-contractor is found to be violating the human rights of any stakeholders.

To identify existing and/or potential human rights risks, the company should complete due diligence on the contractor and any sub-contractors. Where a company exercises direct control over a contractor or sub-contractor, it may want to consider developing appropriate training on the company's approach to managing human rights risks and impacts, and monitor the performance of the third party organisations.

Companies are advised to extend the wordings of their bidding documents for contractors involved in construction, operation and decommissioning to reflect the company's full human rights requirements. Where necessary, sharing information, guidance, training and technology, as well as including incentives with contractors and sub-contractors, where feasible, will contribute to managing the business activity's human rights risks.

Suppliers

Some industries may have several layers of sub-contracted suppliers with whom the company has no direct relationship. Despite an absence of a formal legal relationship linking the sub-contractor to the parent company, evolving social norms are increasingly pressurising companies to be aware and accountable for any negative human rights impacts associated with any sub-contractors that are supplying the company with goods or services.

In responding to this evolving social norm, purchasing companies are increasingly demanding compliance from suppliers and any sub-contractors through inserting clauses into purchasing contracts, on international human rights standards, in particular, labour standards.

The extent to which a company can control or influence the behaviour of its suppliers will depend on the:

- Nature of their business relationship
- How much of a supplier's output the company takes
- How many other purchasers buy from the same supplier

Similar to its engagement with contractors, companies may want to examine the operating processes and systems of their suppliers and sub-contractors.

Mapping the operating processes and systems of suppliers and any sub-contractors will be critical in identifying the risks involved along the supply chain. Companies should ensure that their standards and expectations are communicated to any sub-contractors, and ensure that the supply chain management and engagement system

includes at the minimum, sufficient monitoring oversight mechanisms, and carefully constructed mitigation or improvement action plans should human rights risks materialise along the supply chain.

To ensure suppliers and sub-contractors are aware of the company's expectations and standards, appropriate training on the company's approach to managing human rights risks and impacts should be developed and delivered to all relevant partners.

Companies should consider partnering with peer companies in the industry sector, and key stakeholders in the local area, such as trade unions and credible non-governmental organisations, to develop, apply and monitor agreed working standards.

Working in partnership will create a sound platform for improved performance and compliance.

Industry Sector

Every industry sector has the potential to impact human rights. However, each sector will have issues that are either unique to it or are more prevalent than in other sectors.

Accessing the accumulated experience of the industry sector, learning from peer companies in the sector, and following any sector-specific guidance on addressing human rights issues will be essential in identifying any key human rights risks and impacts associated with the company's industry sector.

Companies may also want to consider seeking information from other industry sectors that have experienced similar challenges.

Initiatives that address corporate related human rights risks

There are many initiatives operating at different levels that companies can join, which provide guidance on how to manage social and human rights risks and impacts, for example:

- Global (e.g. United Nations Global Compact)
- Regional (e.g. CSR Europe)
- National (e.g. Instituto Ethos or Business in the Community)
- Sectoral (e.g. International Council of Mining and Metals or the Global Network Initiative)
- Multistakeholder (e.g. Ethical Trading Initiative)
- Issue specific (e.g. Fair Labor Association or the Voluntary Principles on Security and Human Rights)

Companies should identify initiatives that address corporate-related human rights risks, and their associated guidelines. Some may benefit from reading reports and guidelines from initiatives outside of their industry sector, which may be addressing similar human rights risks.

Country of Operation

A company's decision to operate in a country is ultimately driven by the imperative to be at, or near, a source of natural resources, labour, skills, or to serve legitimate markets.

Irrespective of the motivation, it will be important for a company to understand the human rights risks and impacts they face in all countries where they choose to operate.

The host country's past and present record of addressing human rights risks may affect the company's ability to operate effectively.

To identify any human rights risks and impacts in a host country, companies should seek to understand where there are:

- Gaps in the national law in relation to international human rights conventions
- Weaknesses in the enforcement of the law
- Possible implications for the company's business activity arising from any identified gaps and weaknesses

A poor record on human rights protection will present a dilemma for the company and may stand in the way of it operating in a manner consistent with its business principles. It will also signal the possibility of the company being unwittingly implicated or held complicit in alleged human rights violations by other parties.

Secondary data sources, such as country risk profiles, human rights indices and human rights statistical datasets will provide useful information on the human rights situation in the host country.

A thorough understanding of the human rights risks and impacts associated with the host country will require an assessment of its conditions in relation to:

- **Civil and Political rights**
- **Economic, Social and Cultural rights**

Civil and Political Rights

An assessment on the host country's performance regarding civil and political rights may be guided by the following points:

- Level of political and social stability/ instability
- Level of tolerance for opposition and dissent (including trade unions)
- Historical or recent treatment of dissenters
- Historical or recent social tensions and conflict
- Relationship between the national and local governments
- Relationship between business and government (including the public sector)
- Prevalence of corruption
- Prevalence of any forms of discrimination
- Where relevant, the relationship between national and local security forces and the protection of business installations

The next table provides examples of potential civil and political rights challenges that a company may face, and some associated potential consequences.

Examples of human rights challenges	Potential consequences for the company
An unrepresentative political elite with a history of corruption and human rights violations governing the host country government	<ul style="list-style-type: none"> • Could be accused of being complicit in violating the human rights of stakeholders in the host country • Could be accused of causing and/or exacerbating corruption through the payment of bribes to government officials
Well-documented cases of torture or abuse in public or private detention facilities, or by public or private security personnel, in the host country	<ul style="list-style-type: none"> • Company employees or other business associates could be abused • Could be accused of being complicit in violating the human rights of stakeholders if private security personnel are indistinguishable from company personnel
Curtailed freedom of information and expression owing to host country government demands	<ul style="list-style-type: none"> • Could be accused of being complicit in violating stakeholders' freedom of expression, if the company carries out the requests of the government which infringe these rights
Repression of demonstrations and dissent	<ul style="list-style-type: none"> • Could be accused of being complicit in violating the human rights of stakeholders if private security personnel are indistinguishable from company • Could violate the human rights of employees and stakeholders if dissenters are penalised for expressing their views, which do not violate the laws of the host country
Ethnic minorities in the region are poorly represented in local government and/or excluded from full participation in the economy	<ul style="list-style-type: none"> • Could be accused of reinforcing a sense of exclusion and undermining social stability and security if the company overlooks the ethnic minority candidates during recruitment

Economic, Social and Cultural Rights

An assessment on the host country's performance regarding economic, social and cultural rights may be guided by the following points:

- Present state of the local economy, its current phase of growth or recession
- National and local management of economic development, and in particular its impact on local communities
- Enterprise and educational opportunities
- Adherence to labour standards and general workplace conditions
- Accessibility to basic social services and facilities
- Treatment of vulnerable groups and individuals
- Prevalence of corruption
- Prevalence of any forms of discrimination

The next table provides examples of potential economic, social and cultural rights challenges that a company may face, and some associated potential consequences.

Examples of human rights challenges	Potential consequences for the company
Highly centralised political and economic structure in the country, with revenues from locally located operations sent to the national government	<ul style="list-style-type: none"> • Could be accused of colluding with the national government to exploit the local area • Local resentment could lead to protest or even sabotage
Permissive attitude towards poor labour standards in local factories	<ul style="list-style-type: none"> • Could be accused of exploiting the poor working conditions in low income countries; not investing in improving the labour standards in the area and region; colluding with other companies to maintain the status quo • Boycotts from customers; reputational damage; and erosion of stakeholders' trust may ensue
History of discrimination on the basis of gender, ethnicity, religion, sexual orientation, nationality and/or culture	<ul style="list-style-type: none"> • Could be accused of reinforcing discriminatory beliefs, and maintaining the status quo that penalises minority groups
History of oppression against vulnerable communities, groups or individuals	<ul style="list-style-type: none"> • Could be accused of being complicit in the oppression of vulnerable people, which could lead to operational delays, reputational damage, and erode the social licence to operate
Poor literacy in the area/region	<ul style="list-style-type: none"> • Could experience additional costs in finding educated workers and training illiterate workers
Inadequate and limited healthcare facilities in the area per population	<ul style="list-style-type: none"> • Could experience absenteeism and disrupted production if workers spend significant time travelling to the healthcare facilities
Limited access to clean drinking water and poor sanitation facilities	<ul style="list-style-type: none"> • Could experience absenteeism and disrupted production if workers are sick, owing to poor sanitation and lack of access to clean drinking water
National government not a signatory to ILO Convention 169 (Indigenous Peoples)	<ul style="list-style-type: none"> • Could be accused of complicity if caught between indigenous peoples' expectations and national government indifference

Set the Baseline

Setting the human rights baseline is an important step towards measuring the impact (positive or negative) arising from the business activity in the locality.

It will be important to define the locality in which the business activity will operate. Communities living immediately adjacent to the activity and those living further afield may equally claim they have a valid interest in the activity.

Companies should obtain precise and verifiable local information from key members of the local community and credible organisations operating in the location to understand the geographical reach of the business activity.

Collecting Baseline Information

Companies gathering baseline information should focus on identifying human rights challenges associated with the local situation and conditions, in particular the:

- Governance, laws and enforcement
- Infrastructure and resources
- Demographic composition
- Cultural context and community values

The table below provides guidance on some potential human rights challenges that may be applicable when assessing the local situation and conditions.

Governance, laws and enforcement	Potential human rights challenges in the local area
The local government	<ul style="list-style-type: none"> • The local government may be governed by the country's elite ethnic minority class that has historically oppressed the ethnic majority classes
Regional or local laws that relate to human rights	<ul style="list-style-type: none"> • Regional or local laws may directly contradict international human rights laws
Public and/or private security organisations	<ul style="list-style-type: none"> • Public and/or private security organisations in the country may have historically violated the rights of local communities
Infrastructure and resources	Potential human rights challenges in the local area
Access to food and water supplies and other local resources	<ul style="list-style-type: none"> • Some local residents may not have access to food and water supplies, and other local resources
Access to public services, such as health care and education	<ul style="list-style-type: none"> • Some local residents may not have access to public services, such as health care and education
Sanitation facilities	<ul style="list-style-type: none"> • Sanitation facilities may be poor and accessibility may be patchy
Demographic composition (including, ethnic, cultural, race, nationality and religion)	Potential human rights challenges in the local area
Vulnerable groups and/or individuals	<ul style="list-style-type: none"> • Vulnerable groups and/or individuals may be subjected to discriminatory actions by the government, local businesses, educational system, health care facilities, and other communities etc.
Indigenous communities	<ul style="list-style-type: none"> • Indigenous communities may be marginalised in the local area and discriminated by the government, local businesses, educational system, health care facilities, and other communities etc.
Cultural context and community values	Potential human rights challenges in the local area
Land use and ownership	<ul style="list-style-type: none"> • Traditional land ownership systems may exist in the local area
Conflict	<ul style="list-style-type: none"> • Conflict based on ethnic, cultural, nationality, religion and/or race may exist at the local or national level



3

ENGAGEMENT

Engage with Stakeholders to Verify the Human Rights Risks and Impacts

Stakeholder engagement involves the direct interaction between the company and its key stakeholders and includes different levels of information disclosure, consultation and partnership. It is a two-way process for companies to provide information to, and receive information and feedback from, stakeholders regarding the company and its business activities.

It should be a dynamic, iterative and integral process within the company's human rights impact assessment.

The company will have to engage with stakeholders throughout the human rights assessment process and for the life of the business activity. The human rights-related engagement process should take into consideration any ongoing engagement process and strategies already in place for the business activity, to ensure consistency and avoid generating conflicting messages, or generating engagement exhaustion among stakeholders.

From a **company point of view**, stakeholder engagement provides an opportunity to:

- Manage expectations and potential misinformation related to the HRIA process
- Clarify the key human rights risks and impacts associated with the business activity
- Verify, validate, or amend the company's assessment on key (factual and perceived) human rights risks and impacts
- Foster good relations by encouraging all types of opinion to be raised and continuous communications
- Work in partnership with stakeholders to develop mitigating actions (if applicable)
- Find creative solutions to addressing local problems
- Secure the social licence to operate
- Helps legitimise the HRIA process and ensure buy-in from key stakeholders
- Ensure a comprehensive monitoring and evaluation of the company's performance addressing human rights risks and impacts

From a **stakeholder point of view**, stakeholder engagement provides an opportunity to:

- Be informed about the objective of the HRIA and manage expectations
- Directly inform the company on any negative human rights impacts arising from the business activity
- Ensure the company's assessment is accurate and depicts the actual situation on the ground
- Monitor and oversee the business activity ensuring it is in harmony with the local area
- Work in partnership with the company to develop mitigating actions (if applicable)
- Provide advice and ideas on how local problems can be solved

To engage with stakeholders effectively, companies should develop a Stakeholder Management strategy that considers a range of activities.

The key activities are:

- Stakeholder Identification
- Stakeholder Analysis
- Stakeholder Engagement
- Grievance Management

Preparation

Before embarking on the key activities, companies are encouraged to prepare a Stakeholder Engagement Plan. This should address some procedural issues, such as the practicalities associated with the process.

Planning the stakeholder engagement will require:

- Defining objectives, principles and criteria
- Identifying the key stakeholders
- Selecting the right approach and format for engagement
- Instructing the facilitator on key objectives
- Managing information disclosure
- Defining timelines, responsibilities and resources required

Procedural issues the Stakeholder Engagement Plan may address are:

- **The purpose of the stakeholder engagement**
 - What are the company's strategic reasons for engaging with stakeholders?
 - What does the company want to achieve?
 - Are there any legal, regulatory, or other requirements mandating the stakeholder engagement?
 - If so, what specific processes does the company need to follow to meet these requirements?
- **The identification associated with the legitimate stakeholders**
 - Who are the key stakeholders of business activity?
 - Who is affected directly or indirectly and who may have interest or influence on the business activity?
- **Disadvantaged/vulnerable groups or individuals directly and adversely affected by the business activity**
 - Are there any disadvantaged/ vulnerable groups or individuals directly and adversely affected by the business activity? If so, do the 'representatives' of the groups truly represent the disadvantaged or vulnerable stakeholders' interests?
- **Selecting the right approach**
 - What is the best method of engaging with key stakeholders in the host-country given the cultural and/ or religious sensitivities?
 - Does the company have competent internal resources at the business activity level to carry out the stakeholder engagement?
 - If not, is it aware of any locally trusted partners at the business activity level that can facilitate the stakeholder engagement?
- **Managing information disclosure**
 - What information is relevant to allow for the informed participation of the stakeholders?
 - How will the stakeholder engagement be documented?
 - How will the feedback be managed?
 - What processes need to be developed to ensure decisions are reported back to stakeholders in a timely manner?

Stakeholder Identification

Companies may be faced with a multitude of diverse and often challenging stakeholders. It will be important for them to identify the affected stakeholders.

WHO ARE THE AFFECTED STAKEHOLDERS?

Legitimate stakeholders are stakeholders who are either directly or indirectly affected by the business activity. The next figure identifies a number of stakeholders often associated with a business activity.

Companies may wish to explore **impact zoning**, a practical technique that maps stakeholders alongside key areas of adverse impact from the business activity, for example, a local polluted water supply from the company's operations. For detailed information on impact zoning, consult [Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets \(IFC, 2007\)](#).



Stakeholder Analysis

Stakeholder analysis requires the company to analyse the interests of their stakeholders in relation to their business activity and to understand which stakeholders will be most affected. This will be useful in prioritising their interaction with key stakeholder groups, particularly those directly affected.

Companies may explore tools such as the **Power/Interest Grid** that plots stakeholders according to their level of interest in the business activity.

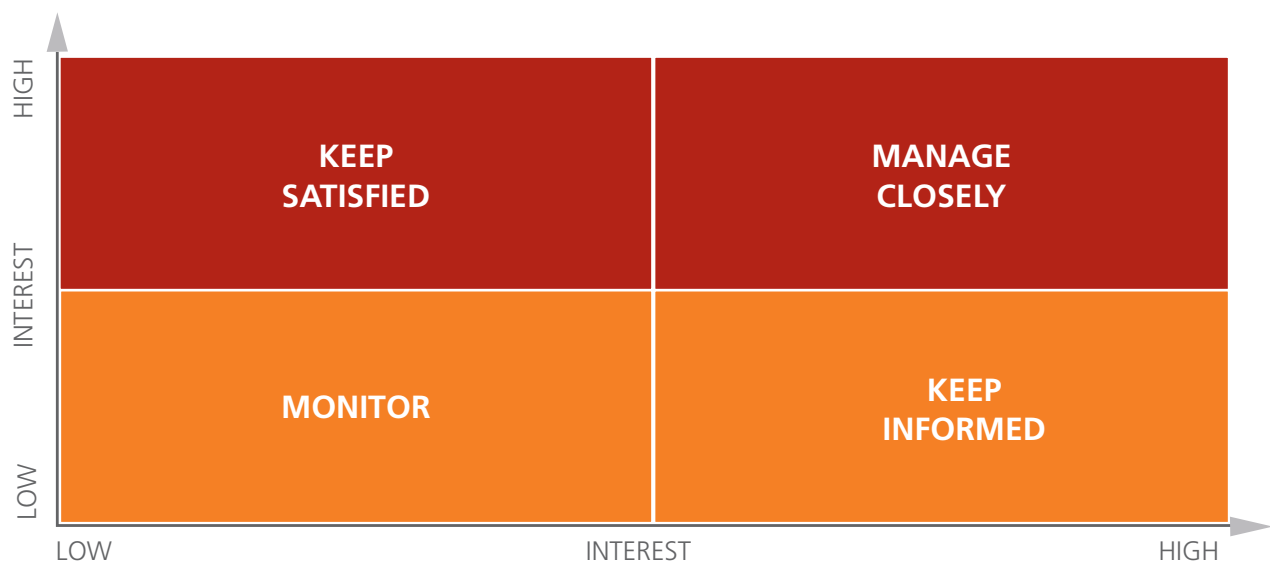
The next figure provides an example of a Power/Interest Grid.

Information from the Power/Interest Grid will enable the company to ascertain the stakeholders that will be most cooperative, influential, engaged and informed, in addition to those who may be hard to reach, challenging and difficult to engage.

In understanding the level of interest and influence of legitimate stakeholders, companies should be especially mindful of any high-risk groups requiring specific attention.

Key points to consider are:

- **Who will be negatively impacted by the business activity?**
 - Are any of these affected stakeholders considered vulnerable members of the community?
 - Are there any vulnerable groups that are especially difficult to engage because of their geographical proximity, lack of voice and/or visibility?
 - Will any vulnerable groups require specific attention and assistance during the stakeholder engagement process?
- **Who will be positively impacted by the business activity?**
 - Are the stakeholders aware of the positive benefits arising from the business activity?
 - Are they openly and publicly supportive of the company and their business activity?
 - Are any of the positively affected stakeholders vulnerable members of the community?



Stakeholder Engagement

Before a company embarks on the stakeholder engagement process, it should consider the following points:

- Raising the topic of human rights may challenge local relationships within a workplace, community, and local, regional or national government. It is possible that the process may be resisted because it challenges the status quo
- By specifically consulting leaders claiming to 'represent the community', the company may be perceived to be giving implicit authority that may be resented by other community members
- By specifically not consulting leaders claiming to 'represent the community' the company may be perceived to be challenging the traditional local hierarchy
- Inviting the expression of human rights concerns in some locations, particularly in relation to the actions of authorities, could put individuals at risk
- During the stakeholder engagement, companies should avoid placing workers, community members, NGOs or other organisations or individuals in a difficult or compromising situation

Throughout the stakeholder engagement process, companies will find that different stakeholder groups may have varying levels of understanding human rights issues and will articulate their needs and concerns in different ways.

The figure below identifies some general points about stakeholders that companies should consider before commencing engagement.

STAKEHOLDERS MAY

- Not be fully aware of current international expectations on governments and companies to protect and respect human rights
- Not be aware that their rights may already be at risk
- Raise issues that are not 'human rights' issues but are related, such as, corruption or environmental destruction
- Respond more easily to questions about their economic, social and cultural rights (e.g. food sources) than civil or political rights (e.g. censorship)
- Experience stakeholder engagement for the first time, and thus, may need time to fully understand and accept the process
- Stakeholders may suffer from engagement exhaustion or disappointment from previous engagement exercises, therefore, engagement should be focused on human rights issues and be results driven

Guiding Principles for Stakeholder Engagement

Companies seeking to undertake effective stakeholder engagement should consider the following guiding principles highlighted in the figure below.

ACCESSIBILITY

- Companies should disclose information to all stakeholders in an accessible way. In particular, technical information should be communicated in an accessible format and in the language spoken by the stakeholders. Interaction should also be conducted in a culturally sensitive way.

INCLUSIVITY

- Companies should ensure that any stakeholder engagement is culturally appropriate, and specifically, gender-inclusive. It should explicitly seek out the views of any vulnerable groups that may be adversely affected by the business activity.

TRANSPARENCY

- Companies should ensure that they keep legitimate stakeholders abreast of any plans, developments and alterations. In particular, companies should notify stakeholders on any decisions arising from their feedback that specifically addressed raised concerns.

Ensuring Accessibility, Inclusivity and Transparency

Transparency of information and openness of discussion will be paramount in developing constructive and trusting relationships with stakeholders. In some circumstances, in order to facilitate the process, companies should consider services of an intermediary to convene and facilitate discussion.

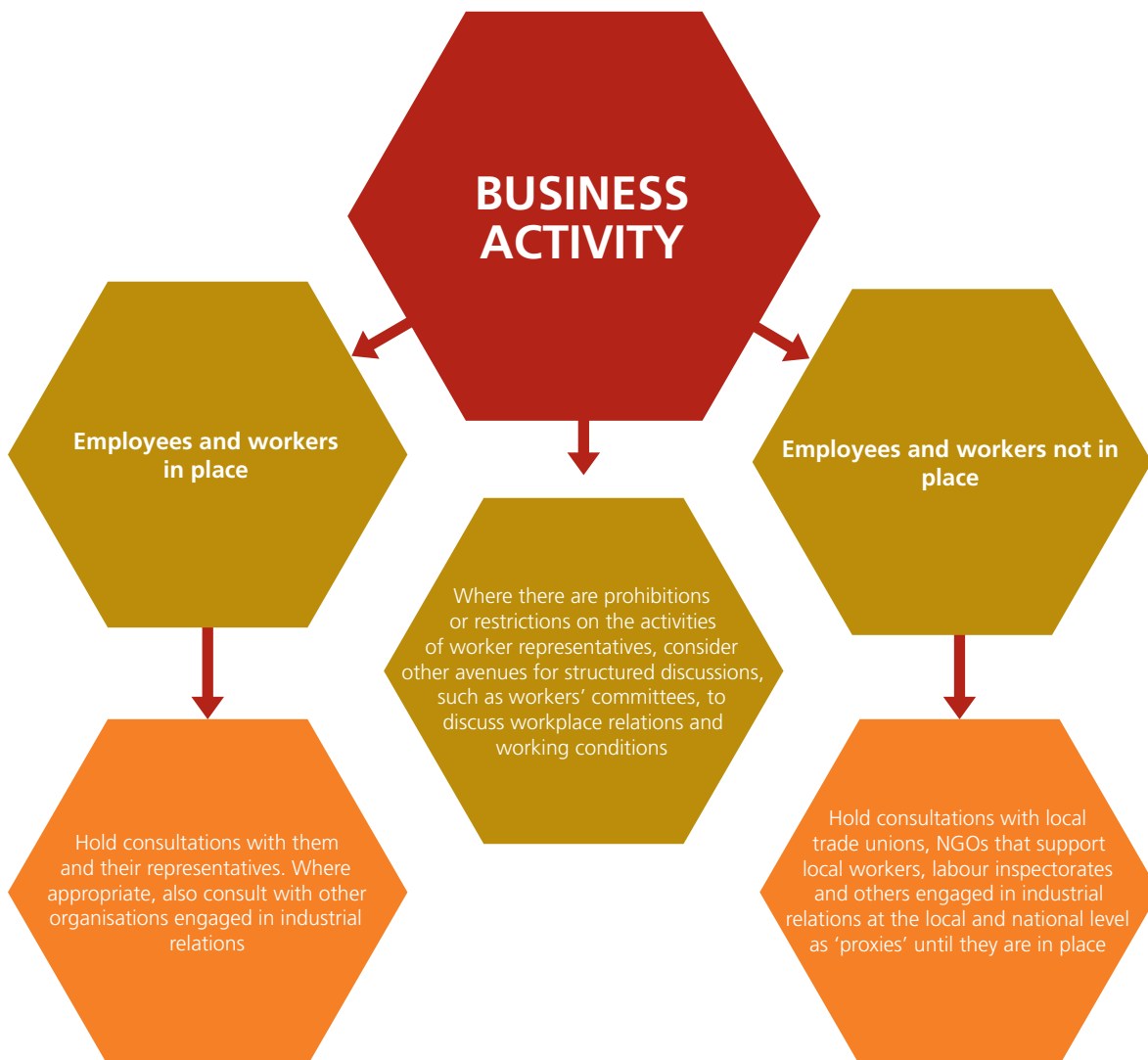
To ensure accessibility and inclusivity, it will be important for the facilitator to adapt to the linguistic, cultural and other requirements of each stakeholder group.

The following stakeholders each have their particular requirements:

- Employees and Workers
- Communities
- Non-governmental organisations
- Disadvantaged and vulnerable individuals, groups and communities

Engaging with Employees and Workers

The figure below highlights some key considerations when consulting with employees and workers.



Engaging with Communities

The figure below highlights some key considerations when consulting with communities.

COMPANIES SHOULD

- Consider that it may take considerable time to gain the trust of the community to enable discussions on human rights to be constructive and mutually helpful
- Identify legitimate community leaders with whom to engage, particularly in non-urban settings

Engaging with Non-Governmental Organisations

The figure below highlights some key considerations when consulting with NGOs.

COMPANIES SHOULD

- Engage early with any local human rights organisation that can help build an understanding of the national and local human rights landscape, and that may also be able to translate local concerns into human rights terms, and similarly, human rights terms into local language
- Engage a broader range of organisations, such as women's groups, ethnic minority groups, development organisations and children's groups, to ensure that particular local concerns are identified

Engaging with Vulnerable Groups

Engagement with disadvantaged or vulnerable groups will likely require a more sensitive approach. The next figure highlights some key considerations when consulting with vulnerable groups.

During the stakeholder consultation, companies should remember that stakeholders may change their opinions and perspectives on the business activity, so it will be important to convey to stakeholders that the company will always be open to hearing their views and feedback.

Stakeholder feedback can be a rich information gathering resource on how the business activity is operating on the ground. Companies are encouraged to develop a feedback mechanism at the business activity level which is made accessible to all stakeholders. A feedback mechanism could be as simple as a Suggestion/ Comment Box in a local community centre or other venue centrally located, or a nominated Stakeholder Relations employee attached to the business activity.

In short, the company should develop an appropriate feedback mechanism to complement the business activity, which will enable it to gather inputs from stakeholders at any time, and identify emerging issues and the concerns of the local community. Any feedback loop developed should complement, and add to, the company's grievance mechanism.

IDENTIFY

- Key individuals and groups that may be differentially or disproportionately affected by the business activity because of their disadvantaged or vulnerable status; this status may stem from an individual's or group's race, colour, gender, language, religion, political or other opinion, property titleship or birth place
- The company should also consider factors such as culture, health status, physical or mental disability, poverty or economic disadvantage, and dependence on natural resources

ENSURE

- That any identified vulnerable or excluded groups are represented in the discussion and are given ample and appropriate opportunities to express their concerns
- That local leaders claiming to 'represent' the views of vulnerable members of the community actually have the members' permission

CREATE

- Safe spaces for discussion and draw on local expertise to advise on local cultural sensitivities, which may be based on ethnicity, religion, race, gender etc.

Developing a Grievance Mechanism That Considers Human Rights Issues

Companies are encouraged to develop a grievance mechanism at the business activity level that considers human rights issues.

WHAT DOES THIS MEAN IN PRACTICE?

In practice, this means that the grievance mechanism process should be receptive to receiving human rights issues, and adopt a 'human rights lens' when addressing stakeholder concerns.

In some instances:

- Stakeholders present their 'problems' in everyday language, which may overlook the human rights dimension
- Stakeholders are not overly aware that their human rights are compromised at first instance
- Stakeholders demand that their human rights are being infringed when they are not

By building in processes that are receptive to the human rights dimension within a complaint or grievance, companies can attempt to address the root cause early on, and forestall a minor issue from escalating into a major problem.

Benefits of Developing a Grievance Mechanism at the Business Activity Level

By developing a formal grievance mechanism, this will enable a company to:

- Gather the concerns and perceptions of stakeholders on the business activity
- Respond to problems before they escalate into serious disputes

An effective company grievance mechanism should be:

- Proportionate
- Culturally appropriate
- Accessible
- Transparent and Accountable
- Offer protection

The figure on the right shows the guiding principles of an effective grievance mechanism.

For more detailed information on grievance mechanism, consult the [IFC Good Practice Note: Addressing Grievances from Project-Affected Communities, September 2009 Number 7](#).

In summary, a grievance mechanism is an early warning system, which can provide valuable data and intelligence on how the company is operating on the grounds. Companies should keep a log of all complaints, identify lessons learned from all individual grievances, and feed this information into the overall assessment of the company's impact on the human rights of its stakeholders.

PROPORTIONATE

- A grievance mechanism at the business activity level should be scaled to the size of the activity, and the risks and impacts associated with the company's operations
- Adequate resources and manpower should be deployed to equip the mechanism's scale and size

CULTURALLY APPROPRIATE

- The grievance mechanism should complement the local community's way of handling concerns
- Ideally, it should be designed in collaboration with key affected stakeholders, and/or a trusted local representative who has the acceptance of the local community to advance their opinions

ACCESSIBLE

- The grievance mechanism should be physically, linguistically and freely accessible to all stakeholders
- Where illiteracy is prevalent or location is a hindrance, appropriate measures should be put in place to ensure these problems are overcome. For example, encourage oral testimonies in areas of high illiteracy

TRANSPARENT AND ACCOUNTABLE

- The grievance mechanism should be transparent and accountable to all legitimate stakeholders
- Transparency and accountability will be conveyed through disclosing information on key issues affecting stakeholders in a timely manner, guaranteeing a response to grievances, and reporting back to communities on the decisions taken that impacts their lives

OFFER PROTECTION

- The grievance mechanism should guarantee confidentiality and offer appropriate protection
- The company should institute measures that safeguard stakeholders from retribution, and ensure that engagement in the grievance mechanism does not impede access to other remedies, such as legal action



4

ASSESSMENT

Assess the Human Rights Impacts and Consequences

In order to assess the human rights impacts and consequences, companies are guided to explore a range of techniques and consider engaging with specialist human rights practitioners, where relevant.

In particular, a company may wish to:

- Consult and compare past environmental and/or social impact assessments studies that may yield important information on the human rights impacts of the company's business activities
 - Assessments and reports could be from the host country and other countries where the business has operated
- Consult employees that have worked in a similar business activity, whether in the same host country or another country
- Consult feedback on how the company in the past may have failed to mitigate human rights impacts adequately
- Consult experienced practitioners from appropriate non-governmental organisations and community organisations
 - Practitioners embedded in the local culture will have invaluable knowledge about the human rights risks and impacts in the local area. Their knowledge will complement researchers, lawyers and professional consultants, companies may have employed to assist with the assessment

Establishing the Framework of the Assessment

While there is no set procedure on how to assess the human rights risks and impacts, there is a general consensus that a human rights related impact assessment should be carried out against internationally agreed human rights standards.

The [Human Rights Impact Assessment and Management Table](#) provides companies with useful and practical information to help assess any existing and/or potential impacts of their business activities, against the International Bill of Human Rights.

Defining the Scope of the Assessment

Before assessing the human rights risks and impacts of the business activity, the company will have to define the scope of the assessment, based on the information gathered during the previous stages.

The scope of a human rights risks and impact assessment should consider, at the very minimum:

- The key human rights risks associated with the country of operation
- The human rights risks of key business relationships, including associated facilities and third party organisations
- The human rights risks and impacts relating to the business activity itself
- The range of stakeholders (potential and actual) that are directly or indirectly affected by the business activity
- The nature and level of the risks and impacts, at different key stages of the project's lifecycle

Assessing the Human Rights Risks and Impacts

When conducting the assessment, companies should consider developing an understanding of the:

- **Unintended consequences:** Companies should look for any unintended consequences arising from the business activity. This could be positive or negative impacts
- **Futures foregone:** Companies should look beyond the immediate rights to identify the long-term consequences of loss of rights; for example, reduced access to education or disruption of water supply

- **Trends unique to the region/ location/ business activity:** Companies should look for evidence of human rights risks in the host-country, region, industry sector or business activity, which may signal likely patterns of human rights impact in the company's business activity

To assess how the business activity is impacting the rights of affected stakeholders, the company should consider:

- **The business risks and impacts** and any **business opportunities** associated with each relevant human right
- **The source of the risks and impacts**
 - The company should identify the root causes, trigger points, and key actors of the risks and impacts (e.g. the business activity itself, a possible contractor, supplier and/or government involvement etc). This information should be based on the findings obtained during [Stage 2. Identification](#) and [Stage 3. Engagement](#).
- **The affected stakeholders**
 - Individuals, groups, and/or communities who are subject to actual or potential business activity-related risks and/or adverse human rights impacts (e.g. workers, local communities, indigenous peoples, vulnerable and disadvantaged individuals, groups or communities, consumers, customers, etc)
- **Stage of the business activity's lifecycle**
 - The company should identify key stages during the project's lifecycle (e.g. design, construction, operation, decommissioning and closure etc.) where human rights risks and impacts may have occurred or will likely occur

The [Human Rights Impact Assessment Tool](#) has been explicitly developed to help companies assess the risks and impacts of their business activity against the criteria set above. The information gathered in this tool will be used to mitigate (Stage 5) and manage (Stage 6) the identified risks and impacts. This information will be particularly useful when completing the [Human Rights Impacts Mitigation and Management Tool](#).

Analyse the Assessment Findings

PRIORITISING THE KEY HUMAN RIGHTS RISKS

As human rights are indivisible, it is recommended that any prioritisation of key human rights risks and impacts is guided by evidence indicating the level of the risks and impacts

Where credible evidence is available, a company should make enquiries to clarify:

- Number and type of human risks and impacts
- Precise nature of the risks and impacts in relation to the business activity
- Status of the human rights impacts (i.e. past/ ongoing/ potential)
- The number of stakeholders affected by the impacts
- Conditions underlying the risks and impacts (e.g. lack of enforcement, oversight or poor training etc.)

DISADVANTAGED AND VULNERABLE GROUPS

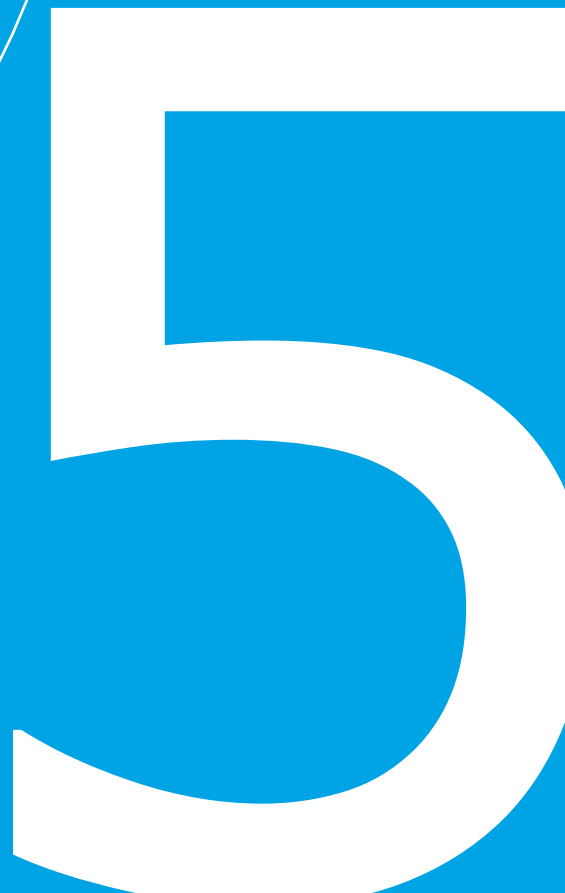
Where disadvantaged and vulnerable individuals, groups or communities have been identified as significantly negatively impacted by the business activity, further assessments should be carried out to ensure the company does not exacerbate the existing situation in future policies or practices.

Key questions to address may be:

- What is their overall economic condition compared to the general population in the location?
- How do their living conditions compare to the general populations?
- Are they living near or below the poverty line?
- How does their rate of employment compare to other members of the community?
- Do they have equal access to education and job training schemes in the area?



MITIGATION



Developing Appropriate Mitigation Action Plans

Developing appropriate action plans will require identifying options for the management of the business activity. This will undoubtedly present certain challenges, which may often compete with each other.

Companies may need to balance the rights of one stakeholder group against another, and/or the needs of the local community, and may be forced to prioritise addressing certain human rights in order to effectively handle the process.

Stage 5. Mitigation will require the company to develop key priority areas for action to:

- Mitigate existing or potential adverse human rights impacts associated with the business activity
- Improve existing or potential positive benefits associated with the business activity

A company may develop mitigating and improvement actions through changes to the design, construction, operation, management and the maintenance of the business activity.

Appropriate mitigation and improvement action plans must be **feasible** and **culturally acceptable** to all legitimate stakeholders.

Companies are encouraged to engage with their stakeholders when developing mitigation and improvement action plans. This will enable a company to draw from a wider pool of local knowledge and expertise and create solutions that complement and supplement the local situation.

FEASIBLE

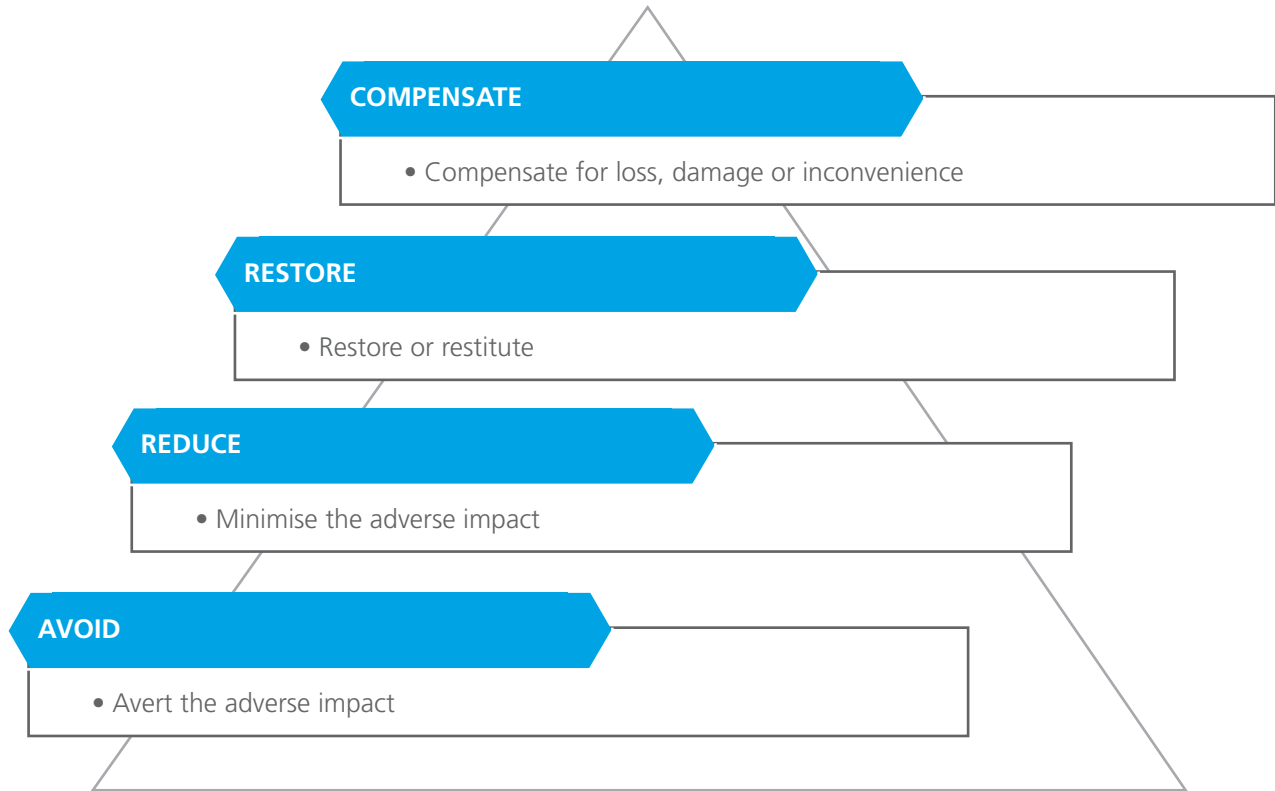
- Mitigation and improvement actions should be cost effective and practicable, given the human and time resources at the company's disposal
- It should be easily implementable at that local level and draw on local technologies and expertise
- Where the business activity is based on a partnership with other organisations, the mitigation and improvement actions should be acceptable, and adopted by all partners

CULTURALLY ACCEPTABLE

- Mitigation and improvement actions should be designed in harmony with the local situation and accepted by local stakeholders
- Proposed solutions should be in keeping with the local culture, traditions and religions
- Proposed solutions should be supportive of relevant international norms and national conditions

Mitigation Hierarchy

To accurately address previously identified human rights risks and impacts, companies should consider assessing them in relation to the mitigation hierarchy, as highlighted in the diagram below.



Guided by the mitigation hierarchy, companies may consider designing measures that reduce any negative human rights impact.

The severity and magnitude of the human rights risk and impact will determine which type of mitigating approach to pursue. Human rights impacts that pose significant and immediate risk to the health, safety and the lives of stakeholders will benefit from avoidance, reduction and/or restoration measures.

In particular, companies should be mindful of developing specific and appropriate measures that address the human rights risks and impacts of vulnerable groups and those stakeholders that are, or potentially disproportionately affected by, the business activity.

Where an appropriate mitigation action is difficult to establish, would not be fully effective in addressing the needs of the affected stakeholders, or does not have their support, options to compensate in kind or in monetary terms may be explored.

Should the human rights of the affected stakeholder be significantly adversely impacted by the business activity, companies may also want to consider compensation to supplement other mitigation measures.

In order to mitigate identified human rights risks and impacts in an appropriate and comprehensive manner, the company will have to:

- Identify the nature of the potential human rights risks and impacts, the source of the risk (external vs. internal), the group of affected stakeholders, and the stage of the project's lifecycle. [see the [Human Rights Impact Assessment and Management Table](#)]
- Determine the appropriate actions and measures that will address the identified human rights risks and impacts based on:
 - The leverage and level of control of the company on the identified human rights risks and impacts
 - The scale of the actions and measures that is required to address the risks and impacts
 - The technical and financial feasibility of the actions and measures required
 - Develop relevant Key Performance Indicators that will help the company implement the necessary actions and measures against a specific timeline

Key Performance Indicators (KPIs) are quantifiable measurements that are agreed in the initial stages and which reflect the critical success factors of a company in implementing the identified actions and measures.

KPIs will differ depending on the company and the business activity. They should follow the following [SMART criteria](#):

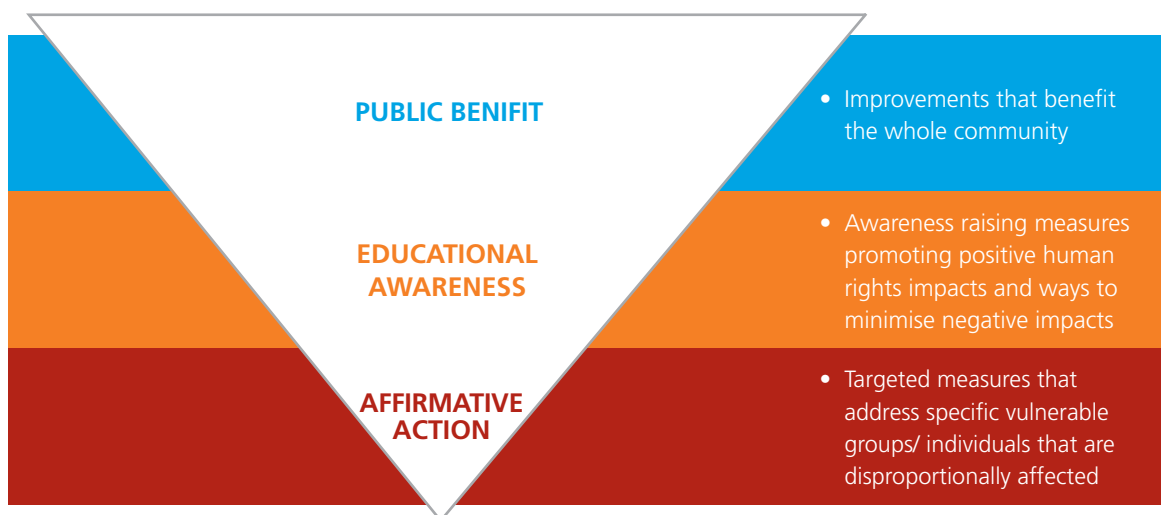
- **S**pecific
- **M**easurable
- **A**chievable
- **R**elevant
- **T**ime bound

In addition, the KPIs should designate who, within or outside the business activity/company, will be responsible to implement for implementing and monitoring the identified actions and measures.

The [Human Rights Impact Mitigation and Management Tool](#) has been designed to help companies draft mitigation action plans and address the identified human rights and impacts of their business operations.

Developing Appropriate Improvement Action Plans

To ensure that positive benefits associated with the business activity are embedded and built upon, and new ways of ensuring the rights of affected stakeholders are realised, companies should consider developing improvement action plans in relation to the improvement hierarchy, as highlighted in the figure below.



Guided by the improvement hierarchy, companies may consider designing measures that enhance any positive human rights impact.

Companies may find that improvement actions could be driven by internal policies and measures but also, could be developed and delivered in partnership with third party organisations. Companies should explore working with key legitimate stakeholders to brainstorm and implement suitable improvement actions that will enhance the positive outcomes associated with the business activity.

Connectivity Between Mitigation And Improvement Actions

An appropriately developed response to mitigating a human rights risk if executed with due attention to the local conditions can often provide improvements, in the realisation of human rights for affected stakeholders.

For example, a company faced with an incidence of child labour in their supply chain, owing to the parents' low wages which prevents them from sending their children to school and forces them to make their children work, could introduce a living wage policy. To be effective, the company would need to commit to paying extra for the goods or service, and ensure that the living wage commitment is honoured throughout the supply chain.

Present the Action Plans and Recommendations to Management

Recommendations to management should demonstrate how the business activity can remain viable, and deliver the expected benefits while having regard to the existing or potential human rights risks and impacts, and the proposed mitigation and improvement measures.

The HRIA project manager/ teams' presentation to management may highlight:

- Any immediate and serious human rights risks that may significantly affect the business activity and the lives of legitimate stakeholders
- Negative and positive human rights impacts that require immediate attention
- Negative and positive human rights impacts that require careful monitoring
- How the negative human rights impacts have or will affect legitimate stakeholders
- How the positive human rights impacts have or will benefit legitimate stakeholders
- Proposed mitigation and improvement action plans and relevant explanations
- Potential consequences for the company if the action is poorly implementation and/or delayed
- Critical milestones within the business activity lifecycle where human rights risks may be prevalent
- Recommendations for ongoing or further assessment and analysis before management processes are finalised

To present a comprehensive picture of the business activity going forward, the presentation could also include references to the:

- Company's stakeholder engagement thus far, and any future planned engagements
- Grievance mechanism, and any important grievances that requires specific immediate attention
- Costs and benefits of each mitigation and improvement action
- Proposed monitoring, reporting and evaluation framework, including its nature, level and frequency
- Ways to incorporate considerations of human rights within the existing management system

Once buy-in from the management team on what mitigation and improvement actions is obtained, the HRIA project manager/ team should inform all affected stakeholders on the decisions made.



MANAGEMENT



Implement the Mitigation Action Plans and Recommendations

To successfully implement the mitigation and improvement action plans and recommendations, companies should consider:

- Maintaining accurate and systematic records of the mitigation and improvement action plans, processes and outcomes
- Regularly reviewing the processes and outcomes, and specifically against the Key Performance Indicators established in Stage 5. Mitigation
- Amending the mitigation or improvement actions should any problems or obstacles arise
- Reporting to management on the progress made and the challenges encountered during the implementation process

Developing an Oversight Committee for the mitigation and improvement action plans that also includes key affected stakeholders, which have the approval and backing of their community to represent their interests, will greatly assist the implementation.

Should the affected stakeholders be from the local area, they may also be able to draw on local expertise and skills should a practical problem arise in the implementation of a mitigation or improvement action.

Integrating Human Rights Within a Management System

While the mitigation actions and measures will usually address the human rights risks and impacts at the business activity level, integration of human rights in the management should happen at the corporate level.

Mitigation processes are often very demanding in terms of the human and financial resources that have to be dedicated to their implementation and monitoring. Integrating human rights risks and potential impacts into the company's management system will help the company anticipate any risks and impacts on human rights in its future operations and, therefore, make the company's approach to human rights more sustainable and cost effective.

To integrate human rights within the management system, the company will need to put in place measures that enable it to be aware of, understand the impact of, and be prepared to respond to human rights challenges effectively.

This may involve making changes to existing processes and systems, as well as informing the processes and systems in other partner organisations of which the company exerts direct control.

Relevant human rights policies, procedures and practices should be integrated in the company's management system, ideally through:

1. Operational policies, processes and practices that regulate the way the different business activities of the company are regulated and carried out
2. Developing key actions on the integration of human rights considerations to be embedded in operational policies and processes, for example, in recruiting and developing employees, acquiring land and building infrastructure, using natural resources and disposing of waste etc.

Companies may also want to consider:

- Establishing a systematic early human rights risks and impacts screening/ identification/ assessment process, for high risk business activities
- Setting up a projects categorisation system that includes human rights risks associated with them. Usually, a project review takes account of key decisions and proposals, such as categorisation and management measures of significant human rights impacts and risks, prior to the implementation of the project
- Establishing procedures to identify, respond to, monitor and report on human rights risks as they emerge for every stage of the business lifecycle

PROJECT MANAGER

- May allocate responsibility for overseeing strategic social investment initiatives
- May keep a 'watching brief' over all company functions' progress on implementing human rights issues within their processes

HUMAN RESOURCES

- May address issues of labour rights, diversity and discrimination within internal policies

OPERATIONS

- May build the capacity of local enterprises to respond to any opportunities the business activity presents
- May address issues of land acquisition, displacement of people, access to basic services, and community relationships within their processes

FINANCE

- May allocate money for mitigation and improvement action plans, stakeholder engagement and grievance mechanisms, in addition to ring-fencing money for potential compensation claims

PUBLIC AFFAIRS & COMMUNICATIONS

- May monitor stakeholder reaction to the business activity and changes in societal norms at the local, national and international level

SECURITY

- May develop a human rights policy that extends to any private or public security contractors

- Assigning clear responsibilities and accountabilities for the identification, mitigation, monitoring, and reporting phases
- Informing operational staff on the findings of company's human rights impact assessment(s), in particular: stakeholder engagement, grievance mechanisms, agreed mitigation and improvement actions plans, key recommendations and management decisions
- Developing incentives/ rules for project managers to report on human rights issues

Companies developing management policies, processes and practices that regulate the company's structure and system should consider:

- Developing a feedback loop from the business activities to the company head office to ensure lessons learned from the business activity's performance is embedded within the overall improvement of the company's human rights due diligence approach
- Appointing a human rights coordinator (or equivalent) that will assume responsibility for overseeing human rights matters and ensure resources are made available for the human rights management. The coordinator should be technically qualified and trained on human rights. Depending on the needs and resources, the human rights coordination can be assumed by another function within the company. However, the person coordinating human rights should be technically qualified, to implement and oversee project-level and day-to-day human rights due diligence and supervision activities
- Integrating human rights language in existing policies that have a direct or indirect link with human rights, e.g. health and safety, sustainability, human resources, ethics, etc. (consult [Stage 6. Management: Human Rights Policy Statement](#))
- Setting up a mechanism that allows workers and other stakeholders to raise complaints about alleged human rights infringements from the company

Integrating Human Rights Within Company Functions

Human rights issues are diverse and cross-cutting. As a result, within a company, human rights issues are addressed in various company functions. For many company functions such as, Community Investment and Health and Safety, a consideration of human rights is already directly relevant.

For other company functions that may not be aware of the human rights implications within their remit, the integration of human rights issues will require adaptation and a commitment to understanding how human rights issues can be integrated within their work processes.

The table above presents a range of company functions and identifies how human rights issues could be considered within their work portfolios.

Developing a Workplace Culture That Considers Human Rights

The implementation of human rights within a company's management system will be hampered if the workplace culture does not openly consider the company's human rights impacts.

Companies can foster a conducive workplace culture by promoting feedback from stakeholders and raising awareness on human rights issues.

ONGOING FEEDBACK FROM STAKEHOLDERS

Companies should consider developing internal processes that seek critical information from employees, partners and other stakeholders on perceived or actual human rights risks and impacts. Critical information can often be invaluable warnings of imminent risks.

RAISING AWARENESS

Raising awareness throughout the company on the importance of considering human rights issues, and how human rights risks can affect the business activity's performance will be instrumental in fostering a workplace culture that is proactive in addressing human rights challenges.

An awareness raising initiative should highlight:

- The aggregated human rights risks affecting the company
- How the different business activities of the company positively and negatively impacts the rights of its stakeholders
- The measures adopted to engage stakeholders, including grievance mechanisms
- The measures adopted to mitigate the adverse impacts and improve any benefits
- The company's vision for the future and how it would like to be perceived in relation to managing its human rights impact

Companies should prioritise developing training for managers of all key functions within the business activities, especially those that directly have human rights issues within their remit.

Company-wide training on the importance of considering a company's human rights impacts, and measures to integrate a human rights considered approach within internal processes and day-to-day interactions, should also be explored.

Human Rights Policy Statement

A Human Rights Policy Statement will help align the different functions within the company on its objectives and commitments with regard to human rights.

A Human Rights Policy Statement should ideally:

- Be concise, ideally one page or less
- Provide an overarching Policy Statement of the human rights objectives and principles to guide the company, and achieve sound human rights performance
- Be based on the identified and potential human rights risks and impacts of the company
- Specify that the company's business activities will comply with internationally recognised human rights, the applicable laws and regulations of the jurisdictions in which business activities are being undertaken, including those laws implementing host country obligations under international law
- Subscribe to internationally-recognised standards, certifications schemes, or codes of practice/conduct and include them in the Policy Statement itself
- Indicate who, within the company's organisation, will ensure conformance with the Policy Statement, and be responsible for its execution
- Ensure that the Policy Statement is properly communicated to all levels of the company's organisation

Companies seeking additional help and guidance on how to write a human rights policy should consult: [A Guide for Business: How to Develop a Human Rights Policy \(UN Global Compact, 2010\)](#).



EVALUATION

Stage 7. Evaluation should be approached as a continuous learning exercise based on:

- Monitoring the progress of the company's mitigation and improvement measures and how the company has incorporated human rights issues
- External and internal reporting on the company's capacity to address human rights risks and impacts
- Evaluating the effectiveness of the company's management system to address human rights risks and impacts

All three tasks are mutually reinforcing, and if completed thoroughly and rigorously, will help the company effectively manage ongoing and future human rights challenges.

WHAT DOES THIS MEAN IN PRACTICE?

A thorough and rigorous...

- **Monitoring assessment** would highlight that the relevant company functions have achieved their additional responsibilities
- **Reporting process** would highlight the challenges facing the relevant company functions, and report on how the company addressed the situation
- **Evaluation** would identify the obstacles facing the relevant company functions

Monitoring the company's human rights impacts

An effective **monitoring** process should focus on recording:

- Existing and potential human rights risks and impacts, and the relevant affected stakeholders
- Any unforeseen human rights risks and impacts that have materialised, and the relevant affected stakeholders
- How new policies, processes and alterations to the management systems are being implemented, and if they are achieving their objectives
- Reoccurring grievances, and the relevant affected stakeholder
- Reoccurring feedback from the stakeholder engagement process, and the relevant affected stakeholder
- Whether external commitments have been honoured and legal requirements have been fulfilled

The company should actively supervise and monitor the human rights performances of each of its business activity. The company should also require timely reports from the HRIA project manager regarding the implementation of the critical mitigating actions and any significant human rights incidents. Based on this internal reporting, the company's management should discuss with the project manager any outstanding or potential human rights performance issues, and if needed, agree to additional measures to address them.

During development/ construction and/or any completion stages, the company's management should make supervision site visits to the location of the business activity to confirm that all related human rights issues are being implemented. In addition, occasionally during the operational phase, the company's management should also make supervision site visits and consider making independent human rights audits (involving external consultants if necessary) as part of its overall supervision and monitoring process.

Evaluating the company's human rights impacts

An effective evaluation process should at a minimum, evaluate:

- Any established human rights-related Key Performance Indicators (KPIs) and performance against the KPIs
- The stakeholder engagement process
- The grievance mechanism

- Any mitigation and improvement action plans
- The level of 'human rights' integration within the company's management processes and systems
- The adaptability of the management system to manage changes and/or unexpected circumstances

The company's evaluation may be guided by the following criteria and questions:

Relevant

Q: Was the adopted position, action, KPI etc. relevant given the actual and/or potential human rights risk?

Desired impact

Q: Did the adopted position, action, or realisation of the KPI etc. generate the desired impact?

Efficient

Q: Were resources (e.g. time and human) during the adopted position, action, or realisation of the KPI deployed efficiently leading to an optimal outcome?

Sustainable

Q: Can the adopted position, action, or realisation of the KPI be considered sustainable?

Flexible

Q: Is the management system flexible enough to address changes and/or unexpected circumstances?

Reporting Back to Affected Stakeholders

It will be important for the company to report back regularly to its affected stakeholders throughout the lifecycle of the human rights impact assessment process, especially on key issues they may have been consulted on in the past, in particular:

- Key lessons learned for the company throughout the HRIA process, with special references to knowledge gained during the stakeholder engagement process and the grievance mechanism
- Key decisions taken and changes made to the business activity following the HRIA process, and in particular, any adaptations that relate to previous raised concerns from affected stakeholders, either during the engagement process or grievance mechanism
- How the company intends to communicate ongoing developments to affected stakeholders regarding the business activity in the future

Regular updates from the company will signal to stakeholders that it is genuinely committed to stakeholder engagement, and will reinforce the trust between the company and stakeholders already developed during earlier stages of the impact assessment process.

REPORTING ON THE COMPANY'S HUMAN RIGHTS IMPACTS

During Stage 7. Evaluation, companies are encouraged to report on how they have addressed any existing or potential human rights risks and impacts in their business activity.

Companies are encouraged to disclose as much relevant information on the processes adopted in addressing their risks and impacts, and the company's performance in achieving its aims.

Throughout the human rights impact assessment, companies are guided to communicate as much information on the developments of the business activity, as is technically and practically feasible, ensuring that provisions are made that prevent the stakeholders coming to any harm from acquiring this information.

The table below provides guidance on what elements should be contained in a report working to a best practice standard.

Many company Sustainability and Corporate Social Responsibility reports already benefit from external validation or verification from auditors and other suitably qualified organisations.

The reporting of a company's human rights impacts will also benefit from external validation or verification. While there are a range of qualified providers that can offer this service, companies are encouraged to re-engage directly with their affected stakeholders and solicit their views and feedback on their findings.

This re-engagement will ensure that the report is accurately verified by local key constituencies that are directly affected by the business activity's impacts, which will add to the credibility of the report.

Companies may benefit from reviewing the Global Reporting Initiative's G3 Guidelines that provides guidance on the content and quality of reporting on sustainability issues, including human rights.

HUMANS RIGHTS IMPACT: BEST PRACTICE

A company's human right report could consider:

- How the company addressed all positive and negative human rights risks and impacts associated with the business activity, and the relevant affected stakeholders
- How the company addressed all positive and negative human rights risks and impacts in its operations, and the relevant affected stakeholders
- How the company addressed indirect impacts arising in the operations of their partners and relevant third party organisations (e.g. sub-contractors)
- The grievance mechanism; how the company addressed raised grievances, and any specific measures it adopted
- The stakeholder engagement process; how the company resolved issues raised during the process, and any specific measures it adopted
- The mitigation and improvement action plans, and other adopted measures the company implemented
- How the company measures its human rights impacts, and evidence of its measurable positive and negative impacts

Review the Evaluation

To ensure continuous improvement, companies are guided to review the monitoring findings, evaluation and feedback on the company's report, and develop key action points based on any new findings emerging from the re-evaluation exercise.

At this point, companies may find it useful to seek external verification on the monitoring, evaluation and reporting process from a suitably qualified individual or organisation who has experience of working with companies to improve their human rights due diligence.

Companies may also consider exploring new forms of direct communication with stakeholders that have not been directly affected by the business activity, and may not represent a group of stakeholders but have still kept a 'watching brief' over the actions of the company, for example, an international human rights NGO. These stakeholders may have been openly critical of the company's policies, processes and management systems in the past.

Engaging such stakeholders at this re-evaluation stage may be useful in demonstrating the company's commitment to improving their human rights due diligence approach, and companies may find that these stakeholders are receptive to this direct and candid engagement, and could assist the company in moving to the next stage of further refining their approach, and improving their overall performance.



THE GUIDE TO HRIAM TOOLS AND TABLES

Guide To HRIAM Scenarios

WHAT ARE THE GUIDE TO HRIAM SCENARIOS?

The Guide to HRIAM Scenarios are hypothetical human rights scenarios written for companies which aims to:

- Stimulate thinking on potential and existing human rights challenges faced by companies, and
- Help companies assess their capacity to address such challenges

Divided into two interactive exercises namely, the [Human Rights Identification](#) and [Human Rights Due Diligence](#), the Guide to HRIAM Scenarios will challenge a company to:

- Consider the potential human rights issues that may be present in their ongoing or planned business operations
- Determine relevant company risks and impact procedures which relate to hypothetical human rights scenarios
- Identify gaps in the company's approach to assessing human rights risks and impacts

Scenarios have been written for twelve industry sectors.

- Agriculture (Extensive)
- Agriculture (Intensive)
- Banking and Business Services
- Construction and Infrastructure
- Extractives - Oil and Gas
- Extractives - Mining
- Food and Beverage
- Pharmaceutical and Chemical
- Retail - Garment, Footwear, Homeware and Toys
- Telecommunications
- Tourism
- Transport

Each scenario will present a selection of human rights challenges, relevant to the industry sector.

WHY COMPLETE THE GUIDE TO HRIAM SCENARIOS?

By completing both exercises, a company will conduct a rudimentary review of their relevant company policies, processes and systems that relate to a range of human rights risks and impacts. In doing so, this may highlight gaps in the company's human rights due diligence approach and raise areas for improvement.

The generated information will become useful baseline data for the company's human rights impact assessment.

WHO SHOULD COMPLETE THE GUIDE TO HRIAM SCENARIOS?

All users are invited to complete the Scenarios. However, the following roles may directly benefit from completing both exercises:

- Those who work on corporate responsibility issues based at company headquarters
- Managers responsible for evaluating key impacts of a business project
- Projects/ operations managers based in the field

Note: Companies can potentially affect all human rights, however, certain human rights issues are particularly prevalent in some business sectors. For each industry sector, the scenario presents six allegations that cover a variety of human rights issues.

When completing the Guide to HRIAM Scenarios, users may find it helpful to refer to the list of human rights on page 62

HUMAN RIGHTS

1. Right to life
2. Right to liberty and security
3. Right not to be subjected to slavery, servitude or forced labour
4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment
5. Right to recognition as a person before the law
6. Right to equality before the law, equal protection of the law, non-discrimination
7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred
8. Right to access to effective remedies
9. Right to a fair trial
10. Right to be free from retroactive criminal law
11. Right to privacy
12. Right to freedom of movement
13. Right to seek asylum from persecution in other countries
14. Right to have a nationality
15. Right of protection for the child
16. Right to marry and form a family
17. Right to own property
18. Right to freedom of thought, conscience and religion
19. Right to freedom of opinion, information and expression
20. Right to freedom of assembly
21. Right to freedom of association
22. Right to participate in public life
23. Right to social security, including social insurance
24. Right to work
25. Right to enjoy just and favourable conditions of work
26. Right to form and join trade unions and the right to strike
27. Right to an adequate standard of living
28. Right to health
29. Right to education
30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors
31. Right of self-determination
32. Right of detained persons to humane treatment
33. Right not to be subjected to imprisonment for inability to fulfill a contract
34. Right of aliens due process when facing expulsion
35. Rights of minorities

Human Rights Scenarios

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Human Rights Scenarios: AGRICULTURE (EXTENSIVE) SECTOR

Imagine...

You work for agribusiness company, Coya Company that is the leading sugar cane producer in Bizeron. Coya owns five large plantations in southern Bizeron, employing over 600 workers. It is about to merge with Sittia, a small sugar refinery company employing 50 workers in border country Cizeron.

An international advocacy NGO has released a report alleging a number of human rights violations by Coya. The report raises concerns over the imminent merger, and highlights a number of human rights abuses by Sittia.

“Our report identifies a number of human rights violations by Coya in spite of it being a member of the International Agricultural Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Coya and Sittia’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against the allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Coya is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it merges with Sittia.

ALLEGATIONS
Ten percent of Coya's female plantation workers have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. They are not provided with protective gear when chemicals are used.
Six Bizeron students from the national university have complained that private security forces, remunerated and equipped by Coya to ensure the security of its facilities, beat them up at a recent protest on the health and safety of the plantation workers. One student nearly died. The demonstration was held just in front of the company premises.
Large tracts of western Bizeron's rainforest have been destroyed by Coya's expansion into soya production. The deforestation triggered a loss of biodiversity, and specifically the depletion of manioc crops. Manioc has been part of the indigenous community's traditional diet for centuries. Its reduction has adversely affected the livelihoods and health of the indigenous community.
To secure lands for crop production, Coya relocated 50 small farmholders from western to northern Bizeron. The small farmholders claimed that they were forced to move. Coya refutes this claim stating that the small farmholders were deliberately obstinate and refused to engage with them throughout the stakeholder consultation. They claim that the small farmholders refused to accept their fair compensation offer, and that northern Bizeron contained better quality soil than western Bizeron. The small farmholders complain that the scientific evidence Coya submitted was very technical, not in their local language, and they were too poor to hire a lawyer to help them defend their position.
Last year, 70 illegal migrant workers were found in Sittia's refinery plant from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. When four migrant workers approached the company's management to complain about this situation, and their lower comparative salaries to national workers, they were threatened with dismissal.
The 2009 Bizeron Health Bulletin referenced in the NGO report alleges that the intensive use of pesticides by farmers has raised the number of poisonings and deaths among Bizeron men and women aged 15-49. Coya and Sittia are mentioned in this report as intensive pesticides users.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Ten percent of Coya's female plantation workers have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. They are not provided with protective gear when chemicals are used.	1. Right to life 28. Right to health 25. Right to enjoy just and favourable conditions of work (including rest and leisure)	1. Right to life: UDHR 3; ICCPR 6 28. Right to health: UDHR 25; ICESCR 12 25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7
Six Bizeron students from the national university have complained that private security forces, remunerated and equipped by Coya to ensure the security of its facilities, beat them up at a recent protest on the health and safety of the plantation workers. One student nearly died. The demonstration was held just in front of the company premises.	1. Right to life 2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile) 19. Right to freedom of opinion, information and expression 20. Right to freedom of assembly 4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	1. Right to life: UDHR 3; ICCPR 6 2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9 19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19 20. Right to freedom of assembly: UDHR 20; ICCPR 21 4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment: UDHR 5; ICCPR 7
Large tracts of western Bizeron's rainforest have been destroyed by Coya's expansion into soya production. The deforestation triggered a loss of biodiversity, and specifically the depletion of manioc crops. Manioc has been part of the indigenous community's traditional diet for centuries. Its reduction has adversely affected the livelihoods and health of the indigenous community.	35. Rights of minorities 28. Right to health 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	35. Rights of minorities: ICCPR 27 28. Right to health: UDHR 25; ICESCR 12 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>To secure lands for crop production, Coya relocated 50 small farmholders from western to northern Bizeron. The small farmholders claimed that they were forced to move. Coya refutes this claim stating that the small farmholders were deliberately obstinate and refused to engage with them throughout their stakeholder consultation. They claim that the small farmholders refused to accept their fair compensation offer, and that northern Bizeron contained better quality soil than western Bizeron. The small farmholders complain that the scientific evidence Coya submitted was very technical, not in their local language, and they were too poor to hire a lawyer to help them defend their position.</p>	<p>31. Right to self-determination</p> <p>12. Right to freedom of movement</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	<p>31. Right to self-determination: UDHR 21; ICCPR 1; ICESCR 1</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p>
<p>Last year, 70 illegal migrant workers were found in Sittia's refinery plant from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. When four migrant workers approached the company's management to complain about this situation, and their lower comparative salaries to national workers, they were threatened with dismissal.</p>	<p>12. Right to freedom of movement</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>3. Right not to be subjected to slavery, servitude, forced labour</p>	<p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>3. Right not to be subjected to slavery, servitude, forced labour: UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105</p>
<p>The 2009 Bizeron Health Bulletin referenced in the NGO report alleges that the intensive use of pesticides by farmers has raised the number of poisonings and deaths among Bizeron men and women aged 15-49. Coya and Sittia are mentioned in this report as intensive pesticides users.</p>	<p>1. Right to life</p> <p>28. Right to health</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>1. Right to life: UDHR 3; ICCPR 6</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23; ICESCR 7</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Coya and Sittia as a guide, enter your company's policies, assessment procedures and management systems, alongside each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
Ten percent of Coya's female plantation workers have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. They are not provided with protective gear when chemicals are used.	1. Right to life 28. Right to health 25. Right to enjoy just and favourable conditions of work (including rest and leisure)	Policies
		Assessment procedures
		Management systems
Six Bizeron students from the national university have complained that private security forces, remunerated and equipped by Coya to ensure the security of its facilities, beat them up at a recent protest on the health and safety of the plantation workers. One student nearly died. The demonstration was held just in front of the company premises.	1. Right to life 2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile) 19. Right to freedom of opinion, information and expression 20. Right to freedom of assembly 4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	Policies
		Assessment procedures
		Management systems
Large tracts of western Bizeron's rainforest have been destroyed by Coya's expansion into soya production. The deforestation triggered a loss of biodiversity, and specifically the depletion of manioc crops. Manioc has been part of the indigenous community's traditional diet for centuries. Its reduction has adversely affected the livelihoods and health of the indigenous community.	35. Rights of minorities 28. Right to health 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	Policies
		Assessment procedures
		Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>To secure lands for crop production, Coya relocated 50 small farmholders from western to northern Bizeron. The small farmholders claimed that they were forced to move. Coya refutes this claim stating that the small farmholders were deliberately obstinate and refused to engage with them throughout their stakeholder consultation. They claim that the small farmholders refused to accept their fair compensation offer, and that northern Bizeron contained better quality soil than western Bizeron. The small farmholders complain that the scientific evidence Coya submitted was very technical, not in their local language, and they were too poor to hire a lawyer to help them defend their position.</p>	<p>31. Right to self-determination</p> <p>12. Right to freedom of movement</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Last year, 70 illegal migrant workers were found in Sittia's refinery plant from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. When four migrant workers approached the company's management to complain about this situation, and their lower comparative salaries to national workers, they were threatened with dismissal.</p>	<p>12. Right to freedom of movement</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>3. Right not to be subjected to slavery, servitude, forced labour</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>The 2009 Bizeron Health Bulletin referenced in the NGO report alleges that the intensive use of pesticides by farmers has raised the number of poisonings and deaths among Bizeron men and women aged 15-49. Coya and Sittia are mentioned in this report as intensive pesticides users.</p>	<p>1. Right to life</p> <p>28. Right to health</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios: AGRICULTURE (INTENSIVE) SECTOR

Imagine...

You work for agribusiness company, Coya Company that is the leading producer of tropical fruits in Bizeron owning five large plantations in southern Bizeron.

It is about to merge with Agri Supplia, an SME and the second largest supplier of bananas in Bizeron.

An international advocacy NGO has released a report alleging a number of human rights violations by Coya. The report raises concerns over the imminent merger, and highlights a number of human rights abuses by Agri Supplia.

“Our report identifies a number of human rights violations by Coya in spite of it being a member of the International Agricultural Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Coya and Agri Supplia’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company, and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Coya is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it merges with Agri Supplia.

ALLEGATIONS
Nearly all of Coya's female plantation workers are required to work on average a 65 hour week without overtime, instead of 48 hours, as stated in their contract. The excessive working hours prevent them from spending sufficient time with their children.
Several local communities have raised concerns about the loss of their local water supply, believing that Coya's excessive use is to blame. The lowering of the water table has reduced the water availability for local small farmholders who have grown crops in the local region for decades, and now find it difficult to cultivate sufficient yields to sell at the market.
Local residents living near Coya's plantation have complained that the company's heavy trucks transporting bananas pass by every fifteen minutes from 3am - 6am. They believe that the vibration from the movement of trucks has caused damage to their homes. Following an investigation, it was revealed that the trucks were not authorised to travel through their villages and drove at excessive speeds, in violation of local limits.
One local doctor wrote to Coya's management informing them that the noise, dust and fumes from Coya's heavy trucks are directly and adversely affecting the health of the local community. Following his intervention, Coya launched a campaign attacking the local doctor's credibility and petitioned the Bizeron Medical Association to remove him from the 'Bizeron Approved Medical Practitioner list'.
Some workers complained to management about the inadequate toilet facilities at the plantation. They said that water is sporadic and always cold, and that men and women are expected to share the same facilities. When they said they would raise the issue with the local trade union, Agri Supplia managers threatened them with job termination.
During a recent raid by the local labour inspectorate, 20 children aged 9 - 12 years were found working in the plantations during school hours. Coya asserts that its Code of Conduct clearly states it prohibits child labour. However, on questioning, the plantation workers complained that since their wages are too low, they have no choice but to rely on their children to work, to increase their harvesting capacity and earn more money.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Nearly all of Coya's female plantation workers are required to work on average a 65 hour week without overtime, instead of 48 hours, as stated in their contract. The excessive working hours prevent them from spending sufficient time with their children.	16. Right to marry and form a family 25. Right to enjoy just and favourable conditions of work (including rest and leisure)	16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10 25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7
Several local communities have raised concerns about the loss of their local water supply, believing that Coya's excessive use is to blame. The lowering of the water table has reduced the water availability for local small farmholders who have grown crops in the local region for decades, and now find it difficult to cultivate sufficient yields to sell at the market.	24. Right to work 25. Right to enjoy just and favourable conditions of work (including rest and leisure) 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	24. Right to work: UDHR 23; ICESCR 6 25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23; ICESCR 7 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11
Local residents living near Coya's plantation have complained that the company's heavy trucks transporting bananas pass by every fifteen minutes from 3am - 6am. They believe that the vibration from the movement of trucks has caused damage to their homes. Following an investigation, it was revealed that the trucks were not authorised to travel through their villages and drove at excessive speeds, in violation of local limits.	11. Right to privacy 28. Right to health 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	11. Right to privacy: UDHR 12; ICCPR 17 28. Right to health: UDHR 25; ICESCR 12 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>One local doctor wrote to Coya's management informing them that the noise, dust and fumes from the Coya's heavy trucks are directly and adversely affecting the health of the local community. Following his intervention, Coya launched a campaign attacking the local doctor's credibility and petitioned the Bizeron Medical Association to remove him from the 'Bizeron Approved Medical Practitioner list'.</p>	<p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>24. Right to work: UDHR 23; ICESCR 6</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
<p>Some workers complained to management about the inadequate toilet facilities at the plantation. They said that water is sporadic and always cold, and that men and women are expected to share the same facilities. When they said they would raise the issue with the local trade union, Agri Supplia managers threatened them with job termination.</p>	<p>11. Right to privacy</p> <p>21. Right to freedom of association</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>28. Right to health</p>	<p>11. Right to privacy: UDHR 12; ICCPR 17</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No.87</p> <p>24. Right to work: UDHR 23; ICESCR 6</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>26. Right to form and join trade unions, and the right to strike : UDHR 23; ICESCR 8; ILO No.98</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
<p>During a recent raid by the local labour inspectorate, 20 children aged 9 - 12 years were found working in the plantations during school hours. Coya asserts that its Code of Conduct clearly states it prohibits child labour. However, on questioning, the plantation workers complained that since their wages are too low, they have no choice but to rely on their children to work, to increase their harvesting capacity and earn more money.</p>	<p>3. Right not to be subjected to slavery, servitude, forced labour</p> <p>15. Rights of protection for the child</p> <p>16. Right to marry and form a family</p> <p>29. Right to education</p>	<p>3. Right not to be subjected to slavery, servitude or forced labour: UDHR 4; ICCPR 8; ILO No.29 and ILO No.105</p> <p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Coya and Agri Supplia as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Nearly all of Coya's female plantation workers are required to work on average a 65 hour week without overtime, instead of 48 hours, as stated in their contract. The excessive working hours prevent them from spending sufficient time with their children.</p>	<p>16. Right to marry and form a family</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	Policies
		Assessment procedures
<p>Several local communities have raised concerns about the loss of their local water supply, believing that Coya's excessive use is to blame. The lowering of the water table has reduced the water availability for local small farmholders who have grown crops in the local region for decades, and now find it difficult to cultivate sufficient yields to sell at the market.</p>	<p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	Policies
		Assessment procedures
<p>Local residents living near Coya's plantation have complained that the company's heavy trucks transporting bananas pass by every fifteen minutes from 3am - 6am. They believe that the vibration from the movement of trucks has caused damage to their homes. Following an investigation, it was revealed that the trucks were not authorised to travel through their villages and drove at excessive speeds, in violation of local limits.</p>	<p>11. Right to privacy</p> <p>28. Right to health</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	Policies
		Assessment procedures
		Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>One local doctor wrote to Coya's management informing them that the noise, dust and fumes from the Coya's heavy trucks are directly and adversely affecting the health of the local community. Following his intervention, Coya launched a campaign attacking the local doctor's credibility and petitioned the Bizeron Medical Association to remove him from the 'Bizeron Approved Medical Practitioner list'.</p>	<p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>
<p>Some workers complained to management about the inadequate toilet facilities at the plantation. They said that water is sporadic and always cold, and that men and women are expected to share the same facilities. When they said they would raise the issue with the local trade union, Agri Supplia managers threatened them with job termination.</p>	<p>11. Right to privacy</p> <p>21. Right to freedom of association</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>28. Right to health</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>
<p>During a recent raid by the local labour inspectorate, 20 children aged 9 - 12 years were found working in the plantations during school hours. Coya asserts that its Code of Conduct clearly states it prohibits child labour. However, on questioning, the plantation workers complained that since their wages are too low, they have no choice but to rely on their children to work, to increase their harvesting capacity and earn more money.</p>	<p>3. Right not to be subjected to slavery, servitude, forced labour</p> <p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>29. Right to education</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>

Human Rights Scenarios: BANKING AND BUSINESS SERVICES SECTOR

Imagine...

You work for Dav Bank, a multinational bank providing a range of different financial services, based in Copia. Keen to diversify its portfolio, Dav Bank is interested in acquiring Nic Bank, a medium sized investment bank operating in the Melta region, which includes Copia and Gidion among other countries. Nic Bank has operated in Gidion for over 250 years. Following acquisition, Dav Bank will become the second largest bank in the country.

An international advocacy NGO has released a report alleging a number of human rights violations by Dav Bank. In addition, the journalist raises concerns over the imminent acquisition, and highlights a numbers of human rights abuses by Nic Bank.

“Our report identifies a number of human rights violations by Dav Bank in spite of it being a member of the International Banking Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Dav Bank’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO asks you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Dav Bank is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly influence, when it acquires Nic Bank.

ALLEGATIONS
Two female executives have accused Dav Bank of discrimination. One claims that she was 'let go' from her Vice President position within a week of announcing she was pregnant. However, the Head of Human Resources insists that she was asked to leave because of persistent 'under-performance'.
On return from maternity leave, the second female employee was made redundant and informed her position would be discontinued. However, within a month she saw 'her job' advertised. On inspection, she noticed that it had a different title but included all of her responsibilities.
Native indigenous Copians claimed that Dav Bank's mortgage brokers charged them higher borrowing fees compared to local Copians.
Several employees reported to the local newspaper that Nic Bank had fired them because they had joined the National Bank Employees Federation. The Bank alleges that all of the sacked employees had shown 'a disregard for the company for some time.' The newspaper exposé included a copy of an email, allegedly sent by one of the Vice Presidents to the Director of Human Resources, which stated that he needed 'to find a creative way of threatening dismissal to anyone who sought to unionise, without breaking the law.'
Last year, someone hacked into 200 of Dav Bank's customers' accounts before being caught. Following investigation, the Copian police reported that Dav Bank had not invested adequately in online security software.
Five years ago, Dav Bank participated in the financing of the expansion of a dam in Gidion. Since then, the dam has caused the flooding of over 60 houses and an important archaeological site in southern Gidion. Since the floods, nutrients have leached from the soil in southern Gidion and have destroyed most of the sweet potato crops. Consequently the local market refuses to purchase the farmers' yield, claiming the crops are not edible and therefore, not sellable. Since the establishment of the dam, the number of local residents contracting malaria has increased by 30%. Local doctors attribute it to the artificial lakes caused by the dam that are a breeding ground for mosquitoes.
Dav Bank is one of the three banks being sued for reparations by over 6,000 Gidions who claim that the bank aided and abetted the repressive Gidion government during the civil war that took place 30 years ago. They claim that Dav Bank financed a state-owned printing company in charge of printing and disseminating posters, flyers and other material containing hateful language against one of the Gidion tribes that fought the Government.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>Two female executives have accused Dav Bank of discrimination. One claims that she was 'let go' from her Vice President position within a week of announcing she was pregnant. However, the Head of Human Resources insists that she was asked to leave because of persistent 'under-performance'.</p> <p>On return from maternity leave, the second female employee was made redundant and informed her position would be discontinued. However, within a month she saw 'her job' advertised. On inspection, she noticed that it had a different title but included all of her responsibilities.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>16. Right to marry and form a family</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>24. Right to work: UDHR 23; ICESCR 6</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
<p>Native indigenous Copians claimed that Dav Bank's mortgage brokers charged them higher borrowing fees compared to local Copians.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26</p>
<p>Several employees reported to the local newspaper that Nic Bank had fired them because they had joined the National Bank Employees Federation. The Bank alleges that all of the sacked employees had shown 'a disregard for the company for some time.'</p> <p>The newspaper exposé included a copy of an email, allegedly sent by one of the Vice Presidents to the Director of Human Resources, which stated that he needed 'to find a creative way of threatening dismissal to anyone who sought to unionise, without breaking the law.'</p>	<p>21. Right to freedom of association</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p>	<p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>24. Right to work: UDHR 23; ICESCR 6</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>26. Right to form and join trade unions, and the right to strike : UDHR 23; ICESCR 8; ILO No. 98</p>

Allegations	Human Rights	Articles from UDHR,ICCPR, ICESCR and ILO Core Conventions
<p>Last year, someone hacked into 200 of Dav Bank’s customer’s accounts before being caught. Following investigation, the Copian police reported that Dav Bank had not invested adequately in online security software.</p>	<p>11. Right to privacy</p>	<p>11. Right to privacy: UDHR 12; ICCPR 17</p>
<p>Five years ago, Dav Bank participated in the financing of the expansion of a dam in Gidion. Since then, the dam has caused the flooding of over 60 houses and an important archaeological site in southern Gidion. Since the floods, nutrients have leached from the soil in southern Gidion and have destroyed most of the sweet potato crops. Consequently the local market refuses to purchase the farmers’ yield, claiming the crops are not edible and therefore, not sellable. Since the establishment of the dam, the number of local residents contracting malaria has increased by 30%. Local doctors attribute it to the artificial lakes caused by the dam that are a breeding ground for mosquitoes.</p>	<p>24. Right to work</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>24. Right to work: UDHR 23; ICESCR 6</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
<p>Dav Bank is one of the three banks being sued for reparations by over 6,000 Gidions who claim that the bank aided and abetted the repressive Gidion government during the civil war that took place 30 years ago. They claim that Dav Bank financed a state-owned printing company in charge of printing and disseminating posters, flyers and other material containing hateful language against one of the Gidion tribes that fought the Government.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No.111</p> <p>7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred: UDHR 7; ICCPR 20</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Dav Bank and Nic Bank as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Two female executives have accused Dav Bank of discrimination. One claims that she was 'let go' from her Vice President position within a week of announcing she was pregnant. However, the Head of Human Resources insists that she was asked to leave because of persistent 'under-performance'.</p> <p>On return from maternity leave, the second female employee was made redundant and informed her position would be discontinued. However, within a month she saw 'her job' advertised. On inspection, she noticed that it had a different title but included all of her responsibilities.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>16. Right to marry and form a family</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	Policies
		Assessment procedures
		Management systems
<p>Native indigenous Copians claimed that Dav Bank's mortgage brokers charged them higher borrowing fees compared to local Copians.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	Policies
		Assessment procedures
		Management systems
<p>Several employees reported to the local newspaper that Nic Bank had fired them because they had joined the National Bank Employees Federation. The Bank alleges that all of the sacked employees had shown 'a disregard for the company for some time.' The newspaper exposé included a copy of an email, allegedly sent by one of the Vice Presidents to the Director of Human Resources, which stated that he needed 'to find a creative way of threatening dismissal to anyone who sought to unionise, without breaking the law.'</p>	<p>21. Right to freedom of association</p> <p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p>	Policies
		Assessment procedures
		Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Last year, someone hacked into 200 of Dav Bank's customers' accounts before being caught. Following investigation, the Copian police reported that Dav Bank had not invested adequately in online security software.</p>	<p>11. Right to privacy</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Five years ago, Dav Bank participated in the financing of the expansion of a dam in Gidion. Since then, the dam has caused the flooding of over 60 houses and an important archaeological site in southern Gidion. Since the floods, nutrients have leached from the soil in southern Gidion and have destroyed most of the sweet potato crops. Consequently the local market refuses to purchase the farmers' yield, claiming the crops are not edible and therefore, not sellable. Since the establishment of the dam, the number of local residents contracting malaria has increased by 30%. Local doctors attribute it to the artificial lakes caused by the dam that are a breeding ground for mosquitoes.</p>	<p>24. Right to work</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Dav Bank is one of the three banks being sued for reparations by over 6,000 Gidions who claim that the bank aided and abetted the repressive Gidion government during the civil war that took place 30 years ago. They claim that Dav Bank financed a state-owned printing company in charge of printing and disseminating posters, flyers and other material containing hateful language against one of the Gidion tribes that fought the Government.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios: CONSTRUCTION AND INFRASTRUCTURE SECTOR

Imagine...

You work for Build12, a large property developer based in Kali, the capital of Prosia. Build12 is building a large shopping centre in Kali. In two weeks, Build12 will acquire Build34, a SME property developer operating in Gizeron. Build34 has just started construction of six luxury apartment buildings in Gizeron.

An international advocacy NGO has released a report alleging a number of human rights violations by Build12. The report also raises concerns over the imminent acquisition, and highlights a number of alleged human rights violations by Build34.

“Our report identifies a number of human rights violations by Build12 in spite of it being a member of the International Building Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Build12 and Build34’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground in order to determine if there are real problems, and where issues are identified to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Build12 is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Build34.

ALLEGATIONS
One thousand Proisian residents were forcibly relocated to a neighbouring city. They were not consulted and claim that Build12 colluded with the national government to 'cleanse Kali of its poor residents to make way for the foreign money'. Residents complain that they have been resettled in a very socially and economically deprived area, with no access to drinking water.
Doctors have reported that a number of Proisian residents living within 5km of Build12's building site have developed asthma, and attribute it to the dust from the construction. Nearly one out of three children under five display asthmatic symptoms such as wheezing. Residents have also complained that their water supply has reduced since the construction started. Families have resorted to stockpiling water.
Construction labourers working for one of Build12's contractors to build the large shopping centre, work on average 65 hours per week, contrary to the national law, which stipulates 48 hours. The labourers are not paid for working overtime. In addition, a number of workers raised several occupational health and safety issues, including work at height without adequate protection, unsafe scaffolding, lack of personal protective equipment (e.g. ear plugs, gloves, boots, and helmet).
A local trade union claims that workers who join the union are frequently harassed by Build12's management and private security personnel. Past employees who now work for the union claim that the company frowns on staff being 'politically active', and those found to hold strong political views are often 'sacked, or given such a hard time, they quit'.
Twelve migrant contraction workers from neighbouring Frion have complained that Build34 managers frequently call them racially denigrating names and have retained their passports. They complain that the dormitories provided by the company are unsanitary and not equipped with running water.
Child labourers have been spotted working in mining quarries in northern Gizeron for Natural Materials Ltd, which supplies the natural white sandstone for Build34's luxury bathrooms.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
One thousand Proisian residents were forcibly relocated to a neighbouring city. They were not consulted and claim that Build12 colluded with the national government to 'cleanse Kali of its poor residents to make way for the foreign money'. Residents complain that they have been resettled in a very socially and economically deprived area, with no access to drinking water.	12. Right to freedom of movement 17. Right to own property 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	12. Right to freedom of movement: UDHR 13; ICCPR 12 17. Right to own property: UDHR 17; ICESCR 15 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11
Doctors have reported that a number of Proisian residents living within 5km of Build12's building site have developed asthma and attribute it to the dust from the construction. Nearly one out of three children under five years old display asthmatic symptoms such as wheezing. Residents have also complained that their water supply has reduced since the construction started. Families have resorted to stockpiling water.	15. Right of protection for the child 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation) 28. Right to health	15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11 28. Right to health: UDHR 25; ICESCR 12
Construction labourers working for one of Build12's contractors to build the large shopping centre, work on average 65 hours per week, contrary to the national law, which stipulates 48 hours. The labourers are not paid for working overtime. In addition, a number of workers raised several occupational health and safety issues, including work at height without adequate protection, unsafe scaffolding, lack of personal protective equipment (e.g. ear plugs, gloves, boots, and helmet).	25. Right to enjoy just and favourable conditions of work (including rest and leisure) 28. Right to health	25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7 28. Right to health: UDHR 25; ICESCR 12

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>A local trade union claims that workers who join the union are frequently harassed by Build12's management and private security personnel. Past employees who now work for the union claim that the company frowns on staff being 'politically active', and those found to hold strong political views are often 'sacked, or given such a hard time, they quit'.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the rights to strike</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>26. Right to form and join trade unions, and the right to strike : UDHR 23; ICESCR 8; ILO No. 98</p>
<p>Twelve migrant contraction workers from neighbouring Frion have complained that Build34 managers frequently call them racially denigrating names and have retained their passports. They complain that the dormitories provided by the company are unsanitary and not equipped with running water.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>3. Right not to be subjected to slavery, servitude or forced labour</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>3. Right not to be subjected to slavery, servitude or forced labour: UDHR 4; ICCPR 8; ILO No. 105 and ILO No.29</p>
<p>Child labourers have been spotted working in mining quarries in northern Gizeron for Natural Materials Ltd, which supplies the natural white sandstone for Build34's luxury bathrooms.</p>	<p>15. Rights of protection for the child</p> <p>29. Right to education</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No. 182</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Build12 and Build34 as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>One thousand Proisian residents were forcibly relocated to a neighbouring city. They were not consulted and claim that Build12 colluded with the national government to 'cleanse Kali of its poor residents to make way for the foreign money'. Residents complain that they have been resettled in a very socially and economically deprived area, with no access to drinking water.</p>	<p>12. Right to freedom of movement</p> <p>17. Right to own property</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	<p>Policies</p>
		<p>Assessment procedures</p>
<p>Doctors have reported that a number of Proisian residents living within 5km of Build12's building site have developed asthma and attribute it to the dust from the construction. Nearly one out of three children under five years old display asthmatic symptoms such as wheezing. Residents have also complained that their water supply has reduced since the construction started. Families have resorted to stockpiling water.</p>	<p>15. Right of protection for the child</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>Policies</p>
		<p>Assessment procedures</p>
<p>Construction labourers working for one of Build12's contractors to build the large shopping centre, work on average 65 hours per week, contrary to the national law, which stipulates 48 hours. The labourers are not paid for working overtime. In addition, a number of workers raised several occupational health and safety issues, including work at height without adequate protection, unsafe scaffolding, lack of personal protective equipment (ear plugs, gloves, boots, and helmet).</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>28. Right to health</p>	<p>Policies</p>
		<p>Assessment procedures</p>
<p>Management systems</p>		

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>A local trade union claims that workers who join the union are frequently harassed by Build12's management and private security personnel. Past employees who now work for the union claim that the company frowns on staff being 'politically active', and those found to hold strong political views are often 'sacked, or given such a hard time, they quit'.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the right to strike</p>	<p>Policies</p> <p>Assessment procedures</p> <p>Management systems</p>
<p>Twelve migrant contraction workers from neighbouring Frion have complained that Build34 managers frequently call them racially denigrating names and have retained their passports. They complain that the dormitories provided by the company are unsanitary and not equipped with running water.</p>	<p>3. Right not to be subjected to slavery, servitude or forced labour</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	<p>Policies</p> <p>Assessment procedures</p> <p>Management systems</p>
<p>Child labourers have been spotted working in mining quarries in northern Gizeron for Natural Materials Ltd, which supplies the natural white sandstone for Build34's luxury bathrooms.</p>	<p>15. Right of protection for the child</p> <p>29. Right to education</p>	<p>Policies</p> <p>Assessment procedures</p> <p>Management systems</p>

Human Rights Scenarios: EXTRACTIVES (MINING) SECTOR

Imagine...

You work for a medium sized mining company, Mine Ltd that mines gold in Gidion. In two weeks, Mine Ltd will merge with Minerals, a SME that extracts copper ore in southern Gidion.

An international advocacy NGO has released a report alleging a number of human rights violations by Mine Ltd. The report raises concerns over the imminent merger, and highlights a number of alleged human rights abuses by Minerals.

“Our report identifies a number of human rights violations by Mine in spite of it being a member of the International Mining Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Mine Ltd and Mineral’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground in order to determine if there are real problems, and where issues are identified to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Mine Ltd is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it merges with Minerals.

ALLEGATIONS
Minerals prepared and implemented a resettlement plan in view of its expansion in southern Gidion and convened several stakeholder meetings, which were attended by two elders (men) of the indigenous community. Following their relocation, 50 indigenous people reported that the company promised that they would be relocated to a 'place near the Gidion rainforest so they could continue to practise their traditional way of life'. However, the indigenous community has been resettled 75km away from the rainforest. The same group of people asserts that their community received 'significantly below a fair price for the land' and was not informed that the company had found large copper ore deposits.
The copper ore is transported in a slurry pipeline to a port, 200km south from the mine. Minerals built a new water treatment system to ensure that the water used in the pipeline would be treated according to international standards before being re-used for local agriculture. However, sweet potato farmers in southern Gidion have complained that the treated water has had a negative impact on the quality and quantity of their production. Doctors have also noted depletion in vitamin A among the indigenous community, especially children. For centuries, the indigenous community has consumed a vegan diet, consisting predominantly of sweet potatoes. Sweet potatoes are high in vitamin A.
Last month, a Gidion doctor wrote a report on how mercury in mine effluents adversely affects the health of the surrounding community. Mine Ltd has launched a campaign attacking the local doctor's credibility and petitioned the Gidion Medical Association to remove him from the 'Approved Medical Practitioners' list.
Last year, Mine's private security personnel and the local police set alight a tunnel frequently utilised by local artisanal miners. Fifteen artisanal miners who were legal migrants from neighbouring Hidion suffered third-degree burns. The fifteen artisanal miners were subsequently arrested for trespassing and claimed that Mine's security personnel threatened them saying that 'they had friends working in the prison and would make sure they had a tough time inside'.
Following previous accusations that Minerals was an 'anti-union' company it strengthened its Code of Conduct and introduced a Freedom of Association and Collective Bargaining Policy. However, in spite of this, employees who have joined the local union complain that they are 'frequently victimised', stating that their supervisors give them 'lots of extra work and force them to do all the dangerous jobs' compared to their non-unionised colleagues. Minerals has no formal internal mechanism for workers to raise concerns and address their grievances.
Three expatriate employees were kidnapped for five days, six months ago. Following release, one employee wrote in a private internet forum 'Mine's senior management was slow to respond and put our lives at risk.' The next day, the employee was sacked for his 'poor performance', although he asserts that he is being punished for his personal comments.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Minerals prepared and implemented a resettlement plan in view of its expansion in southern Gidion and convened several stakeholder meetings, which were attended by two elders (men) of the indigenous community. Following their relocation, 50 indigenous people reported that the company promised that they would be relocated to a 'place near the Gidion rainforest so they could continue to practise their traditional way of life'. However, the indigenous community has been resettled 75km away from the rainforest. The same group of people asserts that their community received 'significantly below a fair price for the land' and was not informed that the company had found large copper ore deposits.	<p>19. Right to freedom of opinion, information and expression</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p> <p>12. Right to freedom of movement</p>	<p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>31. Right to self-determination: UDHR 21; ICCPR 1, ICESCR 1</p> <p>35. Rights of minorities: ICCPR 27</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p>
The copper ore is transported in a slurry pipeline to a port, 200km south from the mine. Minerals built a new water treatment system to ensure that the water used in the pipeline would be treated according to international standards before being re-used for local agriculture. However, sweet potato farmers in southern Gidion have complained that the treated water has had a negative impact on the quality and quantity of their production. Doctors have also noted depletion in vitamin A among the indigenous community, especially children. For centuries, the indigenous community has consumed a vegan diet, consisting predominantly of sweet potatoes. Sweet potatoes are high in vitamin A.	<p>15. Right of protection for the child</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>35. Rights of minorities</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>35. Rights of minorities: ICCPR 27</p>

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Last month, a Gidion doctor wrote a report on how mercury in mine effluents adversely affects the health of the surrounding community. Mine Ltd has launched a campaign attacking the local doctor's credibility and petitioned the Gidion Medical Association to remove him from the 'Approved Medical Practitioners' list.	19. Right to freedom of opinion, information and expression 24. Right to work 28. Right to health	19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19 24. Right to work: UDHR 23; ICESCR 6 28. Right to health: UDHR 25; ICESCR 12
Last year, Mine's private security personnel and the local police set alight a tunnel frequently utilised by local artisanal miners. Fifteen artisanal miners who were legal migrants from neighbouring Hidion suffered third-degree burns. The fifteen artisanal miners were subsequently arrested for trespassing and claimed that Mine's security personnel threatened them saying that 'they had friends working in the prison and would make sure they had a tough time inside'.	4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment 6. Right to equality before the law, equal protection of the law, non-discrimination 9. Right to a fair trial 28. Right to health	4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment: UDHR 5; ICCPR 7 6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111 9. Right to a fair trial: UDHR 10; ICCPR 14 28. Right to health: UDHR 25; ICESCR 12
Following previous accusations that Minerals was an 'anti-union' company it strengthened its Code of Conduct and introduced a Freedom of Association and Collective Bargaining Policy. However, in spite of this, employees who have joined the local union complain that they are 'frequently victimised', stating that their supervisors give them 'lots of extra work and force them to do all the dangerous jobs' compared to their non-unionised colleagues. Minerals has no formal internal mechanism for workers to raise concerns and address their grievances.	6. Right to equality before the law, equal protection of the law, non-discrimination 8. Right to access effective remedies 21. Right to freedom of association 26. Right to form and join trade unions, and the right to strike	6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111 8. Right to access to effective remedies: UDHR 8; ICCPR 2 21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87 26. Right to form and join trade unions, and the right to strike : UDHR 23; ICESCR 8; ILO No. 98
Three expatriate employees were kidnapped for five days, six months ago. Following release, one employee wrote on in a private internet forum 'Mine's senior management was slow to respond and put our lives at risk.' The next day, the employee was sacked for his 'poor performance', although he asserts that he is being punished for his personal comments.	2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile) 19. Right to freedom of opinion, information and expression 24. Right to work	2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9 19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19 24. Right to work: UDHR 23; ICESCR 6

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Minerals and Mine Ltd as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Minerals prepared and implemented a resettlement plan in view of its expansion in southern Gidion and convened several stakeholder meetings, which were attended by two elders (men) of the indigenous community. Following their relocation, 50 indigenous people reported that the company promised that they would be relocated to a 'place near the Gidion rainforest so they could continue to practise their traditional way of life'. However, the indigenous community has been resettled 75km away from the rainforest. The same group of people asserts that their community received 'significantly below a fair price for the land' and was not informed that the company had found large copper ore deposits.</p>	<p>19. Right to freedom of opinion, information and expression</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p> <p>12. Rights to freedom of movement</p>	<p>Policies</p>
		<p>Assessment procedures</p>
		<p>Management systems</p>
<p>The copper ore is transported in a slurry pipeline to a port, 200km south from the mine. Minerals built a new water treatment system to ensure that the water used in the pipeline would be treated according to international standards before being re-used for local agriculture. However, sweet potato farmers in southern Gidion have complained that the treated water has had a negative impact on the quality and quantity of their production. Doctors have also noted depletion in vitamin A among the indigenous community, especially children. For centuries, the indigenous community has consumed a vegan diet, consisting predominantly of sweet potatoes. Sweet potatoes are high in vitamin A.</p>	<p>15. Right of protection for the child</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>35. Rights of minorities</p>	<p>Policies</p>
		<p>Assessment procedures</p>
		<p>Management systems</p>
<p>Last month, a Gidion doctor wrote a report on how mercury in mine effluents adversely affects the health of the surrounding community. Mine Ltd has launched a campaign attacking the local doctor's credibility and petitioned the Gidion Medical Association to remove him from the 'Approved Medical Practitioners' list.</p>	<p>24. Right to work</p> <p>19. Right to freedom of opinion, information and expression</p> <p>28. Right to health</p>	<p>Policies</p>
		<p>Assessment procedures</p>
		<p>Management systems</p>

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Last year, Mine's private security personnel and the local police set alight a tunnel frequently utilised by local artisanal miners. Fifteen artisanal miners who were legal migrants from neighbouring Hidion suffered third-degree burns. The fifteen artisanal miners were subsequently arrested for trespassing and claimed that Mine's security personnel threatened them saying that 'they had friends working in the prison and would make sure they had a tough time inside'.</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>9. Right to a fair trial</p> <p>28. Right to health</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>
<p>Following previous accusations that Mineral was an 'anti-union' company it strengthened its Code of Conduct and introduced a Freedom of Association and Collective Bargaining Policy. However, in spite of this, employees who have joined the local union complain that they are 'frequently victimised', stating that their supervisors give them 'lots of extra work and force them to do all the dangerous jobs' compared to their non-unionised colleagues. Minerals has no formal internal mechanism for workers to raise concerns and address their grievances.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>8. Right to access effective remedies</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the right to strike</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>
<p>Three expatriate employees were kidnapped for five days, six months ago. Following release, one employee wrote on in a private internet forum 'Mine's senior management was slow to respond and put our lives at risk.' The next day, the employee was sacked for his 'poor performance', although he asserts that he is being punished for his personal comments.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>

Human Rights Scenarios: EXTRACTIVES (OIL AND GAS) SECTOR

Imagine...

You work for an oil and gas company OilGas, based in Copia, a high-income economy. OilGas has extensive oil and gas operations in Gidion and is, a low-income economy. It is keen to merge with Gas2, which operates extensively in Gidion, the largest gas company in the country. If they merge, OilGas2 would become the ninth biggest oil and gas company in the world.

An international advocacy NGO has released a report alleging a number of human rights violations by OilGas and its suppliers, over the last year. The report raises concerns over the imminent merger, and highlights a number of alleged human rights abuses by Gas2.

“Our report identifies a number of human rights violations by OilGas in spite of it being a member of the International Oil and Gas Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on OilGas and Gas2’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground in order to determine if there are real problems, and where issues are identified to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. OilGas is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it merges with Gas2.

ALLEGATIONS
Local indigenous fishermen claim that the wastewater from the natural gas drilling has polluted the local river, making the fish inedible for human consumption. In the last year, over 70% of the local fishermen have migrated to the capital city in search of work. Owing to the polluted water supply, local women and their children now have to walk on average, five hours a day, in search of clean drinkable water.
Two years ago, a gas pipeline explosion in Gas2's Gidion operation killed twelve employees and injured 34. A year prior to the explosion, Gas2 failed to invest in maintaining and replacing some of the old machinery. Gas2 did not financially compensate any of the 34 injured workers.
OilGas' private security and the National Gidion Public Authority used violent force to suppress a demonstration on the alleged poor and dangerous working conditions at OilGas' Gidion operations. During the demonstration, eight OilGas migrant workers from neighbouring Hidion were arrested and detained for three days by OilGas' security contractor before being transferred to the local police. During this time they were beaten. While all charges were dropped, the migrant workers were deported. OilGas did not intervene regarding the government's action on deportation.
Two months ago, Gas2 won the bid for a gas pipeline extension from Gidion-Hidion, which will cut across the Gidion Rainforest Reserve, which is sacred to the Gidi indigenous community's way of life. For generations, the Gidi community has nurtured the rainforest and survived on rubber-tapping, as their main source of livelihood. In Hidion, twenty families from the indigenous Hidi community who have been relocated ahead of the extension, complain that their new homes do not contain electricity and running water as promised during the initial consultation process.
Gas2 is well known for employing 'anti-union' tactics. Last year, three employees were allegedly sacked for 'poor punctuality'; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. Another employee who was dismissed for alleged 'poor performance' claimed that he was dismissed for his political affiliations. He claimed that he was marginalised in the workplace when management found out that he was an active member of the local Socialist Party, and that he drafted a flyer on the 'benefits of trade unions'.
Fighting between local unemployed Gidions and the migrant Hidions has increased over the last six months. Local Gidions complain that OilGas specifically employs migrants because they are 'cheap labour'. On average, Hidions received one third less in salary than a Gidion worker. All Hidion workers have to submit their passport on arrival.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Local indigenous fishermen claim that the wastewater from the natural gas drilling has polluted the local river, making the fish inedible for human consumption. In the last year, over 70% of the local fishermen have migrated to the capital city in search of work. Owing to the polluted water supply, local women and their children now have to walk on average, five hours a day, in search of clean drinkable water.	<p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>31. Right to self-determination</p>	<p>24. Right to work: UDHR 23; ICESCR 6</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>31. Right to self-determination: UDHR 21; ICCPR 1; ICESCR 1</p>
Two years ago, a gas pipeline explosion in Gas2's Gidion operation killed twelve employees and injured 34. A year prior to the explosion, Gas2 failed to invest in maintaining and replacing some of the old machinery. Gas2 did not financially compensate any of the 34 injured workers.	<p>1. Right to life</p> <p>23. Right to social security, including social insurance</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>28. Right to health</p>	<p>1. Right to life: UDHR 3; ICCPR6</p> <p>23. Right to social security, including social insurance: UDHR 22; ICESCR 9</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
OilGas private security and the National Gidion Public Authority used violent force to suppress a demonstration on the alleged poor and dangerous working conditions at OilGas's Gidion operations. During the demonstration, eight OilGas migrant workers from neighbouring Hidion were arrested and detained for three days by OilGas's security contractor before being transferred to the local police. During this time they were beaten. While all charges were dropped, the migrant workers were deported. OilGas did not intervene regarding the government's action on deportation.	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>20. Right to freedom of assembly</p> <p>32. Right of detained persons to humane treatment</p> <p>34. Right of aliens to due process when facing expulsion</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment: UDHR 5; ICCPR 7</p> <p>20. Right to freedom of assembly: UDHR 20; ICCPR 21</p> <p>32. Right of detained persons to humane treatment: ICCPR 10</p> <p>34. Right of aliens due process when facing expulsion: ICCPR 13</p>

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>Two months ago, Gas2 won the bid for a gas pipeline extension from Gidion-Hidion, which will cut across the Gidion Rainforest Reserve, which is sacred to the Gidi indigenous community's way of life. For generations, the Gidi community has nurtured the rainforest and survived on rubber-tapping, as their main source of livelihood. In Hidion, twenty families from the indigenous Hidi community who have been relocated ahead of the extension, complain that their new homes do not contain electricity and running water as promised during the initial consultation process.</p>	<p>17. Right to own property</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p>	<p>17. Right to own property: UDHR 17; ICESCR 15</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>31. Right to self determination: UDHR 21; ICCPR 1; ICESCR 1</p> <p>35. Rights of minorities: ICCPR 27</p>
<p>Gas2 is well known for employing 'anti-union' tactics. Last year, three employees were allegedly sacked for 'poor punctuality'; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. Another employee who was dismissed for alleged 'poor performance' claimed that he was dismissed for his political affiliations. He claimed that he was marginalised in the workplace when management found out that he was an active member of the local Socialist Party, and that he drafted a flyer on the 'benefits of trade unions'.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>19. Right to freedom of opinion, information and expression</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the rights to strike</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>26. Right to form and join trade unions, and the right to strike: UDHR 23; ICESCR 8; ILO No. 98</p>
<p>Fighting between local unemployed Gidions and the migrant Hidions has increased over the last six months. Local Gidions complain that OilGas specifically employs migrants because they are 'cheap labour'. On average, Hidions received one third less in salary than a Gidion worker. All Hidion workers have to submit their passport on arrival.</p>	<p>3. Right not to be subjected to slavery, servitude, forced labour</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p>	<p>3. Right not to be subjected to slavery, servitude or forced labour: UDHR 4; ICCPR 8; ILO No. 105 and ILO No.29</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at OilGas and Gas 2 as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
Local indigenous fishermen claim that the wastewater from the natural gas drilling has polluted the local river, making the fish inedible for human consumption. In the last year, over 70% of the local fishermen have migrated to the capital city in search of work. Owing to the polluted water supply, local women and their children now have to walk on average, five hours a day, in search of clean drinkable water.	24. Right to work	Policies
	25. Right to enjoy just and favourable conditions of work (including rest and leisure)	
	27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)	Assessment procedures
	28. Right to health	
	31. Right to self-determination	Management systems
Two years ago, a gas pipeline explosion in Gas2's Gidion operation killed twelve employees and injured 34. A year prior to the explosion, Gas2 failed to invest in maintaining and replacing some of the old machinery. Gas2 did not financially compensate any of the 34 injured workers.	1. Right to life	Policies
	23. Right to social security, including social insurance	
	25. Right to enjoy just and favourable conditions of work (including rest and leisure)	Assessment procedures
	28. Right to health	
		Management systems
OilGas's private security and the National Gidion Public Authority used violent force to suppress a demonstration on the alleged poor and dangerous working conditions at OilGas's Gidion operations. During the demonstration, eight OilGas migrant workers from neighbouring Hidion were arrested and detained for three days by OilGas's security contractor before being transferred to the local police. During this time they were beaten. While all charges were dropped, the migrant workers were deported. OilGas did not intervene regarding the government's action on deportation.	2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)	Policies
	4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	
	20. Right to freedom of assembly	Assessment procedures
	32. Right of detained persons to humane treatment	
	34. Right of aliens to due process when facing expulsion	Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Two months ago, Gas2 won the bid for a gas pipeline extension from Gidion-Hidion, which will cut across the Gidion Rainforest Reserve, which is sacred to the Gidi indigenous community's way of life. For generations, the Gidi community has nurtured the rainforest and survived on rubber-tapping, as their main source of livelihood. In Hidion, twenty families from the indigenous Hidi community who have been relocated ahead of the extension, complain that their new homes do not contain electricity and running water as promised, during the initial consultation process.</p>	<p>17. Right to own property</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Gas2 is well known for employing 'anti-union' tactics. Last year, three employees were allegedly sacked for 'poor punctuality'; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. Another employee who was dismissed for alleged 'poor performance' claimed that he was dismissed for his political affiliations. He claimed that he was marginalised in the workplace when management found out that he was an active member of the local Socialist Party, and that he drafted a flyer on the 'benefits of trade unions'.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>19. Right to freedom of opinion, information and expression</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the right to strike</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Fighting between local unemployed Gidions and the migrant Hidions has increased over the last six months. Local Gidions complain that OilGas specifically employs migrants because they are 'cheap labour'. On average, Hidions received one third less in salary than a Gidion worker. All Hidion workers have to submit their passport on arrival.</p>	<p>3. Right not to be subjected to slavery, servitude, forced labour</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios: FOOD AND BEVERAGE SECTOR

Imagine...

You work for a large company, Food Enterprises (Food E), that sells food, beverages and other daily consumables at low cost. Food E's largest store is in Dizeron, where you employ 2,000 people within your retail outlet and warehouse. Two of your brand's biggest sellers are oranges and bananas that you source from a supplier, Comida, based in Bizeron. In two weeks, Food E will acquire Comida.

An international advocacy NGO has released a report alleging a number of human rights violations by Food E. In addition, the journalist raises concerns over the imminent acquisition, and highlights a number of human rights abuses by Comida.

"Our report identifies a number of human rights violations by Food E in spite of it being a member of the International Food and Beverage Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization's (ILO) Core Conventions and the Universal Declaration of Human Rights."

A national newspaper has run a front-page cover story on Food E and Comida's alleged human rights breaches, based on the NGO's report.

While the company's immediate response is to refute the allegations through issuing a public rebuttal in the newspaper, your CEO privately fears that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations. The CEO instructs you to complete a review of the company's human rights due diligence approach.

Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company's human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Food E is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Comida.

ALLEGATIONS
Food E recently updated their Employee Handbook. One of the footnotes states that the company would prefer if staff refrained from wearing any religious attire and/or symbolic jewellery whilst they are on work premises. In response, three female employees designed a flyer denouncing Food E's 'covert discrimination tactics' and distributed it to all employees. Two days later, the Director of Human Resources issued all three employees with 'disciplinary warnings' for their 'poor performance'. The workers refute this charge, and claim that they are being punished for expressing their opinions.
80% of Food E's female store employees work, on average, 55 hours per week without overtime. They are contracted to work 45 hours. The female workers have complained that the excessive and unsociable hours prevent them from spending time with their children. While almost all the female workers expressed they were grateful for having a job, over half complained that the wages were too low based on Dizeron's high cost of living. Food E is illegally paying less than the Dizeron minimum wage.
It is alleged that Food E's private security forces and the Dizeron national police used excessive violent force to suppress a demonstration on the alleged poor labour conditions in Comida's banana plantations, outside Food E's head office. At the protest, two migrant workers were dragged into one of Food E's lorries and driven to the local police station. They claim that during the journey, two Food E employees racially insulted them and one said, 'Our CEO knows the judge and he'll make sure you are sent back like the others'
Plantation workers working for Comida have complained that there are inadequate washing facilities on site. Reports highlight that water is sporadic and cold. Soap is dispensed twice a month only. Once it is used, it is not replenished. Men and women are expected to share the same facilities. Fifteen per cent of women working in the Comida banana plantation have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. Twenty of these women were pregnant and of the twenty women, twelve gave birth to babies with neurological and congenital deformities.
Last year, 50 illegal migrant workers were found in Comida's banana plantation from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. Four migrant workers approached the company's management to complain about their relative lower salaries compared to the national workers. They were threatened with dismissal and given a written warning.
Six months ago, 60 children aged 9–12 were found working during school hours, in the plantation alongside their parents, who work for Comida. The company claims they were unaware of the child labourers in their supply chain, and that child labour is forbidden.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Food E recently updated their Employee Handbook. One of the footnotes states that the company would prefer if staff refrained from wearing any religious attire and/or symbolic jewellery whilst they are on work premises. In response, three female employees designed a flyer denouncing Food E's 'covert discrimination tactics' and distributed it to all employees. Two days later, the Director of Human Resources issued all three employees with 'disciplinary warnings' for their 'poor performance'. The workers refute this charge, and claim that they are being punished for expressing their opinions.	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>19. Right to freedom of opinion, information and expression</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
<p>80% of Food E's female store employees work, on average, 55 hours per week without overtime. They are contracted to work 45 hours. The female workers have complained that the excessive and unsociable hours prevent them from spending time with their children.</p> <p>While almost all the female workers expressed they were grateful for having a job, over half complained that the wages were too low based on Dizeron's high cost of living. Food E is illegally paying less than the Dizeron minimum wage.</p>	<p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.29</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
It is alleged that Food E's private security forces and the Dizeron national police used excessive violent force to suppress a demonstration on the alleged poor labour conditions in Comida's banana plantations, outside Food E's head office.	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>19. Right to freedom of opinion, information and expression</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p>

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
At the protest two migrant workers were dragged into one of Food E's lorries and driven to the local police station. They claim that during the journey, two Food E employees racially insulted them and one said, 'Our CEO knows the judge and he'll make sure you are sent back like the others'	6. Right to equality before the law, equal protection of the law, non-discrimination 4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111 4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment: UDHR 5; ICCPR 7
Plantation workers working for Comida have complained that there are inadequate washing facilities on site. Reports highlight that water is sporadic and cold. Soap is dispensed twice a month only. Once it is used, it is not replenished. Men and women are expected to share the same facilities. Fifteen per cent of women working in the Comida banana plantation have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. Twenty of these women were pregnant and of the twenty women, twelve gave birth to babies with neurological and congenital deformities.	1. Right to life 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation) 28. Right to health 11. Right to privacy 15. Right of protection for the child	1. Right to life: UDHR 3; ICCPR 6 27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11 28. Right to health: UDHR 25; ICESCR 12 11. Right to privacy: UDHR 12; ICCPR 17 15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182
Last year, 50 illegal migrant workers were found in Comida's banana plantation from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. Four migrant workers approached the company's management to complain about their relative lower salaries compared to the national workers. They were threatened with dismissal and given a written warning.	8. Right to access effective remedies 3. Right not to be subjected to slavery, servitude, forced labour 6. Right to equality before the law, equal protection of the law, non-discrimination 12. Right to freedom of movement	8. Right to access effective remedies: UDHR 8; ICCPR 2 3. Right not to be subjected to slavery, servitude, forced labour: UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105 6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111 12. Right to freedom of movement: UDHR 13; ICCPR 12
Six months ago, 60 children aged 9–12 were found working during school hours, in the plantation alongside their parents, who work for Comida. The company claims they were unaware of the child labourers in their supply chain, and that child labour is forbidden.	29. Right to education 15. Right of protection for the child	29. Right to education: UDHR 26; ICESCR 13 and 14 15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No. 182

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Food E and Comida as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Food E recently updated their Employee Handbook. One of the footnotes states that the company would prefer if staff refrained from wearing any religious attire and/or symbolic jewellery whilst they are on work premises. In response, three female employees designed a flyer denouncing Food E's 'covert discrimination tactics' and distributed it to all employees. Two days later, the Director of Human Resources issued all three employees with 'disciplinary warnings' for their 'poor performance'. The workers refute this charge, and claim that they are being punished for expressing their opinions.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>19. Right to freedom of opinion, information and expression</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	Policies
		Assessment procedures
<p>80% of Food E's female store employees work, on average, 55 hours per week without overtime. They are contracted to work 45 hours. The female workers have complained that the excessive and unsociable hours prevent them from spending time with their children.</p> <p>While almost all the female workers expressed they were grateful for having a job, over half complained that the wages were too low based on Dizeron's high cost of living. Food E is illegally paying less than the Dizeron minimum wage.</p>	<p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	Policies
		Assessment procedures
<p>It is alleged that Food E's private security forces and the Dizeron national police used excessive violent force to suppress a demonstration on the alleged poor labour conditions in Comida's banana plantations, outside Food E's head office. At the protest, two migrant workers were dragged into one of Food E's lorries and driven to the local police station.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>19. Right to freedom of opinion, information and expression</p>	Policies
		Assessment procedures

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>They claim that during the journey, two Food E employees racially insulted them and one said, 'Our CEO knows the judge and he'll make sure you are sent back like the others'</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	
	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p>	<p>Management systems</p>
<p>Plantation workers working for Comida have complained that there are inadequate washing facilities on site. Reports highlight that water is sporadic and cold. Soap is dispensed twice a month only. Once it is used, it is not replenished. Men and women are expected to share the same facilities.</p> <p>Fifteen per cent of women working in the Comida banana plantation have developed thyroid cancer over the last three years, which they attribute to the daily aerial spraying of pesticides. Twenty of these women were pregnant and of the twenty women, twelve gave birth to babies with neurological and congenital deformities.</p>	<p>1. Right to life</p>	<p>Policies</p>
	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p>	
	<p>28. Right to health</p>	<p>Assessment procedures</p>
	<p>11. Right to privacy</p>	
<p>Last year, 50 illegal migrant workers were found in Comida's banana plantation from neighbouring country, Cizeron. Plantation managers retain the passports of all migrant workers. Four migrant workers approached the company's management to complain about their relative lower salaries compared to the national workers. They were threatened with dismissal and given a written warning.</p>	<p>8. Right to access effective remedies</p>	<p>Policies</p>
	<p>3. Right not to be subjected to slavery, servitude, forced labour</p>	<p>Assessment procedures</p>
	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>Management systems</p>
	<p>12. Right to freedom of movement</p>	
<p>Six months ago, 60 children aged 9–12 were found working during school hours, in the plantation alongside their parents, who work for Comida. The company claims they were unaware of the child labourers in their supply chain, and that child labour is forbidden.</p>	<p>29. Right to education</p>	<p>Policies</p>
	<p>15. Right of protection for the child</p>	
		<p>Assessment procedures</p>
		<p>Management systems</p>

Human Rights Scenarios: PHARMACEUTICAL AND CHEMICAL SECTOR

Imagine...

You work for a global pharmaceutical company PharmaMundo, which operates extensively in Dizeron. PharmaMundo has a diverse market portfolio, which includes, in addition to contraceptives, a new skincare range.

Keen to expand its portfolio, PharmaMundo will merge with Chim Labs, a medium-sized chemical company based in Dizeron, in two weeks. Chim Labs is the third-largest supplier of agrochemicals in Dizeron and operates extensively in Via.

An international advocacy NGO has released a report alleging a number of human rights violations by PharmaMundo. The report raises concerns over the imminent merger, and highlights a number of alleged human rights abuses by Chim Labs.

“Our report identifies a number of human rights violations by PharmaMundo in spite of it being a member of the International Pharmaceuticals Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on PharmaMundo and Chim Labs’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO asks you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. PharmaMundo is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it merges with Chim Labs.

ALLEGATIONS
A whistleblower has claimed that PharmaMundo sells the personal data of all its clinical trial participants to their corporate sales division. Over 50 people have complained to the Dizeron Advertising Commission that the recent television advert on PharmaMundo's latest skin-whitening range is racist.
At a recent protest outside PharmaMundo's head office on the high costs of oral contraceptives in Via, the company's security guards assaulted 12 people. PharmaMundo claims they were illegally on the company's private property, but the protestors say they remained in the public square outside the company's head office.
Two years ago, Chim Labs increased the fee of their training course in handling agrochemicals by 150%, which resulted in a decrease of 70% in course participants. Since the increase, there has been a 30% rise in fires on farms in Dizeron. None of the injured farmers had attended the agrochemicals training course, claiming they could not afford it.
Sixty ex-plantation workers in Via have filed a class action lawsuit against Chim Labs and BananaCorp, an agribusiness company that used Chim Lab pesticides for their banana crops during the 1980s. Forty-five female plantation workers who worked for BananaCorp claim that the pesticides made them sterile and 15 women claim it contributed to the death of their babies.
Marine biologists in Via have noted a high concentration of pesticides in fish and seafood in the southern region of Via. Doctors have noticed depletion in vitamin A among local families, especially children, as mothers have stopped buying and cooking locally caught fish (fish has a high content of vitamin A). Over 60% of local fishermen have migrated to the city in search of jobs, leaving their families behind.
Chim Labs are threatening to sue a large farming cooperative in Dizeron for 'unlawful use of its herbicide patent'. The farming cooperative, which includes many indigenous farmers claim that they have used the natural herbicide on their crops for generations, and that Chim Labs has 'expropriated their gifts from mother earth'.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
A whistleblower has claimed that PharmaMundo sells the personal data of all its clinical trial participants to their corporate sales division. Over 50 people have complained to the Dizeron Advertising Commission that the recent television advert on PharmaMundo's latest skin-whitening range is racist.	7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred 11. Right to privacy	7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred: UDHR 7; ICCPR 20 11. Right to privacy: UDHR 12; ICCPR 17
At a recent protest outside PharmaMundo's head office on the high costs of oral contraceptives in Via, the company's security guards assaulted 12 people. PharmaMundo claims they were illegally on the company's private property, but the protestors say they remained in the public square outside the company's head office.	2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile) 4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment 19. Right to freedom of opinion, information and expression 20. Right to freedom of assembly 21. Right to freedom of association	2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9 4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment: UDHR 5; ICCPR 7 19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19 20. Right to freedom of assembly: UDHR 20; ICCPR 21 21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87
Two years ago, Chim Labs increased the fee of their training course in handling agrochemicals by 150%, which resulted in a decrease of 70% in course participants. Since the increase, there has been a 30% rise in fires on farms in Dizeron. None of the injured farmers had attended the agrochemicals training course, claiming they could not afford it.	24. Right to work 25. Right to enjoy just and favourable conditions of work (including rest and leisure)	24. Right to work: UDHR 23; ICESCR 6 25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7

Allegations	Human Rights	Articles from UDHR,ICCPR, ICESCR and ILO Core Conventions
<p>Sixty ex-plantation workers in Via have filed a class action lawsuit against Chim Labs and BananaCorp, an agribusiness company that used Chim Lab pesticides for their banana crops during the 1980s. Forty-five female plantation workers who worked for BananaCorp claim that the pesticides made them sterile and 15 women claim it contributed to the death of their babies.</p>	<p>1. Right to life</p> <p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>28. Right to health</p>	<p>1. Right to life: UDHR 3; ICCPR 6</p> <p>15. Right of protection for the child: UDHR 25; ICCPR 24</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
<p>Marine biologists in Via have noted a high concentration of pesticides in fish and seafood in the southern region of Via. Doctors have noticed depletion in vitamin A among local families, especially children, as mothers have stopped buying and cooking locally caught fish (fish has a high content of vitamin A). Over 60% of local fishermen have migrated to the city in search of jobs, leaving their families behind.</p>	<p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
<p>Chim Labs are threatening to sue a large farming cooperative in Dizeron for 'unlawful use of its herbicide patent'. The farming cooperative, which includes many indigenous farmers claim that they have used the natural herbicide on their crops for generations, and that Chim Labs has 'expropriated their gifts from mother earth'.</p>	<p>30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p>	<p>30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors: UDHR 27; ICESCR 15</p> <p>31. Right to self-determination: ICCPR 1; ICESCR 1; UDHR 21</p> <p>35. Rights of minorities: ICCPR 27</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at PharmaMundo and Chim Labs as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>A whistleblower has claimed that PharmaMundo sells the personal data of all its clinical trial participants to their corporate sales division. Over 50 people have complained to the Dizeron Advertising Commission that the recent television advert on PharmaMundo's latest skin-whitening range is racist.</p>	<p>7. Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred</p> <p>11. Right to privacy</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>At a recent protest outside PharmaMundo's head office on the high costs of oral contraceptives in Via, the company's security guards assaulted 12 people. PharmaMundo claims they were illegally on the company's private property, but the protestors say they remained in the public square outside the company's head office.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>19. Right to freedom of opinion, information and expression</p> <p>20. Right to freedom of assembly</p> <p>21. Right to freedom of association</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Two years ago, Chim Labs increased the fee of their training course in handling agrochemicals by 150%, which resulted in a decrease of 70% in course participants. Since the increase, there has been a 30% rise in fires on farms in Dizeron. None of the injured farmers had attended the agrochemicals training course, claiming they could not afford it.</p>	<p>24. Right to work</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Sixty ex-plantation workers in Via have filed a class action lawsuit against Chim Labs and BananaCorp, an agribusiness company that used Chim Lab pesticides for their banana crops during the 1980s. Forty-five female plantation workers who worked for BananaCorp claim that the pesticides made them sterile and 15 women claim it contributed to the death of their babies.</p>	<p>1. Right to life</p> <p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>28. Right to health</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Marine biologists in Via have noted a high concentration of pesticides in fish and seafood in the southern region of Via. Doctors have noticed depletion in vitamin A among local families, especially children, as mothers have stopped buying and cooking locally caught fish (fish has a high content of vitamin A). Over 60% of local fishermen have migrated to the city in search of jobs, leaving their families behind.</p>	<p>15. Right of protection for the child</p> <p>16. Right to marry and form a family</p> <p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Chim Labs are threatening to sue a large farming cooperative in Dizeron for 'unlawful use of its herbicide patent'. The farming cooperative, which includes many indigenous farmers claim that they have used the natural herbicide on their crops for generations, and that Chim Labs has 'expropriated their gifts from mother earth'.</p>	<p>30. Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios:

RETAIL (GARMENT, FOOTWEAR, HOMEWARE AND TOYS) SECTOR

Imagine...

You work for a large fashion company, SportE that sells sportswear and trainers aimed at a young, fashion-conscious market. You have a big department store, where you employ 1,000 people within your retail store and warehouse. SportE has just launched a new tracksuit and trainer combination set. The tracksuit top and bottom are made from cotton and dyed denim. The tracksuit set and trainers are made by SportE's supplier, Fashion Supplia, located in Dizeron. SportE will acquire Fashion Supplia in two weeks.

An international advocacy NGO has released a report alleging a number of human rights violations by SportE. The report raises concerns over the imminent acquisition, and highlights a number of alleged human rights abuses by Fashion Supplia.

"Our report identifies a number of human rights violations by SportE in spite of it being a member of the International Retail Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization's (ILO) Core Conventions and the Universal Declaration of Human Rights."

Yesterday, a national newspaper has ran a front-page cover story on SportE and Fashion Supplia's alleged human rights abuses, based on the NGO's report.

While the company's immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO has asked you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground in order to determine if there are real problems, and where issues are identified to develop and implement corrective actions.

Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company's human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Sport E is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Fashion Supplia.

ALLEGATIONS
A recent report from a small local NGO highlights that warehouse staff, mainly women, are forced by SportE management to work overtime for no extra pay. Also their contract does not entitle them to any holiday leave. When a few of them complained that the excessive working hours prevent them from spending sufficient time with their children and families, they were immediately sacked.
80% of women working at the Fashion Supplia factory are migrants from neighbouring Lizeron. On appointment, they have to submit their passports to the human resources department and are required to take a pregnancy test. Several Lizeron inhabitants reported to a local newspaper that they had not been hired because they refused to submit their passport or take the test.
A leaked company survey completed three months ago highlights that 93% of factory workers reported they have experienced vomiting, diarrhoea and rashes since the dyed denim tracksuit set was introduced into the production line. In spite of this, workers have not been issued with protective equipment. Local consumer groups claim that the dye contains toxic chemicals; however, management continues to rebut their claims.
An international human rights NGO has documented 25 children aged 9–12, working in a nearby tannery in Dizeron during school hours. The local tannery provides the leather uppers for the trainers that Fashion Supplia produces.
During the filming of a documentary by a foreign television company, several SportE store workers testified under the cover of anonymity that they were too scared to join the local trade union, commenting that past employees that joined the trade union had either been 'sacked, beaten up or had 'disappeared'".
Three women who previously worked for SportE as saleswomen filed a complaint with the National Equal Employment Opportunity Commission after they were fired because they refused to remove their religious headscarf.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
A recent report from a small local NGO highlights that warehouse staff, mainly women, are forced by SportE management to work overtime for no extra pay. Also their contract does not entitle them to any holiday leave. When a few of them complained that the excessive working hours prevent them from spending sufficient time with their children and families, they were immediately sacked.	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>19. Right to freedom of opinion, information and expression</p> <p>16. Right to marry and form a family</p> <p>24. Right to work</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>24. Right to work: UDHR 23; ICESCR 6</p>
80% of women working at the Fashion Supplia factory are migrants from neighbouring Lizeron. On appointment, they have to submit their passports to the human resources department and are required to take a pregnancy test. Several Lizeron inhabitants reported to a local newspaper that they had not been hired because they refused to submit their passport or take the test.	<p>3. Right not to be subjected to slavery, servitude, forced labour</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p>	<p>3. Right not to be subjected to slavery, servitude, forced labour: UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p>
A leaked company survey completed three months ago highlights that 93% of factory workers reported they have experienced vomiting, diarrhoea and rashes since the dyed denim tracksuit set was introduced into the production line. In spite of this, workers have not been issued with protective equipment. Local consumer groups claim that the dye contains toxic chemicals; however, management continues to rebut their claims.	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>28. Right to health</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>An international human rights NGO has documented 25 children aged 9–12, working in a nearby tannery in Dizeron during school hours. The local tannery provides the leather uppers for the trainers that Fashion Supplia produces.</p>	<p>15. Right of protection for the child</p> <p>29. Right to education</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No. 182</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p>
<p>During the filming of a documentary by a foreign television company, several SportE store workers testified under the cover of anonymity that they were too scared to join the local trade union, commenting that past employees that joined the trade union had either been 'sacked, beaten up or had 'disappeared'.</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment</p> <p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the rights to strike</p>	<p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment: UDHR 5; ICCPR 7</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>26. Right to form and join trade unions, and the right to strike: UDHR 23; ICESCR 8; ILO No. 98</p>
<p>Three women who previously worked for SportE as saleswomen filed a complaint with the National Equal Employment Opportunity Commission after they were fired because they refused to remove their religious headscarf.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>18. Right to freedom of thought, conscience and religion</p> <p>24. Right to work</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>18. Right to freedom of thought, conscience and religion: UDHR 18; ICCPR 18</p> <p>24. Right to work: UDHR 23; ICESCR 6</p>

Task 2: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at SportE and Fashion Supplia as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
A recent report from a small local NGO highlights that warehouse staff, mainly women, are forced by SportE management to work overtime for no extra pay. Also their contract does not entitle them to any holiday leave. When a few of them complained that the excessive working hours prevent them from spending sufficient time with their children and families, they were immediately sacked.	25. Right to enjoy just and favourable conditions of work (including rest and leisure)	Policies
	6. Right to equality before the law, equal protection of the law, non-discrimination	Assessment procedures
	19. Right to freedom of opinion, information and expression	Management systems
	16. Right to marry and form a family	
80% of women working at the Fashion Supplia factory are migrants from neighbouring Lizeron. On appointment, they have to submit their passports to the human resources department and are required to take a pregnancy test. Several Lizeron inhabitants reported to a local newspaper that they had not been hired because they refused to submit their passport or take the test.	24. Right to work	
	3. Right not to be subjected to slavery, servitude, forced labour	Policies
	6. Right to equality before the law, equal protection of the law, non-discrimination	Assessment procedures
	12. Right to freedom of movement	Management systems
A leaked company survey completed three months ago highlights that 93% of factory workers reported they have experienced vomiting, diarrhoea and rashes since the dyed denim tracksuit set was introduced into the production line. In spite of this, workers have not been issued with protective equipment. Local consumer groups claim that the dye contains toxic chemicals; however, management continues to rebut their claims.		
	25. Right to enjoy just and favourable conditions of work (including rest and leisure)	Policies
	28. Right to health	Assessment procedures
		Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>An international human rights NGO has documented 25 children aged 9–12, working in a nearby tannery in Dizeron during school hours. The local tannery provides the leather uppers for the trainers that Fashion Supplia produces.</p>	<p>29. Right to education</p> <p>15. Right of protection for the child</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>During the filming of a documentary by a foreign television company, several SportE store workers testified under the cover of anonymity that they were too scared to join the local trade union, commenting that past employees that joined the trade union had either been 'sacked, beaten up or had 'disappeared'.</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>21. Right to freedom of association</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Three women who previously worked for SportE as saleswomen filed a complaint with the National Equal Employment Opportunity Commission after they were fired because they refused to remove their religious headscarf.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>18. Right to freedom of thought, conscience and religion</p> <p>24. Right to work</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios: TELECOMMUNICATIONS SECTOR

Imagine...

You work for a telecommunications company, Telinter, based in Hopia, a middle-income economy. Telinter is the largest supplier of mobile phones in Hopia. Keen to diversify its portfolio, it will soon acquire Inter2, the second-biggest search engine company operating extensively in Didion, a low-income economy.

An international advocacy NGO has released a report alleging a number of human rights violations by Telinter and its suppliers over the last year.

“Our report identifies a number of human rights violations by Telinter in spite of it being a member of the International Telecommunications Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Telinter’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO asks you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Telinter is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Inter2.

ALLEGATIONS
Eight per cent of Telinter's factory workers in Hopia have contracted cancer in the last year. All of the factory workers make mobile phone batteries that contain nickel-cadmium, which other companies have phased out because of its alleged hazardous effects.
Telinter is the largest purchaser of tungsten from southern Didion, where there is a longstanding ethnic conflict over local minerals. The southern Didions claim that Telinter favours the Didi ethnic group by exclusively purchasing all minerals from Didi traders, and turning a blind eye to them taking a 20% cut on all minerals. In protest, the southern Didion community recently organised a demonstration. They claim that at the demonstration, Telinter's private security forces assaulted fifteen people, and injured ten.
Last year, consumer watchdogs exposed Inter2's practice of selling personal information to various industry sectors, including insurance companies for thousands of Didion dollars. Local NGOs also allege that Inter2 passed the personal information of five trade unionists to the Didion government. The Didion government arrested the five unionists and charged them with treason. The activists were prevented from consulting a lawyer.
Residents of Hopia have complained that their water supply has reduced significantly since Telinter established its factory in eastern Hopia. The production of microchips requires the use of a large amount of local water. Women now have to walk on average five hours a day to collect water from a nearby source. During the dry season, children accompany their mothers to collect water and, as a result, do not go to school.
Inter2 is well known for employing 'anti-union' tactics. Last year, three employees were sacked for alleged poor punctuality; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. One employee claims that since management found out he was responsible for drafting a flyer on the 'benefits of joining a trade union', and that he was an active member of the local Socialist Party, he was marginalised in the workplace and frequently threatened with dismissal.
Fighting between local unemployed Hopians and the migrant Jopians has increased over the last six months. Local Hopians complain that Telinter specifically employs female migrants to work in the factory because they are 'cheap labour'. On average, Jopians received one-third less in salary than a female Hopian worker. All Jopian workers have to submit their passport on arrival, and are expected to work on average, 60 hours a week, without overtime, despite being contracted to work 45 hours. The female migrant workers reported to the local press that the excessive working hours prevent them from spending time with their children. However, they do not have any formal way to complain about this situation to Telinter's management.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Eight per cent of Telinter's factory workers in Hopia have contracted cancer in the last year. All of the factory workers make mobile phone batteries that contain nickel-cadmium, which other companies have phased out because of its alleged hazardous effects.	<p>1. Right to life</p> <p>28. Right to health</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>1. Right to life: UDHR 3; ICCPR 6</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
Telinter is the largest purchaser of tungsten from southern Didion, where there is a longstanding ethnic conflict over local minerals. The southern Didions claim that Telinter favors the Didi ethnic group by exclusively purchasing all minerals from Didi traders, and turning a blind eye to them taking a 20% cut on all minerals. In protest, the southern Didion community recently organised a demonstration. They claim that at the demonstration, Telinter's private security forces assaulted fifteen people, and injured ten.	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>20. Right to freedom of assembly</p> <p>19. Right to freedom of opinion, information and expression</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment: UDHR 5; ICCPR 7</p> <p>20. Right to freedom of assembly: UDHR 20; ICCPR 21</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p>
Last year, consumer watchdogs exposed Inter2's practice of selling personal information to various industry sectors, including insurance companies for thousands of Didion dollars. Local NGOs also allege that Inter2 passed the personal information of five trade unionists to the Didion government. The Didion government arrested the five unionists and charged them with treason. The activists were prevented from consulting a lawyer.	<p>9. Right to a fair trial</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>21. Right to freedom of association</p> <p>11. Right to privacy</p>	<p>9. Right to a fair trial: UDHR 10; ICCPR 14</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>11. Right to privacy: UDHR 12; ICCPR 17</p>

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>Residents of Hopia have complained that their water supply has reduced significantly since Telinter established its factory in eastern Hopia. The production of microchips requires the use of a large amount of local water. Women now have to walk on average five hours a day to collect water from a nearby source. During the dry season, children accompany their mothers to collect water and, as a result, do not go to school.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>29. Right to education</p> <p>16. Right to marry and form a family</p> <p>15. Right of protection for the child</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p> <p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182</p>
<p>Inter2 is well known for employing 'anti-union' tactics. Last year, three employees were sacked for alleged poor punctuality; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. One employee claims that since management found out he was responsible for drafting a flyer on the benefits of joining a trade union, and that he was an active member of the local Socialist Party, he was marginalised in the workplace and frequently threatened with dismissal.</p>	<p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p>	<p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>26. Right to form and join trade unions, and the right to strike : UDHR 23; ICESCR 8; ILO No. 98</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>24. Right to work: UDHR 23; ICESCR 6</p>
<p>Fighting between local unemployed Hopians and the migrant Jopians has increased over the last six months. Local Hopians complain that Telinter specifically employs female migrants to work in the factory because they are 'cheap labour'. On average, Jopians received one-third less in salary than a female Hopian worker. All Jopian workers have to submit their passport on arrival, and are expected to work on average, 60 hours a week, without overtime, despite being contracted to work 45 hours. The female migrant workers reported to the local press that the excessive working hours prevent them from spending time with their children. However, they do not have any formal way to complain about this situation to Telinter's management.</p>	<p>8. Right to access effective remedies</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p> <p>16. Right to marry and form a family</p>	<p>8. Right to access effective remedies: UDHR 8; ICCPR 2</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>12. Right to freedom of movement: UDHR 13; ICCPR 12</p> <p>16. Right to marry and form a family: UDHR 16; ICCPR 23; ICESCR 10</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Telinter and Inter2 as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
Eight per cent of Telinter's factory workers in Hopia have contracted cancer in the last year. All of the factory workers make mobile phone batteries that contain nickel-cadmium, which other companies have phased out because of its alleged hazardous effects.	1. Right to life 28. Right to health 25. Right to enjoy just and favourable conditions of work (including rest and leisure)	Policies
		Assessment procedures
		Management systems
Telinter is the largest purchaser of tungsten from southern Didion, where there is a longstanding ethnic conflict over local minerals. The southern Didions claim that Telinter favors the Didi ethnic group by exclusively purchasing all minerals from Didi traders, and turning a blind eye to them taking a 20% cut on all minerals. In protest, the southern Didion community recently organised a demonstration. They claim that at the demonstration, Telinter's private security forces assaulted fifteen people, and injured ten.	4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment 20. Right to freedom of assembly 19. Right to freedom of opinion, information and expression 2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile) 6. Right to equality before the law, equal protection of the law, non-discrimination	Policies
		Assessment procedures
		Management systems
Last year, consumer watchdogs exposed Inter2's practice of selling personal information to various industry sectors, including insurance companies for thousands of Didion dollars. Local NGOs also allege that Inter2 passed the personal information of five trade unionists to the Didion government. The Didion government arrested the five unionists and charged them with treason. The activists were prevented from consulting a lawyer.	9. Right to a fair trial 6. Right to equality before the law, equal protection of the law, non-discrimination 21. Right to freedom of association 11. Right to privacy	Policies
		Assessment procedures
		Management systems

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Residents of Hopia have complained that their water supply has reduced significantly since Telinter established its factory in Eastern Hopia. The production of microchips requires the use of a large amount of local water. Women now have to walk on average five hours a day to collect water from a nearby source. During the dry season, children accompany their mothers to collect water and, as a result, do not go to school.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>29. Right to education</p> <p>16. Right to marry and form a family</p> <p>15. Right of protection for the child</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Inter2 is well known for employing 'anti-union' tactics. Last year, three employees were sacked for alleged poor punctuality; however, the ex-employees claim they were dismissed after being caught at a meeting discussing their working conditions. One employee claims that since management found out he was responsible for drafting a flyer on the benefits of joining a trade union, and that he was an active member of the local Socialist Party, he was marginalised in the workplace and frequently threatened with dismissal.</p>	<p>21. Right to freedom of association</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Fighting between local unemployed Hopians and the migrant Jopians has increased over the last six months. Local Hopians complain that Telinter specifically employs female migrants to work in the factory because they are 'cheap labour'. On average, Jopians received one-third less in salary than a female Hopian worker. All Jopian workers have to submit their passport on arrival, and are expected to work on average, 60 hours a week, without overtime, despite being contracted to work 45 hours. The female migrant workers reported to the local press that the excessive working hours prevent them from spending time with their children. However, they do not have any formal way to complain about this situation to Telinter's management.</p>	<p>8. Right to access effective remedies</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>12. Right to freedom of movement</p> <p>16. Right to marry and form a family</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>

Human Rights Scenarios: TOURISM SECTOR

Imagine...

You work for an international, four-star hotel chain, Bed, which is headquartered in Ria. Bed has doubled its global customer base in the last year, following the opening of six luxury resorts in Larion.

In two weeks, Bed will acquire Slumba, a three-star hotel located in Carion. If acquired, Bed would become the largest hotel chain in Carion, and the fifth biggest in the region.

An international advocacy NGO has released a report alleging a number of human rights violations by Bed. The report raises concerns over the imminent acquisition, and highlights a number of alleged human rights abuses by Slumba.

“Our report identifies a number of human rights violations by Bed in spite of it being a member of the International Holiday Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Bed and Slumba’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO asks you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Bed is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Slumba.

ALLEGATIONS
Last year, 13 hotel chambermaids lodged a sexual harassment case against Slumba management. Following their official complaint, they were dismissed for their 'poor timekeeping'; however, according to the local trade union, this claim is unsubstantiated.
Employees of African descent have complained that Bed management exclusively places 'light-skinned Larions and staff with European features' in customer-facing positions, in spite of being equally qualified and experienced.
Child labourers have been found mining white sandstone during the day in northern Larion for Natural Materials Limited, which exclusively manufactures bathroom suites for Bed.
Water geologists employed by the international NGO found traces of sewage effluent in a local water stream near Bed's largest resort in Larion. Children frequently play in the local stream and many women use the stream to wash clothes. The same experts also noticed a lowering of the water table around the hotel that they attribute to the new swimming pool and golf course that were recently built on the hotel premises.
Local residents have complained that Bed's private security personnel frequently use excessive force to remove them from the public beach, which is adjacent to Bed's flagship resort in Larion.
Doctors have noted a surge in syphilis among the male waiters working in the six luxury resorts in Larion. National health NGOs claimed that the front of house staff 'turn a blind eye for a fee' to international tourists using prostitution services in their resorts.
Three months ago, two managers were found taking money from a guest to find 'a couple of young girls'. A local NGO believes that these young girls had been trafficked from neighbouring Carion.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
Last year, 13 hotel chambermaids lodged a sexual harassment case against Slumba management. Following their official complaint, they were dismissed for their 'poor timekeeping'; however, according to the local trade union, this claim is unsubstantiated.	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>8. Right to access effective remedies</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>8. Right to access to effective remedies: UDHR 8; ICCPR 2</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
Employees of African descent have complained that Bed management exclusively places 'light-skinned Larions and staff with European features' in customer-facing positions, in spite of being equally qualified and experienced.	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p>
Child labourers have been found mining white sandstone during the day in northern Larion for Natural Materials Limited, which exclusively manufactures bathroom suites for Bed.	<p>15. Right of protection for the child</p> <p>29. Right to education</p> <p>3. Right not to be subjected to slavery, servitude, forced labour</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No. 182</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p> <p>3. Right not to be subjected to slavery, servitude, forced labour: UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105</p>

Allegations	Human Rights	Articles from UDHR,ICCPR, ICESCR and ILO Core Conventions
<p>Water geologists employed by the international NGO found traces of sewage effluent in a local water stream near Bed's largest resort in Larion. Children frequently play in the local stream and many women use the stream to wash clothes. The same experts also noticed a lowering of the water table around the hotel that they attribute to the new swimming pool and golf course that were recently built on the hotel premises.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>15. Right of protection for the child</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.82</p>
<p>Local residents have complained that Bed's private security personnel frequently use excessive force to remove them from the public beach, which is adjacent to Bed's flagship resort in Larion.</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment: UDHR 5; ICCPR 7</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination: UDHR 7; ICCPR 26; ILO No. 111</p>
<p>Doctors have noted a surged in syphilis among the male waiters working in the six luxury resorts in Larion. National health NGOs claimed that the front of house staff 'turn a blind eye for a fee' to international tourists using prostitution services in their resorts.</p> <p>Three months ago, two managers were found taking money from a guest to find 'a couple of young girls'. A local NGO believes that these young girls had been trafficked from neighbouring Carion.</p>	<p>15. Right of protection for the child</p> <p>28. Right to health</p> <p>29. Right to education</p> <p>3. Right not to be subjected to slavery, servitude, forced labour</p>	<p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No. 182</p> <p>28. Right to health: UDHR 25; ICESCR 12</p> <p>29. Right to education: UDHR 26; ICESCR 13 and 14</p> <p>3. Right not to be subjected to slavery, servitude, forced labour: UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Bed and Slumba as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems						
<p>Last year, 13 hotel chambermaids lodged a sexual harassment case against Slumba management. Following their official complaint, they were dismissed for their 'poor timekeeping' however, according to the local trade union, this claim is unsubstantiated.</p>	<p>6. Right to equality before the law, equal protection of the law, non-discrimination</p> <p>8. Right to access effective remedies</p> <p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p>	<table border="1"> <tr> <td data-bbox="1011 531 1330 569">Policies</td> </tr> <tr> <td data-bbox="1011 569 1330 674"> </td> </tr> <tr> <td data-bbox="1011 674 1330 714">Assessment procedures</td> </tr> <tr> <td data-bbox="1011 714 1330 829"> </td> </tr> <tr> <td data-bbox="1011 829 1330 867">Management systems</td> </tr> <tr> <td data-bbox="1011 867 1330 989"> </td> </tr> </table>	Policies		Assessment procedures		Management systems	
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Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Water geologists employed by the international NGO found traces of sewage effluent in a local water stream near Bed's largest resort in Larion. Children frequently play in the local stream and many women use the stream to wash clothes. The same experts also noticed a lowering of the water table around the hotel that they attribute to the new swimming pool and golf course that were recently built on the hotel premises.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>15. Right of protection for the child</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>
<p>Local residents have complained that Bed's private security personnel frequently use excessive force to remove them from the public beach, which is adjacent to Bed's flagship resort in Larion.</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>Policies</p> <hr/> <p>Assessment systems</p> <hr/> <p>Management systems</p> <hr/>
<p>Doctors have noted a surged in syphilis among the male waiters working in the six luxury resorts in Larion. National health NGOs claimed that the front of house staff 'turn a blind eye for a fee' to international tourists using prostitution services in their resorts.</p> <p>Three months ago, two managers were found taking money from a guest to find 'a couple of young girls'. A local NGO believes that these young girls had been trafficked from neighbouring Carion.</p>	<p>15. Right of protection for the child</p> <p>28. Right to health</p> <p>29. Right to education</p> <p>3. Rights not to be subjected to slavery, servitude, forced labour</p>	<p>Policies</p> <hr/> <p>Assessment procedures</p> <hr/> <p>Management systems</p> <hr/>

Human Rights Scenarios: TRANSPORT SECTOR

Imagine...

You work for Intranspo, a multinational transport company, which owns Copia Airways, the national airline carrier of Copia, a high-income economy. Keen to diversify its portfolio, Intranspo is interested in acquiring Gidion Ships, a SME shipping company operating in Copia and Gidion. Following acquisition, Intranspo could become the third largest transport company in the world.

An international advocacy NGO has released a report alleging a number of human rights violations by Intranspo and Gidion Ships. The report also raises concerns over the imminent acquisition, and highlights a number of human rights abuses by Gidion Ships.

“Our report identifies a number of human rights violations by Intranspo in spite of it being a member of the International Transport Organization [fictitious], which commits participating companies to the international human rights standards commensurate with the International Labour Organization’s (ILO) Core Conventions and the Universal Declaration of Human Rights.”

Yesterday, a national newspaper ran a front-page cover story on Intranspo’s alleged human rights abuses, based on the NGO’s report.

While the company’s immediate response was to refute the allegations through issuing a public rebuttal in the national newspaper, the CEO is privately concerned that the company may not have completed comprehensive due diligence on all possible human rights impacts arising from its existing and planned operations.

Accordingly, the CEO asks you to discuss the allegations with your colleagues across the company and with the relevant local stakeholders on the ground, in order to determine if there are real problems, and where issues are identified, to develop and implement corrective actions.

An important part of this exercise is to complete a review of the company’s human rights due diligence approach against these allegations. Your review is divided into two main tasks:

1. Identify the human rights risks and impacts in relation to the allegations [[Human Rights Identification](#)]
2. Map the company’s human rights due diligence approach in relation to the allegations [[Human Rights Due Diligence Mapping](#)]

Task One: Human Rights Identification Exercise

For each of the listed allegations, consider the relevant human rights that:

1. Intranspo is currently directly and/or indirectly impacting in its existing business operations, and
2. Has the potential to directly and/or indirectly impact, when it acquires Gidion Ships.

ALLEGATIONS

The Gidion Civil Liberty Organisation (GCLO) has launched a campaign against Copia Airways on 'the alleged complicity with the Copian Government of the torture of three Gidions last year'. The three Gidions claim that they were abducted in Gidion and transferred by Copia Airways to secret locations where they were subjected to torture and degrading treatment by the Copian government. The GCLO claim that Copia Airways provided logistical support to the Copian Government and that they were aware of the purpose of the flight.

Local residents living near Copia Airport, which is owned by Copia Airways, are worried that the proposed third runway will increase the existing noise pollution. Following Copia Airport's reduction in airport tax last year, demand has increased by 200%. Over the same period, 30% of local residents have developed tinnitus.

Environmentalists in Gidion claim that Copia Airways has been dumping their fuel during their night flights over the areas inhabited by the poor indigenous community in western Gidion. They have found significant increases of petroleum hydrocarbons in the soil and water. The indigenous community lives off the land.

Last year, Gidion Ships was found to have dumped illegal electronic waste in western Gidion, the poorest region in the country. The illegal waste was 5km from a school, and local children were found playing with the old and highly toxic electrical equipment. When charged in a Gidion court, the company declared that it had outsourced the job to a local Gidion firm. The local firm claims they outsourced the job to migrant labourers from Hidion. When questioned, the Hidion migrants did not speak or understand the Gidion language.

Flight stewards working for Copia Airways work on average 60 hours a week without overtime, when they are contracted to work 50 hours. They have complained to their local trade union. The trade union and management have been unable to come to an agreement and resultantly, the union has declared strike action next week. The flight stewards fear that if they strike, they will be fired. Fifty people last year who went on strike were later fired on 'poor performance grounds' which they all contested.

Six female flight stewards have discovered that they are paid 40% less than their male counterparts, in spite of doing the same job. They have complained to their trade union which has raised the issue with Copia Airways' management. Every six months, the executive management defers the issue.

*Users are encouraged to consult the [Human Rights Impact Assessment and Management Table](#) (page 135) which provides a short definition on each human right, and underscores relevant business risks and impacts.

Task One: Human Rights Identification Exercise

THE RELEVANT HUMAN RIGHTS

The table below identifies the relevant human rights, and the associated Articles from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Conventions.

Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>The Gidion Civil Liberty Organisation (GCLLO) has launched a campaign against Copia Airways on 'the alleged complicity with the Copian Government of the torture of three Gidions last year'. The three Gidions claim that they were abducted in Gidion and transferred by Copia Airways to secret locations where they were subjected to torture and degrading treatment by the Copian government. The GCLLO claim that Copia Airways provided logistical support to the Copian Government and that they were aware of the purpose of the flight.</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>1. Right to life</p>	<p>4. Right not to be subjected to torture, cruel, inhuman and/ or degrading treatment or punishment: UDHR 5; ICCPR 7</p> <p>2. Right to liberty and security (including freedom from arbitrary arrest, detention or exile): UDHR 3 and 9; ICCPR 9</p> <p>1. Right to life: UDHR 3; ICCPR 6</p>
<p>Local residents living near Copia Airport, which is owned by Copia Airways, are worried that the proposed third runway will increase the existing noise pollution. Following Copia Airport's reduction in airport tax last year, demand has increased by 200%. Over the same period, 30% of local residents have developed tinnitus.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation): UDHR 25; ICESCR 11</p> <p>28. Right to health: UDHR 25; ICESCR 12</p>
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Allegations	Human Rights	Articles from UDHR, ICCPR, ICESCR and ILO Core Conventions
<p>Last year, Gidion Ships was found to have dumped illegal electronic waste in western Gidion, the poorest region in the country. The illegal waste was 5km from a school, and local children were found playing with the old and highly toxic electrical equipment. When charged in a Gidion court, the company declared that it had outsourced the job to a local Gidion firm. The local firm claims they outsourced the job to migrant labourers from Hidion. When questioned, the Hidion migrants did not speak or understand the Gidion language.</p>	<p>28. Right to health</p> <p>1. Right to life</p> <p>15. Right of protection for the child</p>	<p>28. Right to health: UDHR 25; ICESCR 12</p> <p>1. Right to life: UDHR 3; ICCPR 6</p> <p>15. Right of protection for the child: UDHR 25; ICCPR 24; ILO No.182</p>
<p>Flight stewards working for Copia Airways work on average 60 hours a week without overtime, when they are contracted to work 50 hours. They have complained to their local trade union. The trade union and management have been unable to come to an agreement and resultantly, the union has declared strike action next week. The flight stewards fear that if they strike, they will be fired. Fifty people last year who went on strike were later fired on 'poor performance grounds' which they all contested.</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>21. Right to freedom of association</p> <p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p> <p>8. Right to access effective remedies</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>26. Right to form and join trade unions, and the right to strike: UDHR 23; ICESCR 8; ILO No. 98</p> <p>21. Right to freedom of association: UDHR 20; ICCPR 22; ILO No. 87</p> <p>19. Right to freedom of opinion, information and expression: UDHR 19; ICCPR 19</p> <p>24. Right to work: UDHR 23; ICESCR 6</p> <p>8. Right to access to effective remedies: UDHR 8; ICCPR 2</p>
<p>Six female flight stewards have discovered that they are paid 40% less than their male counterparts, in spite of doing the same job. They have complained to their trade union which has raised the issue with Copia Airways' management. Every six months, the executive management defers the issue.</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure): UDHR 23 and 24; ICESCR 7</p> <p>6. Right to equality before the law, equal protection of the law, non-discrimination : UDHR 7; ICCPR 26; ILO No. 111</p>

Task Two: Human Rights Due Diligence Mapping Exercise

Using the allegations levied at Intranspo and Gidion Ships as a guide, enter your company's policies, assessment procedures and management systems, for each of the listed allegations.

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
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<p>Local residents living near Copia Airport, which is owned by Copia Airways, are worried that the proposed third runway will increase the existing noise pollution. Following Copia Airport's reduction in airport tax last year, demand has increased by 200%. Over the same period, 30% of local residents have developed tinnitus.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p>	<p>Policies</p> <p>Assessment procedures</p> <p>Management systems</p>
<p>Environmentalists in Gidion claim that Copia Airways has been dumping their fuel during their night flights over the areas inhabited by the poor indigenous community in western Gidion. They have found significant increases of petroleum hydrocarbons in the soil and water. The indigenous community lives off the land.</p>	<p>27. Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>28. Right to health</p> <p>31. Right to self-determination</p> <p>35. Rights of minorities</p>	<p>Policies</p> <p>Assessment procedures</p> <p>Management systems</p>

Allegations	Human Rights	Company's Policies, Assessment procedures and Management systems
<p>Last year, Gidion Ships was found to have dumped illegal electronic waste in western Gidion, the poorest region in the country. The illegal waste was 5km from a school, and local children were found playing with the old and highly toxic electrical equipment. When charged in a Gidion court, the company declared that it had outsourced the job to a local Gidion firm. The local firm claims they outsourced the job to migrant labourers from Hidion. When questioned, the Hidion migrants did not speak or understand the Gidion language.</p>	<p>28. Right to health</p> <p>1. Right to life</p> <p>15. Rights of protection for the child</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
<p>Flight stewards working for Copia Airways work on average 60 hours a week without overtime, when they are contracted to work 50 hours. They have complained to their local trade union. The trade union and management have been unable to come to an agreement and resultantly, the union has declared strike action next week. The flight stewards fear that if they strike, they will be fired. Fifty people last year who went on strike were later fired on 'poor performance grounds' which they all contested.</p>	<p>25. Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>26. Right to form and join trade unions, and the right to strike</p> <p>21. Right to freedom of association</p> <p>19. Right to freedom of opinion, information and expression</p> <p>24. Right to work</p> <p>8. Right to access effective remedies</p>	<p>Policies</p> <p></p> <p>Assessment procedures</p> <p></p> <p>Management systems</p> <p></p>
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HUMAN RIGHTS IMPACT ASSESSMENT AND MANAGEMENT TABLE

Human Rights Impact Assessment And Management Table

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The Human Rights Impact Assessment and Management Table highlights the relevant paragraphs from the IFC Policy on Environmental and Social Sustainability, IFC Performance Standards (PS) and associated Guidance Notes (GN) [IFC's Sustainability Framework will be effective from on January 1, 2012]. Information on the business risks and impacts, and business opportunities has been extracted from [Human Rights Translated: A Business Reference Guide](#) (International Business Leaders Forum, Castan Centre for Human Rights Law, Office of the UN High Commissioner for Human Rights & UN Global Compact, 2008). Where possible, the relevant page number from this source is identified.

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to life</p> <p>UDHR 3; ICCPR 6</p> <p>The right to life entails the right not to be deprived of life arbitrarily or unlawfully, and the right to have one's life protected.</p> <p>The right not to have one's life taken away by arbitrary killing is a fundamental right and includes a duty on governments to investigate such killings and punish offenders.</p>	<p>Business risks and impacts:</p> <p>If the company employs, co-operates with, or benefits from protection by State security forces for their staff and installations.</p> <p>If business activities are located in countries ruled by oppressive regimes and derive direct benefits from human rights violations by the State, both situations could lead to complicity on the part of the company in the State's violations of the right to life.</p> <p>If a company's products are misused by buyers in ways that the company could or should have foreseen, such as dual-use technologies, allegations of complicity in violations of the right to life may arise.</p> <p>If companies produce or supply weapons they may be accused of violating the right to life. Arms manufacturers should ensure that they do not produce illegal weapons and that they comply with international arms embargoes.</p> <p>If the business activity has a negative impact on basic necessities (e.g. food, essential medicines), positive actions are required to respect the right to life.</p> <p>If the company does not provide adequate standards of occupational health and safety resulting in loss of life to workers or others.</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>7. and 10. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts 20-21. Requirements / Environmental and Social Assessment and Management System / Emergency Preparedness and Response</p> <p>PS2: Labor and Working Conditions</p> <p>1. Introduction</p> <p>Objectives 10-11. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment 21. Requirements / Protecting the Work Force / Child Labor 22. Requirements / Protecting the Work Force / Forced Labor (including footnote 13) 23. Requirements / Occupational Health and Safety 24-25. Requirements / Workers Engaged by Third Parties 27-28. Requirements / Supply Chain</p> <p>PS3: Resource Efficiency and Pollution Prevention</p> <p>Objectives 9. Requirements / Resource Efficiency / Water Consumption 10-11. Requirements / Pollution Prevention 12. Requirements / Pollution Prevention / Wastes 13. Requirements / Pollution Prevention / Hazardous Materials Management 14-17. Requirements / Pollution Prevention / Pesticide Use and Management</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to life (cont.)</p>	<p><u>Business opportunities:</u></p> <p>Companies may use their distribution channels to disseminate information on how to avoid contracting HIV/AIDS or other infectious diseases.</p> <p>Companies can also produce and make accessible essential goods and services at low cost.</p> <p>Source: Human Rights Translated 2008; page 9</p>	<p>PS4: Community Health, Safety, and Security</p> <p>1. Introduction</p> <p>Objectives</p> <p>5. Requirements / Community Health and Safety</p> <p>6. Requirements / Community Health and Safety / Infrastructure and Equipment Design and Safety</p> <p>7. Requirements / Community Health and Safety / Hazardous Materials Management and Safety</p> <p>8. Requirements / Community Health and Safety / Ecosystem Services</p> <p>9-10. Requirements / Community Health and Safety / Community Exposure to Disease</p> <p>11. Requirements / Community Health and Safety / Emergency Preparedness and Response</p> <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> <p>6. Requirements / General</p>

Human Rights/ Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to liberty and security (including freedom from arbitrary arrest, detention or exile)</p> <p>UDHR 3 and 9; ICCPR 9</p> <p>The rights to liberty and security of person prohibit unlawful or arbitrary detention of any kind.</p> <p>'Arbitrary' (or unreasonable) detention is prohibited even if authorised under a state's domestic laws. This Article recognizes the right to security of people, whether in or out of detention. This part of the Article has the greatest potential relevance for companies. Security of the person encompasses protection from physical attacks, threats of physical attack, or other severe instances of harassment.</p>	<p><u>Business risks and impacts:</u></p> <p>If companies facilitate the arbitrary or unlawful detention of persons.</p> <p>If companies threaten staff with physical violence.</p> <p>If companies are complicit in instances of severe harassment by others, such as contracted security personnel or other employees.</p> <p><u>Business opportunities:</u></p> <p>Companies can protect the security of the person when they offer security provision and lend support to investigations into breaches of the right.</p> <p>Source: Human Rights Translated 2008; page 21</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS2: Labor and Working Conditions</p> <p>1. Introduction</p> <p>Objectives</p> <p>15. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>21. Requirements / Protecting the Work Force / Child Labor (including footnote 13)</p> <p>22. Requirements / Protecting the Work Force / Forced Labor (including footnote 13)</p> <p>27-28. Requirements / Supply Chain</p> <p>PS4: Community Health, Safety, and Security</p> <p>1. Introduction</p> <p>Objectives</p> <p>12-14. Requirements / Security Personnel</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right not to be subjected to slavery, servitude or forced labour</p> <p>UDHR 4; ICCPR 8; ILO No. 29; ILO No. 105</p> <p>Slavery occurs when one human being effectively owns another.</p> <p>The right to freedom from servitude covers other forms of dominance, egregious economic exploitation, and degradation of human beings, which might arise for example in the context of the trafficking of workers (including sex workers), serfdom and debt bondage. Given the extreme nature of these human rights abuses, the rights to freedom from slavery and servitude are subject to no restrictions or qualifications.</p> <p>Forced or compulsory labour is also prohibited, and is defined by the International Labour Organization (ILO) as ‘all work or service which is exacted from any person under menace of any penalty and for which the said person has not offered himself voluntarily.’</p>	<p><u>Business risks and impacts:</u></p> <p>If companies directly make use of slaves, forced, bonded or involuntary prison labour.</p> <p>If companies benefit from the use of such labour by suppliers, subcontractors and other business partners.</p> <p>Companies in the airline, shipping and other transportation industries, as well as those in the tourism sector, may come into contact with trafficked persons if individuals are moved from one place to another for the purposes of forced or bonded labour, such as forced prostitution or domestic servitude.</p> <p><u>Business opportunities:</u></p> <p>When companies engage in collective action initiatives that help raise awareness about forced labour and human trafficking, they are promoting this right.</p> <p>Source: Human Rights Translated 2008; page 17</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS2: Labor and Working Conditions</p> <p>1. Introduction</p> <p>Objectives</p> <p>10-11. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>15. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>21. Requirements / Protecting the Work Force / Child Labor</p> <p>22. Requirements / Protecting the Work Force / Forced Labor (including footnote 13)</p> <p>27. Requirements / Supply Chain</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</p> <p>UDHR 5; ICCPR 7</p> <p>This right has a special status in international human rights law and is subject to no restrictions or provisos in any circumstances. Torture is the most serious of the prohibited acts of ill treatment: it involves a very high degree of pain and suffering that is intentionally inflicted for a particular purpose (e.g. extracting a confession).</p> <p>Cruel and/or inhuman treatment also entails severe suffering of the victim, though of a lesser scale than 'torture'. Degrading treatment is characterized by extreme humiliation of the victim.</p>	<p>Business risks and impacts:</p> <p>If companies' staff members are subjected to severe harassment or dangerous working conditions that cause serious mental distress and anguish.</p> <p>If companies' products are misused to commit acts of torture.</p> <p>If the actions of business partners with whom companies have a business relationship are oppressive. Such relationships might be joint commercial ventures or the engagement of State security forces to protect company installations.</p> <p>In addition to freedom from torture, cruel, inhuman and/or degrading treatment or punishment, this right also protects people from being subjected to medical or scientific experimentation without their consent. In particular, companies in the pharmaceutical sector should be aware of this right.</p> <p>Source: Human Rights Translated 2008; page 13</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS2: Labor and Working Conditions</p> <p>1. Introduction</p> <p>Objectives</p> <p>15. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>21. Requirements / Protecting the Work Force / Child Labor</p> <p>22. Requirements / Protecting the Work Force / Forced Labor (including footnote 13)</p> <p>23. Requirements / Occupational Health and Safety</p> <p>27. Requirements / Supply Chain</p> <p>PS4: Community Health, Safety, and Security</p> <p>1. Introduction</p> <p>Objectives</p> <p>12-14. Requirements / Security Personnel</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to recognition of a person before the law</p> <p>UDHR 6; ICCPR 16</p> <p>Article 16 guarantees that an individual be endowed with the capacity to be a person before the law. That is, a human being must be recognised as a person with 'legal personality'. Examples of breaches of this Article are laws that treat married women as the property of their husbands, children as the property of their parents, or the property of a married woman as the property of her husband.</p>	<p>It is unlikely that the activities of a company would have any direct impact upon this right, though they may be complicit in the abuses of this right by other actors.</p> <p>Source: Human Rights Translated 2008; page 41</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to equality before the law, equal protection of the law, non-discrimination</p> <p>UDHR 7; ICCPR 26; ILO No. 111</p> <p>This right guarantees equality before the law, and the equal protection of the law without discrimination. Individuals should be protected from discrimination on different grounds including race, colour, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status. The latter ground is open-ended and has been interpreted to include statuses such as health status (e.g. HIV/AIDS), disability, marital status, age and sexual orientation.</p> <p>Discrimination means any distinction, exclusion or preference made on one or more of the grounds listed above that has the effect of reducing or removing altogether equality of opportunity or treatment for the victim.</p>	<p><u>Business risks and impacts:</u></p> <p>Prohibited discrimination may be direct (e.g. an advertisement that discourages certain nationalities or ethnicities from applying) or indirect (e.g. a voluntary management training programme that increases a candidate's chances of promotion that is only offered on Friday lunchtimes would constitute indirect discrimination on the grounds of religion or belief affecting those committed to Friday religious observance).</p> <p>Companies' activities can impact on the right of nondiscrimination of their workforce, business partners and customers. Each of these stakeholders should be treated without discrimination, for example in recruitment, pay and training for workers and in the provision of services to customers. Workers are particularly vulnerable to discrimination by employers. They should not be discriminated against or harassed, nor should they be disciplined without fair procedures.</p> <p>In certain circumstances, it is acceptable for companies to take 'affirmative action' – positive steps taken to help a particular group that has suffered serious long-term discrimination in order to reverse that trend. These measures may sometimes entail 'positive' or 'reverse' discrimination. For example, there may be a set quota for the number of women to receive management training by a company in order to increase the representation of women in senior positions, if women are seriously under-represented at that level. In many instances, rules governing affirmative action will be covered by national law and companies should look to such laws for guidance.</p>	<p>Policy on Environmental and Social Sustainability</p> <p>9, 12, and 13. IFC's Commitments</p> <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10-12. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts (including footnote 18)</p> <p>30. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Consultation</p> <p>31. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Participation</p> <p>32. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Indigenous Peoples</p> <p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>10-12. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment (including footnote 5)</p> <p>14. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organizations</p> <p>15-16. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>18. Requirements / Working Conditions and Management of Worker Relationship / Retrenchment</p> <p>22. Requirements / Protecting the Work Force / Forced Labor (including footnote 13)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to equality before the law, equal protection of the law, non-discrimination (cont.)</p>	<p>Distinctions are permitted under this right if they are based on reasonable and objective criteria. For example, it is legitimate for a film company to discriminate on the grounds of sex when casting for a female character.</p> <p>Source: Human Rights Translated 2008; page 77</p>	<p>PS4: Community Health, Safety, and Security</p> <p>8. Requirements / Community Health and Safety / Ecosystem Services 9. Requirements / Community Health and Safety / Community Exposure to Disease</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>8. Requirements / General / Project Design 10. Requirements / General / Community Engagement 12. Requirements / General / Resettlement and Livelihood Restoration Planning and Implementation 19-20. Requirements / Displacement / Physical Displacement 30-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement</p> <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> <p>24. Requirements / Management of Ecosystem Services</p> <p>PS7: Indigenous Peoples</p> <p>Objectives 10. Requirements / General / Participation and Consent 14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use 17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage 19-20. Requirements / Mitigation and Development Benefits (including footnote 14)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred</p> <p>UDHR 7; ICCPR 20</p> <p>This right requires the prohibition of war propaganda and the prohibition of any advocacy of national, racial or religious hatred that amounts to incitement to discrimination, hostility or violence. Therefore, the right carves out an area of speech that is not protected by the right to freedom of expression in Article 19 of the ICCPR.</p>	<p><u>Business risks and impacts:</u></p> <p>The second part of Article 20 of the ICCPR is directed against ‘hate speech’, which is speech that vilifies people and incites hatred against them on the basis of their race, religion or nationality. This aspect of the right is of particular significance to media companies and also telecommunications companies that host blogs, forums, websites etc.</p> <p><u>Business opportunities:</u></p> <p>Companies that support or participate in campaigns to tackle racism and promote diversity help to facilitate enjoyment of this right.</p> <p>Source: Human Rights Translated 2008; page 57</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to access to effective remedies</p> <p>UDHR 8; ICCPR 2</p> <p>This right, and in particular, Article 2 of the ICCPR contains the general obligations for a State to respect and ensure that all individuals within its territory, and subject to its jurisdiction, enjoy the rights recognised in the Convention without discrimination; it also underscores the right to provision of an effective remedy for victims.</p>	<p>Business opportunities:</p> <p>Development related relocation, which is largely undertaken by companies operating in the extractives sector (mining, oil and gas), is permissible only if absolutely necessary and so long as it is not conducted arbitrarily or in an unreasonable manner.</p> <p>Companies have an opportunity to support this right by developing and maintaining grievance mechanisms that provide access to effective remedies for victims.</p>	<p>Policy on Environmental and Social Sustainability</p> <p>12. IFC's Commitments 54-57. Compliance Advisor/ Ombudsman</p> <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>25. Requirements / Environmental and Social Assessment and Management System /Stakeholder Engagement</p> <p>27. Requirements / Environmental and Social Assessment and Management System/Stakeholder Engagement / Stakeholder Analysis and Engagement Planning</p> <p>29. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Disclosure of Information</p> <p>30. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Consultation</p> <p>31. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Participation</p> <p>34. Requirements / Environmental and Social Assessment and Management System / External Communications and Grievance Mechanisms / External Communications</p> <p>35. Requirements / Environmental and Social Assessment and Management System / External Communications and Grievance Mechanisms /Grievance Mechanism for Affected Communities</p> <p>36. Requirements / Environmental and Social Assessment and Management System / Ongoing Reporting to Affected Communities</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to access to effective remedies (cont.)</p>		<p>PS2: Labor and Working Conditions</p> <p>13-14. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organizations 20. Requirements / Working Conditions and Management of Worker Relationship / Grievance Mechanism</p> <p>PS4: Community Health, Safety, and Security</p> <p>12. Requirements / Security Personnel</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>11. Requirements / General / Grievance Mechanism</p> <p>PS7: Indigenous Peoples</p> <p>10. Requirements / General / Participation and Consent</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to a fair trial</p> <p>UDHR 10; ICCPR 14</p> <p>The right to a fair trial and equality before the courts is required in both criminal and civil proceedings to ensure the proper administration of justice. The rights include the entitlement to a public hearing before an impartial court or tribunal.</p> <p>Criminal proceedings demand extra guarantees for the accused such as the presumption of innocence, the right to examine witnesses on an equal basis with the prosecution, the right to an interpreter if the defendant does not understand the language used in the court, and the right to a review of conviction and sentence by a higher tribunal according to law.</p>	<p><u>Business risks and impacts:</u></p> <p>It is rare that the activities of a company would have any direct impact upon this right.</p> <p>Companies could negatively impact on this right if they attempt to corrupt the judicial process, for example, by bribing judges or jurors, or destroying relevant evidence.</p> <p><u>Business opportunities:</u></p> <p>Companies may facilitate the right by helping to provide legal representation to employees who cannot otherwise afford it.</p> <p>Source: Human Rights Translated 2008; page 37</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>35. Requirements / Environmental and Social Assessment and Management System / External Communications and Grievance Mechanisms / Grievance Mechanism for Affected Communities</p> <p>PS2: Labor and Working Conditions</p> <p>18. Requirements Working Conditions and Management of Worker Relationship / Grievance Mechanism</p> <p>PS7: Indigenous Peoples</p> <p>Objectives</p> <p>5. Scope of Application</p> <p>10. Requirements / General / Participation and Consent</p> <p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use (including footnote 12)</p> <p>16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage</p> <p>18-20. Requirements / Mitigation and Development Benefits</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to be free from retroactive criminal law</p> <p>UDHR 11; ICCPR 15</p> <p>The right to freedom from retroactive criminal law prohibits the State from imposing criminal penalties for an act done that was not illegal at the time it was committed. It also prevents States from imposing heavier penalties for crimes than those that were prescribed at the time the crime was committed.</p>	<p>It is unlikely that the activities of a company would have any direct impact upon this right, unless they somehow lobby for or otherwise directly benefit from or facilitate the enactment of such laws.</p> <p>Source: Human Rights Translated 2008; page 39</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to privacy</p> <p>UDHR 12; ICCPR 17</p> <p>This right protects people against arbitrary, unreasonable or unlawful interference with their privacy, family, home or correspondence, as well as attacks on their honour and reputation.</p> <p>‘Arbitrary’, or unreasonable, restrictions on privacy are prohibited even if authorized under a State’s domestic laws.</p> <p>Governments have duties to protect against interferences with privacy by State agents or private bodies such as employers and the media. Arbitrary’, or unreasonable, restrictions on privacy are prohibited even if authorized under a State’s domestic laws. Governments have duties to protect against interferences with privacy by State agents or private bodies such as employers and the media.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies’ activities may impact on the right to privacy, especially in the workplace. Privacy has become a particularly important issue in this electronic age in which large amounts of data are stored and more sophisticated methods of obtaining that data are being devised. Companies are frequently involved in the large scale gathering of personal data on customers, employees and other stakeholders; there is a consequent need to ensure the confidentiality of such information.</p> <p>Companies may impinge on the right to privacy or risk being complicit in other human rights violations, if, for example, IT or telecommunications firms were to unlawfully or arbitrarily hand over sensitive customer data to the State without consent.</p> <p>The notion of privacy has been interpreted by the European Court of Human Rights to include freedom from unreasonable interference in the enjoyment of one’s private space. For example, under this theory, a company’s emission of gas fumes into a residential area could harm the privacy rights of residents in that area.</p> <p>Source: Human Rights Translated 2008; page 43</p>	<p>GN2: Labour and Working Conditions</p> <p>GN4: Community Health, Safety, and Security</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of movement</p> <p>UDHR 13; ICCPR 12</p> <p>This right has four parts. It allows people who are lawfully in a country to move freely throughout the country, to choose where to live within the country, and to leave the country. These three parts of the right may be limited by restrictions on movement that are necessary to protect national security, public order, public health or morals, or the rights and freedoms of others. The right to freedom of movement also gives people the right not to be arbitrarily prevented from entering their own country.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies' activities may impact on the right if, for example, a community has to be relocated because of company operations, which restricts the freedom of those people to choose where they live. Development related relocation is permissible only if absolutely necessary and so long as it is not conducted arbitrarily or in an unreasonable manner. To this end, freedom of movement must be recognized and considered as part of any discussions concerning relocation.</p> <p>Resettlement should be lawfully achieved after consultation with, notice and compensation for, and consent from, those affected.</p> <p>Bonded labour, in situations where a worker's passport or travel documents are withheld, breaches the right to freedom of movement.</p> <p>Source: Human Rights Translated 2008; page 31</p>	<p>PS2: Labor and Working Conditions</p> <p>12. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment 20. Requirements / Protecting the Work Force / Forced Labor</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>1-3. Introduction</p> <p>Objectives</p> <p>8. Requirements / General / Project Design 9. Requirements / General / Compensation and Benefits for Displaced Persons 10. Requirements / General / Community Engagement 11. Requirements / General / Grievance Mechanism 12-16. Requirements / General / Resettlement and Livelihood Restoration Planning and Implementation 19-22, 24. Requirements / Displacement / Physical Displacement 25-29. Requirements / Displacement / Economic Displacement 30-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement</p> <p>PS7: Indigenous Peoples</p> <p>Objectives</p> <p>6. Scope of Application 11. Requirements / General / Participation and Consent 13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of movement (cont.)</p>		<p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage</p> <p>21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p> <p>PS8: Cultural Heritage</p> <p>10. Requirements / Protection of Cultural Heritage in Project Design and Execution / Community Access</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to seek asylum from prosecution in other countries</p> <p>UDHR 14</p>	<p>It is rare that the activities of a company would have any direct or indirect impacts upon this right, though they may be complicit in the abuses of this right by others.</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to have a nationality</p> <p>UDHR 15</p>	<p>It is rare that the activities of a company would have any direct or indirect impacts upon this right, though they may be complicit in the abuses of this right by others.</p>	<p>GN2: Labor and Working Conditions</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to marry and form a family</p> <p>UDHR 16; ICCPR 23; ICESCR 10</p> <p>The right to family life requires protection of the family by society and the State. The concept of a family varies throughout the world; each society's own definition of a family is generally applied. This includes the rights of men and women of marriageable age to marry and start a family, and for marriage to be entered into freely and with full consent. According to this right, the widest possible protection and assistance should be given to the family, particularly during its establishment, and while it is responsible for the care and education of dependent children.</p>	<p><u>Business risks and impacts:</u></p> <p>This right is relevant to companies insofar as certain work practices may hinder or enhance the ability of people to adopt a healthy work/life balance and spend quality time with their families.</p> <p>Special protection is given to mothers during a reasonable period before and after childbirth. Of particular relevance to companies, the right requires that during this period working mothers should be given paid leave or leave with adequate social security benefits.</p> <p>This right is relevant to companies insofar as certain work practices (including working hours and eligibility for leave) may hinder or enhance the ability of people to adopt a healthy work/life balance and spend quality time with their families.</p> <p>Source: Human Rights Translated 2008; page 67 and 109</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10-11. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>8. Requirements / Working Conditions and Management of Worker Relationship / Human Resources Policies and Procedures</p> <p>9. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>14-15. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>19. Requirements / Protecting the Work Force / Child Labor</p> <p>20. Requirements / Protecting the Work Force / Forced Labor</p> <p>24. Supply Chain</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to own property</p> <p>UDHR 17; ICESR 15</p> <p>The right to property ensures that everyone is entitled to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.</p>	<p><u>Business risks and impacts:</u></p> <p>A company may negatively impact on this right when they acquire land, and embark on relocation/ resettlement programmes.</p> <p>Resettlement should be lawfully achieved after consultation with, notice and compensation for, and consent from, those affected.</p> <p>Companies operating in the extractives sector (mining, oil and gas) should be particularly aware of the implications of this right.</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>12. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts (including footnote 18)</p> <p>PS4: Community Health, Safety, and Security</p> <p>8. Requirements / Community Health and Safety / Ecosystem Services</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>1-3. Introduction</p> <p>Objectives</p> <p>8. Requirements / General / Project Design</p> <p>9. Requirements / General / Compensation and Benefits for Displaced Persons</p> <p>10. Requirements / General / Community Engagement</p> <p>11. Requirements / General / Grievance Mechanism</p> <p>12-16. Requirements / General / Resettlement and Livelihood Restoration Planning and Implementation</p> <p>19-22, 24. Requirements / Displacement / Physical Displacement</p> <p>25-29. Requirements / Displacement / Economic Displacement</p> <p>30-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement</p> <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> <p>6. Requirements / General</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to own property (cont.)</p>	<p><u>Business risks and impacts:</u></p> <p>A company may facilitate enjoyment of the right when it consults with the people concerned, obtains their consent, and takes into account their perspective in designing the relevant project.</p>	<p>PS7: Indigenous Peoples</p> <p>Objectives 6. Scope of Application 11. Requirements / General / Participation and Consent 13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use 15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use 16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage 21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p> <p>PS8: Cultural Heritage</p> <p>1. Introduction</p> <p>Objectives 6-7. Requirements / Protection of Cultural Heritage in Project Design and Execution 16. Requirements / Project's Use of Cultural Heritage</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of thought, conscience and religion</p> <p>UDHR 18; ICCPR 18</p> <p>The right to freedom of thought, conscience, and religion encompasses a person's freedom to choose, practise and observe his or her chosen religion or belief. The freedom also protects atheists and the right not to profess any religion or belief.</p> <p>The right to manifest a religion or belief includes the right to worship, as well as to teach and observe rituals such as the wearing of particular clothes or headwear.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies' activities are most likely to impact on this right with regard to their workforces. For example, companies may need to accommodate the religious practices of workers who are required to pray during work hours or who request time off in order to observe certain holy days.</p> <p>Issues may arise regarding religious clothing, headwear or jewellery that affects commercial activities.</p> <p>Companies need to balance the freedom to manifest one's religion with competing legitimate interests such as health and safety, the rights of other workers, and the legitimate needs of the business.</p> <p>Companies may also encounter these issues if they operate in contexts where the rights to freedom of thought, conscience and religion are commonly violated and employees or other stakeholders are among the victimised.</p> <p><u>Business opportunities:</u></p> <p>Companies can facilitate enjoyment of the right by promoting a culture of religious tolerance and understanding within their workplaces.</p> <p>Source: Human Rights Translated 2008; page 49</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>12. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts (including footnote 18)</p> <p>PS2: Labor and Working Conditions</p> <p>14. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>PS7: Indigenous Peoples</p> <p>1. Introduction Objectives 13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use 16. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage (including footnote 13) 21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p> <p>PS8: Cultural Heritage</p> <p>3. Scope of Application</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of opinion, information and expression</p> <p>UDHR 19; ICCPR 19</p> <p>Article 19 protects the right of each person to hold opinions free from outside interference. This right cannot be restricted in any circumstances.</p> <p>Article 19 also protects the right to freedom of expression, which is the right to seek, receive and impart ideas in whatever media or form. This right can be restricted by measures provided by law and necessary to protect the rights or reputations of others, or to protect national security, public order, public health or morals.</p>	<p><u>Business risks and impacts:</u></p> <p>This right has particular significance for the media industry, including filmmakers and distributors, publishers, the television and music industries, and internet companies.</p> <p>Excessive concentration of the mass media in a small number of hands may negatively affect people's enjoyment of the right to freedom of expression and information.</p> <p>Issues regarding freedom of expression also arise when governments put pressure on media or technology companies to censor their output or limit customers' access to information.</p> <p>Other industries may also face these issues if they operate in countries that routinely violate the right to freedom of expression and information, such as where an employee or stakeholder is unfairly persecuted for exercising his or her right to freedom of opinion or expression.</p>	<p>Policy on Environmental and Social Sustainability</p> <p>14. IFC's Commitments 45. IFC Roles and Responsibilities / Supervision 48-53. IFC Roles and Responsibilities / Sector Specific Initiatives on Governance and Disclosure 50-51. Sector Specific Initiatives on Governance and Disclosure / Extractive Industry Projects 53. Sector Specific Initiatives on Governance and Disclosure / Infrastructure Projects</p> <p>Access to Information Policy</p> <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>21. Requirements / Environmental and Social Assessment and Management System / Emergency Preparedness and Response 25. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement 26-28. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Stakeholder Analysis and Engagement Planning 29. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Disclosure of Information 30. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Consultation 31. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Participation 32. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Indigenous Peoples</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of opinion, information and expression (cont.)</p>	<p><u>Business opportunities</u></p> <p>Companies can help promote the right by lobbying against censorship.</p> <p>Source: Human Rights Translated 2008; page 53</p>	<p>33. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Private Sector Responsibilities Under Government-Led Stakeholder Engagement</p> <p>34. Requirements / Environmental and Social Assessment and Management System / External Communications and Grievance Mechanisms / External Communications</p> <p>PS2: Labor and Working Conditions</p> <p>8. Requirements / Working Conditions and Management of Worker Relationship / Human Resources Policies and Procedures</p> <p>12. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organizations</p> <p>16. Requirements / Working Conditions and Management of Worker Relationship / Retrenchment</p> <p>18. Requirements / Working Conditions and Management of Worker Relationship / Grievance Mechanism</p> <p>PS4: Community Health, Safety, and Security</p> <p>11. Requirements / Community Health and Safety / Emergency Preparedness and Response</p> <p>12-14. Requirements / Security Personnel</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>10. Requirements / General / Community Engagement</p> <p>11. Requirements / General / Grievance Mechanism</p> <p>30-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of opinion, information and expression (cont.)</p>		<p>PS7: Indigenous Peoples</p> <p>Objectives 10-12. Requirements / General / Participation and Consent 14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use 16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage 22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p> <p>PS8: Cultural Heritage</p> <p>9. Requirements / Protection of Cultural Heritage in Project Design and Execution / Consultation 15. Requirements / Protection of Cultural Heritage in Project Design and Execution / Critical Cultural Heritage 16. Requirements / Project's Use of Cultural Heritage</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of assembly:</p> <p>UDHR 20; ICCPR 21</p> <p>The right to assemble and gather together peacefully is protected by Article 21 of the ICCPR. Assembly in this context may refer to a gathering that takes place for a specific purpose, where there is public discussion, or where ideas are proclaimed.</p> <p>Freedom of assembly encompasses the right to demonstrate in groups, whether in stationary gatherings or marches.</p>	<p><u>Business risks and impacts:</u></p> <p>Governments are in the most obvious position to violate the freedom of assembly. However, there have been cases where companies have been accused of complicity in government actions to quell demonstrations against company operations.</p> <p>Source: Human Rights Translated 2008; page 61</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>25. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement</p> <p>27. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Stakeholder Analysis and Engagement Planning</p> <p>30. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Consultation</p> <p>31. Requirements / Environmental and Social Assessment and Management System / Stakeholder Engagement / Participation</p> <p>PS4: Community Health, Safety, and Security</p> <p>12-14: Requirements / Security Personnel</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to freedom of association</p> <p>UDHR 20; ICCPR 22; ILO No. 87</p> <p>Article 22 of the ICCPR protects the right to form or join all types of association such as political parties, religious societies, sporting and other recreational clubs, non-governmental organisations and trade unions.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies’ activities are most likely to impact on the right insofar as it relates to trade unions and other employee representative bodies. Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) focuses on trade unions alone.</p> <p>Companies respect the right when they respect the right of workers to form trade unions or, when operating in countries where trade union activity is unlawful, they recognise legitimate employee associations with whom the company can enter into dialogue about workplace issues.</p> <p>Companies should also ensure that their activities do not undermine other legitimate organisations, such as political parties.</p> <p><u>Business opportunities:</u></p> <p>Companies may also promote enjoyment of the right by speaking out in appropriate circumstances, publicly or privately, about laws that curtail the right.</p> <p>Source: Human Rights Translated 2008; page 63</p>	<p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>9. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>12-13. Requirements / Working Conditions and Management of Worker Relationship / Workers’ Organization</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to participate in public life</p> <p>UDHR 21; ICCPR 25</p> <p>The right to participate in public life concerns the ability of citizens to take part in the conduct of public affairs and to freely choose representatives to perform governmental functions on their behalf.</p> <p>This right also delineates specific aspects of the right to political participation such as the rights to vote and to be elected in free and fair elections, and a right of equal access to positions within the public service.</p> <p>It is important that information and ideas about public and political issues are communicated freely.</p>	<p><u>Business risks and impacts:</u></p> <p>Media companies have a role in ensuring balanced reporting and that they are not unduly influenced by the government or other political parties or persuasions.</p> <p>Media monopolies are a cause for concern in this regard as they may restrict the airing of diverse political opinions.</p> <p>The right of equal access to the public service is of relevance to private companies that take on public service contracts and therefore take over traditional functions of government, such as utilities companies and private prisons.</p> <p><u>Business opportunities:</u></p> <p>Companies can also facilitate enjoyment of this right by allowing employees time off to vote, and participating in campaigns to promote greater civic participation</p> <p>Source: Human Rights Translated 2008; page 73</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to social security, including social insurance</p> <p>UDHR 22; ICESCR 9</p> <p>The right to social security encompasses the right to access and maintain benefits without discrimination. Governments are obliged to make available a system of social security. Such systems may involve contributory or insurance-based schemes, which normally entail compulsory contributions from the beneficiary and the beneficiary's employer (and sometimes the State), as well as universal or targeted schemes funded out of the public purpose. The right is essential in combating poverty, given its redistributive character; its realisation can, for example, have a significant impact on the enjoyment of other related rights, such as the right to an adequate standard of living and the right to health.</p>	<p><u>Business risks and impacts:</u></p> <p>The role of companies in relation to the right to social security will vary depending on the national context. Generally, companies have a basic duty to ensure that legally mandated contributions to the system, in addition to those deducted from employee salaries and wages, are paid promptly to ensure that the government's ability to deliver social security payments or services is not undermined. Increasingly, employment laws also create obligations on companies to provide income and benefits on maternity, injury etc.</p> <p>If companies operate private social security schemes, they have the responsibility to do so in a non-discriminatory manner and they should not impose unreasonable eligibility conditions.</p> <p>Finally, if a company denied its workers their contractually agreed employment injury benefits, its actions would impact negatively on the workers' rights under Article 9 of the ICESCR.</p> <p>Source: Human Rights Translated 2008; page 105</p>	<p>PS2: Labor and Working Conditions</p> <p>7-8. Requirements / Working Conditions and Management of Worker Relationship / Human Resources and Procedures</p> <p>9. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>17. Requirements / Working Conditions and Management of Worker Relationship / Retrenchment</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to work</p> <p>UDHR 23; ICESCR 6</p> <p>The right to work recognises the right of everyone to the opportunity to make their living by work which they freely choose or accept.</p> <p>This implies that one should not be forced to engage in employment and that States develop a system designed to guarantee all workers access to employment. Workers should not be unfairly deprived of employment.</p> <p>Work as specified in Article 6 of the ICESCR must be 'decent work', that is work that respects a person's human rights including workers' rights regarding conditions of remuneration and work safety. The right to work includes the prohibition of arbitrary dismissal.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies of all sizes and in all locations may impact on their workers' right to work if they arbitrarily or unfairly dismiss workers. Even where such practice may be legally permissible under local law, many stakeholders now expect companies to exhibit a higher standard of behaviour in line with international standards and good practice.</p> <p><u>Business opportunities:</u></p> <p>A company that has significant activities as one of the 'main players' regarding the provision of employment, in areas where a government lacks the capacity or willingness to fulfil its commitments, may be expected by stakeholders to play a part in helping to secure fulfilment of the right to work.</p> <p>Source: Human Rights Translated 2008; page 91</p>	<p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>8-9. Requirements / Working Conditions and Management of Worker Relationship / Human Resources Policies and Procedures</p> <p>10-12. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>10-12. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organizations</p> <p>15-17. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>18-19. Requirements / Working Conditions and Management of Worker Relationship / Retrenchment</p> <p>20. Requirements / Working Conditions and Management of Worker Relationship / Grievance Mechanism</p> <p>21. Requirements / Protecting the Work Force / Child Labor</p> <p>22. Requirements / Protecting the Work Force / Forced Labor</p> <p>23. Requirements / Occupational Health and Safety</p> <p>24-26. Requirements / Workers Engaged by Third Parties</p> <p>27-29. Requirements / Supply Chain</p>

Human Right Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to enjoy just and favourable conditions of work (including rest and leisure)</p> <p>UDHR 23 and 24; ICESCR 7</p> <p>The right to enjoy just and favourable working conditions has various components, which are all highly relevant to the actions of companies as they concern the treatment of employees. Companies can have a significant impact on the enjoyment of the various rights in Article 7 of the ICESCR in their capacity as employers.</p>	<p><u>Business risks and impacts:</u></p> <p>This Article recognizes that States must protect the right to remuneration that provides workers with fair wages and equal remuneration for work of equal value, and that women must be guaranteed conditions of work not inferior to those enjoyed by men.</p> <p>Remuneration must also be enough to provide workers with a decent living for themselves and their families. A minimum wage should be 'fair' and enable families to enjoy the right to a standard of living that includes adequate food, clothing and housing (Article 11 of the ICESCR).</p> <p>This is reinforced by the corresponding ILO convention, which dictates that the setting of minimum wages should, for example, take into account issues such as the cost of living and the needs of workers and their families. Companies should at least comply with minimum wages mandated by government minimum wage legislation.</p> <p>Wages should be paid regularly and in full, without unauthorised deductions or restrictions.</p> <p>Source: Human Rights Translated 2008; page 95</p>	<p>PS2: Labor and Working Conditions</p> <p>1. Introduction</p> <p>Objectives</p> <p>8-9. Requirements / Working Conditions and Management of Worker Relationship / Human Resources Policies and Procedures</p> <p>10-12. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>10-12. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organizations</p> <p>15-17. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>18-19. Requirements / Working Conditions and Management of Worker Relationship / Retrenchment</p> <p>20. Requirements / Working Conditions and Management of Worker Relationship / Grievance Mechanism</p> <p>21. Requirements / Protecting the Work Force / Child Labor</p> <p>22. Requirements / Protecting the Work Force / Forced Labor</p> <p>23. Requirements / Occupational Health and Safety</p> <p>24-26. Requirements / Workers Engaged by Third Parties</p> <p>27-29. Requirements / Supply Chain</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to form trade unions and join trade unions, and the right to strike</p> <p>UDHR 23; ICESCR 8; ILO No. 98</p> <p>Article 8 of the ICESCR concerns the right of everyone to form trade unions and to join the trade union of his or her choice, subject to the union's own membership rules. This right may only be restricted by States in circumstances that are set down in law and are necessary to protect national security, public order, or the rights and freedoms of others.</p>	<p><u>Business risks and impacts:</u></p> <p>Company actions may impact on these rights if they prevent union membership and activity amongst employees or are in any way complicit in actions that restrict employees' rights to participate in union activity.</p> <p>This case highlights some of the complexities involved in supply chain management, including the challenge of respecting both worker representation rights and protecting jobs.</p> <p>Source: Human Rights Translated 2008; page 101</p>	<p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>9. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>12-13. Requirements / Working Conditions and Management of Worker Relationship / Workers' Organization</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to an adequate standard of living (Housing, Food, Water & Sanitation)</p> <p>UDHR 25; ICESCR 11</p> <p>Article 11 of the ICESCR guarantees the right to an adequate standard of living including adequate food, clothing, housing and continuous improvement of living conditions. It has also been interpreted as including access to sufficient water and sanitation.</p> <p>a) Right to adequate housing</p> <p>The right to adequate housing encompasses more than the provision of basic shelter; it is the right to live somewhere in security, dignity and peace. This means that housing or shelter must fulfil certain basic criteria, such as security of tenure, availability of utilities and other services (e.g. sewage facilities and access to safe drinking water), affordability, habitability, accessibility, location and cultural adequacy of housing. Governments should take progressive</p>	<p><u>Business risks and impacts (right to housing):</u></p> <p>Companies that provide housing for their workforce or the local community will find that they can impact directly, positively or negatively, on the enjoyment of the right.</p> <p>Companies may find their activities impact on the right to adequate housing if they are involved in land transactions that require population relocation or forced evictions, be this as landlords or to accommodate development projects or natural resource exploration.</p> <p>Those companies that engage in relocation or forced evictions will want to ensure that they act in accordance with human rights standards, and that those affected and their belongings are protected and secured during the relocation process.</p> <p>Forced evictions should be a last resort and feasible alternatives should be explored in consultation with the affected communities.</p> <p>Forced evictions are not inconsistent with the right to adequate housing if procedural safeguards – such as comprehensive impact assessments, prior consultation and notification, provision of legal remedies, fair and just compensation, and adequate relocation – are deployed to minimise the adverse impacts, including on specific groups such as women and indigenous peoples.</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>7. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS2: Labor and Working Conditions</p> <p>11. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment (Housing, Food, Water, and Sanitation)</p> <p>PS3: Resource Efficiency and Pollution Prevention</p> <p>Objectives</p> <p>6. Requirements / Resource Efficiency (Water & Sanitation)</p> <p>7-8. Requirements / Resource Efficiency / Greenhouse Gases (Food, Water, and Sanitation)</p> <p>9. Requirements / Resource Efficiency / Water Consumption (Water)</p> <p>10. Requirements / Pollution Prevention (Food, Water, and Sanitation)</p> <p>12. Requirements / Pollution Prevention / Wastes (Food, Water, and Sanitation)</p> <p>13. Requirements / Pollution Prevention / Hazardous Materials Management (Food, Water, and Sanitation)</p> <p>14-17. Requirements / Pollution Prevention / Pesticide Use and Management (Food, Water, and Sanitation)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to an adequate standard of living (Housing, Food, Water & Sanitation) (cont.)</p> <p>steps towards the achievement of all aspects of the right.</p> <p>b)Right to food</p> <p>Food is vital for human survival and also essential as a means to fully enjoy all other rights. The human right to adequate food implies that food should be available and accessible to people in a quantity and of a quality sufficient to satisfy their nutritional needs, free from harmful substances, and acceptable to their culture. The right to food includes the possibilities for individuals to feed themselves and their family directly by productive land and other natural resources (e.g. farming, animal husbandry, fishing, hunting and food gathering), as well as to purchase foods at markets and stores. Various steps should be taken by States to improve methods of production, conservation and distribution of food through, for example, the development of better farming systems, as well as ensuring an equitable distribution of world food supplies in relation to need.</p>	<p><u>Business risks and impacts (right to food):</u></p> <p>The right to food is particularly relevant to those companies that provide for the basic needs of their workforce and the surrounding community, and those whose core business is the supply of food.</p> <p>Respect for the right to food requires that company activities do not pollute, harm or otherwise interfere with local supplies of food, or people’s ability to access them.</p>	<p>PS4: Community Health, Safety, and Security</p> <p>8. Requirements / Community Health and Safety / Ecosystem Services (Food, Water, and Sanitation)</p> <p>9-10. Requirements / Community Health and Safety / Community Exposure to Disease (Food, Water, and Sanitation)</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>1-2. Introduction (Housing, Food, Water, and Sanitation) Objectives (Housing, Food, Water, and Sanitation)</p> <p>8. Requirements / General / Project Design (Housing, Food, Water, and Sanitation)</p> <p>9. Requirements / General / Compensation and Benefits for Displaced Persons (Housing, Food, Water, and Sanitation)</p> <p>10. Requirements / General / Community Engagement (Housing, Food, Water, and Sanitation)</p> <p>11. Requirements / General / Grievance Mechanism (Housing, Food, Water, and Sanitation)</p> <p>12-16. Requirements / General / Resettlement and Livelihood Restoration Planning and Implementation (Housing, Food, Water, and Sanitation)</p> <p>19-22, 24. Requirements / Displacement / Physical Displacement (Housing, Food, Water, and Sanitation)</p> <p>25-29. Requirements / Displacement / Economic Displacement (Housing, Food, Water, and Sanitation)</p> <p>30-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement (Housing, Food, Water, and Sanitation)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to an adequate standard of living (Housing, Food, Water & Sanitation) (cont.)</p> <p>Protective measures are required to prevent contamination of food and water supplies arising from, for example, poor environmental hygiene or inappropriate handling at various stages of the food chain.</p> <p>c) Access to water and sanitation</p> <p>Access to water is necessary for life and thus the fulfilment of all other rights. Although not explicitly mentioned in the text of Article 11, it is considered a fundamental aspect of the right to an adequate standard of living. Human rights entitles everyone to safe, sufficient, acceptable, affordable and physically accessible water for personal and domestic uses. These uses include water for drinking, personal sanitation, preparation of food, washing of clothes, as well as for personal and household hygiene. The water provided has to be of good quality, free from elements that might harm a person's health, and a minimum quantity of approximately 50–100 litres per person per day.</p>	<p><u>Business risks and impacts (right to water and sanitation):</u></p> <p>Company activities can impact on access to water if pollution and over-use of local water supplies significantly interfere with people's enjoyment of access to water.</p> <p>This aspect of the right is also particularly relevant to companies that provide water services and companies that provide for the basic needs of their workforce and the surrounding community.</p> <p>Source: Human Rights Translated 2008; page 113</p>	<p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> <p>6. Requirements / General (Food, Water, and Sanitation)</p> <p>PS7: Indigenous Peoples</p> <p>Objectives (Housing, Food, Water, and Sanitation)</p> <p>8-9. Requirements / General / Avoidance of Adverse Impacts (Housing, Food, Water, and Sanitation)</p> <p>11. Requirements / General / Participation and Consent (Housing, Food, Water, and Sanitation)</p> <p>13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use (Housing, Food, Water, and Sanitation)</p> <p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use (Housing, Food, Water, and Sanitation)</p> <p>20. Mitigation and Development Benefits (Housing, Food, Water, and Sanitation)</p> <p>21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues (Housing, Food, Water, and Sanitation)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right of protection for the child</p> <p>UDHR 25; ICCPR 24; ILO No. 182</p> <p>Children are recognized by this right as being in need of special protection as required by their status as minors.</p> <p>The duty to protect a child attaches to his or her family, community and the State. A child has the right to be registered and given a name immediately after being born, and the right to acquire a nationality.</p> <p>The age at which a child achieves majority and no longer requires the protections of Article 24 of the ICCPR is determined by governments in light of the relevant social and cultural conditions, so long as the age of majority is not unreasonably low or high.</p>	<p><u>Business risks and impacts:</u></p> <p>Protection of the child includes protection from sexual and economic exploitation. A company's activities are more likely to impact on the latter, but a company (for example a hotel) may be considered complicit if it turns a blind eye to the sexual exploitation of minors within the vicinity of its business in countries where the child sex trade is known to be pervasive.</p> <p>Children may not be engaged to do work that is hazardous, arduous, and for which they are underpaid, or to work for the same number of hours as adults. Child labourers are frequently denied the opportunity to undertake education as a result of going to work, and their mental and physical health can suffer due to poor working conditions, long hours of work, and ill-treatment by employers.</p> <p>There are some well-understood instances where children may work, such as when children assist families for short periods during farming harvests, or children over 15 working in non-hazardous conditions.</p> <p><u>Business opportunities:</u></p> <p>Companies respect the right when they observe the minimum ages for employment. However, the blanket dismissal of children can be problematic, as they may move into more hazardous employment, such as prostitution or drug trafficking. Therefore, companies also promote the right in a variety of ways beyond the simple removal of child labourers from their value chain, including through helping to create educational opportunities for any such children, participating in collective action approaches to tackle child labour, and paying adult employees a living wage so that their children do not need to work.</p> <p>Source: Human Rights Translated 2008; page 69</p>	<p>Policy on Environmental and Social Sustainability</p> <p>9. IFC's Commitments</p> <p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10 and 12. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts (including footnote 18)</p> <p>PS2: Labor and Working Conditions</p> <p>Objectives</p> <p>19. Requirements / Protecting the Work Force / Child Labor</p> <p>20. Requirements / Protecting the Work Force/ Forced Labor</p> <p>24. Supply Chain</p> <p>PS4: Community Health, Safety, and Security</p> <p>9. Requirements / Community Health and Safety / Community Exposure to Disease</p> <p>PS7: Indigenous Peoples</p> <p>19. Requirements / Mitigation and Development Benefits (including footnote 14)</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to health</p> <p>UDHR 25; ICESCR 12</p> <p>This right recognizes the highest attainable standard of physical and mental health. States must take measures to prevent, treat and control diseases, reduce infant mortality and provide for the healthy development of children, improve all aspects of industrial and environmental hygiene, and to create conditions that will ensure universal access to appropriate medical services and medical attention in the event of sickness.</p> <p>The right includes the right to control over one's health and body, including reproductive and sexual rights, and freedom from interference, such as freedom from non-consensual medical treatment and experimentation. People must have access to the underlying building blocks of good health, such as adequate nutrition, housing, safe and potable water, adequate sanitation, medical supplies, healthy working conditions and a healthy environment.</p>	<p><u>Business risks and impacts:</u></p> <p>Company activities and products can impact on the right to health of employees, and are expected to ensure that their operations and products do not impact on the right to health of people, such as workers, consumers and local communities. Special consideration should be made in relation to vulnerable sectors of society, such as children and adolescents, women, disabled people and indigenous communities.</p> <p>Companies are expected to ensure compliance with national legislation (including occupational health and safety regulations, and consumer and environmental legislation) and international standards where domestic laws are weak or poorly enforced. Even though informal workers are often not covered by domestic legislation, companies should take steps to ensure that any persons within their supply chains are not exposed to occupational health and safety dangers. Pharmaceutical companies in particular have a responsibility to respect the right to health that goes beyond the right to health of their own workers. NGOs and others increasingly look to pharmaceutical firms to help provide access to high-quality, essential medicines for poorer communities, for example through tiered pricing or via flexible approaches to intellectual property protection.</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>7. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts 20-21. Requirements / Social and Environmental Assessment and Management System / Emergency Preparedness and Response</p> <p>PS2: Labor and Working Conditions</p> <p>11. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment 21. Requirements / Working Conditions and Management of Worker Relationship / Occupational Health and Safety 24-25. Requirements / Supply Chain</p> <p>PS3: Resource Efficiency and Pollution Prevention</p> <p>Objectives 10-11. Requirements / Pollution Prevention 12. Requirements / Pollution Prevention / Wastes 13. Requirements / Pollution Prevention / Hazardous Materials Management 14-17. Requirements / Pollution Prevention / Pesticide Use and Management</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to health (cont.)</p>	<p>Companies from sectors where the risk of pollution from their activities is particularly great, such as extractive firms and chemical companies, may face close scrutiny over the policies and systems they have in place to ensure that pollution does not negatively impact on the right to health of workers and members of surrounding communities.</p> <p><u>Business opportunities:</u></p> <p>Pharmaceutical companies also face demands to increase their investment in the research and development of medicines and treatments for otherwise neglected diseases (such as river blindness, leprosy and sleeping sickness) that have typically ceased to be prevalent in developed countries, but are still common in developing countries.</p> <p>Source: Human Rights Translated 2008; page 125</p>	<p>PS4: Community Health, Safety, and Security</p> <p>5. Requirements / Community Health and Safety</p> <p>6. Requirements / Community Health and Safety / Infrastructure and Equipment Design and Safety</p> <p>7. Requirements / Community Health and Safety /Hazardous Materials Management and Safety</p> <p>8. Requirements / Community Health and Safety / Ecosystem Services</p> <p>9-10. Requirements / Community Health and Safety / Community Exposure to Disease</p> <p>11. Requirements / Community Health and Safety / Emergency Preparedness and Response</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to education</p> <p>UDHR 26; ICESCR 13 and 14</p> <p>The aim of the right to education is “the full development of the human personality and sense of dignity”. Articles 13 and 14 of the ICESCR guarantee all children the right to free and compulsory primary education.</p>	<p><u>Business risks and impacts:</u></p> <p>Companies may impact on the right to education where child labourers are directly employed or operate in their supply chains in a way that prevents those children from attending school.</p> <p>This right is also relevant in the context of any commitments made by a company to provide education to the children of workers or others in the local community. Companies that organise or provide such education should respect equality of access to education.</p> <p>Companies may also impact on the enjoyment of the right if, for example, their involvement with heavy construction or infrastructure projects limits access to nearby schools or results in damage to, or the destruction of, educational facilities.</p> <p><u>Business opportunities:</u></p> <p>Companies have a vested interest in promoting the right to education for the development of skilled workforces.</p> <p>Source: Human Rights Translated 2008; page 131</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>10. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts 17-19. Requirements / Environmental and Social Assessment and Management System / Organization Capacity and Competency</p> <p>PS2: Labor and Working Conditions</p> <p>14. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity 19. Requirements / Protecting the Work Force / Child Labor 20. Requirements / Protecting the Work Force / Forced Labor 21. Requirements / Occupation Health and Safety 24-25. Requirements / Supply Chain</p> <p>GN2: Labor and Working Conditions</p> <p>GN4: Community Health, Safety, and Security</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors</p> <p>UDHR 27; ICESCR 15</p> <p>Article 15 of the ICESCR guarantees the right to take part in the cultural life of society. It also guarantees the rights of all to enjoy the benefits of scientific progress. Its application is designed to ensure that everyone in society can enjoy technological advances, in particular disadvantaged groups.</p> <p>That right includes the right of everyone to seek and receive information about new scientific advancements and to have access to any developments that could enhance their quality of life. Finally, Article 15 guarantees a person protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.</p>	<p><u>Business risks and impacts:</u></p> <p>Company activities may influence this right, positively or negatively, through all fields of scientific research and development.</p> <p>‘Biopiracy’ describes a phenomenon whereby traditional indigenous knowledge concerning the nutritional or medicinal use of crops and plants, or natural genetic resources, is appropriated and commercialised by another party without acknowledgement or compensation. Where such knowledge or material is patented, there is a risk that the original ‘discoverers’ may not only have to pay for the product, but may also be denied profits from its sale or export, thereby affecting their right to cultural life and to benefit from scientific discovery. Companies can impact detrimentally on these rights if they are involved in biopiracy.</p> <p><u>Business opportunities:</u></p> <p>Companies can positively impact this right by sharing the benefits of scientific advances, including in the area of information technology and medicine.</p> <p>Source: Human Rights Translated 2008; page 135</p>	<p>PS7: Indigenous Peoples</p> <p>1-2. Introduction</p> <p>Objectives</p> <p>8-9. Requirements / General / Avoidance of Adverse Impacts</p> <p>13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage</p> <p>21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p> <p>PS8: Cultural Heritage</p> <p>1. Introduction</p> <p>Objectives</p> <p>6-7. Requirements / Protection of Cultural Heritage in Project Design and Execution</p> <p>9. Requirements / Protection of Cultural Heritage in Project Design and Execution / Consultation</p> <p>10. Requirements / Protection of Cultural Heritage in Project Design and Execution / Community Access</p> <p>11. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Replicable Cultural Heritage</p> <p>12. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Non-Replicable Cultural Heritage</p> <p>13-15. Requirements / Protection of Cultural Heritage in Project Design and Execution / Critical Cultural Heritage</p> <p>16. Requirements / Project’s Use of Cultural Heritage</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors (cont.)</p> <p>This right is of relevance to indigenous peoples as it extends to their rights to preserve, protect and develop indigenous and traditional knowledge systems and cultural expressions.</p>		

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to self-determination</p> <p>ICCPR 1, ICESCR 1</p> <p>This right allows peoples to determine their political status and their place in the international community. It includes the right of peoples to develop and progress in social, economic and cultural terms, to dispose of their land's natural resources and wealth, and not to be deprived of their own means of subsistence.</p> <p>The right to self-determination is concerned with freedom from domination by an alien power. It is a collective or group right held by 'peoples', often understood as peoples under colonial or comparable rule. The right of self-determination of indigenous peoples has also been recognised by the international community. As a right enjoyed by a group, it differs from most other human rights, which are framed as rights of the individual.</p>	<p><u>Business risks and impacts:</u></p> <p>The aspects of the right of self-determination that have particular relevance to companies are the rights to pursue economic, social and cultural development and to dispose of a land's natural wealth and resources.</p> <p>A company's activities may impact negatively on the right if, for example, it is allowed to build a facility on land that has traditional significance to the peoples that inhabit the area.</p> <p>If a company is given a licence to extract natural resources from the land by a government without consultation with the people who inhabit the land, the company may find itself affecting the inhabitants' right to dispose of their natural wealth and resources or their means of subsistence.</p> <p><u>Business opportunities:</u></p> <p>A company may facilitate enjoyment of the right when it consults with the people concerned, obtains their consent, and takes into account their perspective in designing the relevant project.</p> <p>Source: Human Rights Translated 2008; page 3 and 87</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>8. Requirements / Environmental and Social Assessment and Management System / Identification of Risks and Impacts</p> <p>PS4: Community Health, Safety, and Security</p> <p>Requirements / Community Health and Safety /Ecosystem Services</p> <p>PS5: Land Acquisition and Involuntary Resettlement</p> <p>1-2. Introduction</p> <p>Objectives</p> <p>8. Requirements / General / Project Design</p> <p>9. Requirements / General / Compensation and Benefits for Displaced Persons</p> <p>10. Requirements / General / Community Engagement</p> <p>11. Requirements / General / Grievance Mechanism</p> <p>12-16. Requirements / General / Resettlement and Livelihood Restoration Planning and Implementation</p> <p>19-22, 24. Requirements / Displacement / Physical Displacement</p> <p>25-29. Requirements / Displacement / Economic Displacement</p> <p>31-32. Requirements / Private Sector Responsibilities Under Government-Managed Resettlement</p> <p>PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p> <p>6. Requirements / General</p> <p>24-25. Requirements / Management of Ecosystem Services</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to self-determination (cont.)</p>		<p>PS7: Indigenous Peoples</p> <p>Introduction</p> <p>Objectives</p> <p>8-9. Requirements / General / Avoidance of Adverse Impacts</p> <p>10-12. Requirements / General / Participation and Consent</p> <p>13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>16. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage</p> <p>20. Mitigation and Development Benefits</p> <p>PS8: Cultural Heritage</p> <p>1. Introduction</p> <p>Objectives</p> <p>3. Scope of Application</p> <p>6-7. Requirements / Protection of Cultural Heritage in Project Design and Execution</p> <p>9. Requirements / Protection of Cultural Heritage in Project Design and Execution / Consultation</p> <p>10. Requirements / Protection of Cultural Heritage in Project Design and Execution / Community Access</p> <p>11. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Replicable Cultural Heritage</p> <p>12. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Non-Replicable Cultural Heritage</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right to self-determination (cont.)</p>		<p>13-15. Requirements / Protection of Cultural Heritage in Project Design and Execution / Critical Cultural Heritage 16. Requirements / Project's Use of Cultural Heritage</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right of detained persons to humane treatment</p> <p>ICCPR 10</p> <p>The right of detained persons to humane treatment provides special protection for detainees, a group that is highly vulnerable to human rights abuses.</p>	<p><u>Business risks and impacts:</u></p> <p>The activities of companies that operate detention facilities or provide prison management services are those most likely to impact on these rights.</p> <p>Source: Human Rights Translated 2008; page 25</p>	<p>PS4: Community Health, Safety, and Security</p> <p>1. Introduction</p> <p>Objectives</p> <p>12-14. Requirements / Security Personnel</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right not to be subjected to imprisonment for inability to fulfill a contract</p> <p>ICCPR 11</p> <p>This right prohibits the imprisonment of people who are unable to pay a debt when the debt in question is a private obligation (rather than a public debt such as the obligation to pay tax) and arises when a person is incapable (as opposed to unwilling) of paying the debt or fulfilling the contract.</p>	<p>The activities of companies are unlikely to impact directly on this right, but they may need to respond in cases where employees or other stakeholders are affected.</p> <p>Source: Human Rights Translated 2008; page 29</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Right of aliens due process when facing expulsion</p> <p>ICCPR 13</p> <p>This right ensures that foreigners ('aliens') who are legally present in a country are not expelled from that country without due process in accordance with the law, including the right for an alien to be given the opportunity to present reasons why he or she should not be expelled and to have any expulsion decision reviewed.</p>	<p>It is unlikely that the activities of a company would have any direct impact upon this right. However, where employees or other stakeholders are adversely affected, they may have a positive role to play in assisting those persons.</p> <p>Source: Human Rights Translated 2008; page 35</p>	

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
<p>Rights of minorities</p> <p>ICCPR 27</p> <p>This right recognizes the rights of members of ethnic, religious or linguistic minorities to enjoy their own culture, to practise their religion, and to speak their language.</p> <p>Indigenous peoples are included within the protection of Article 27 of the ICCPR. Their interests may also be protected under Article 1 (the right to self-determination) of both International Covenants (ICCPR and ICESCR). Article 27 also applies to migrants, including recently arrived migrants.</p>	<p><u>Business risks and impacts:</u></p> <p>Protection of the culture of minority groups may include protection of a way of life associated with use of the land through traditional activities such as hunting or fishing.</p> <p>With as many as 350 million indigenous people living worldwide, companies may find themselves dealing with an evolving set of claims and social pressures at the intersection of corporate activity and indigenous rights.</p> <p>Consultation is crucial and should take place with indigenous and minority communities whenever decisions are made that may impact on their lands, livelihoods and culture. The claims of minorities will sometimes come into conflict with economic development projects. Such projects are more likely to be compatible with Article 27 if the affected peoples have been consulted and their cultural needs taken into account in the design of the relevant projects.</p> <p><u>Business opportunities:</u></p> <p>Companies can facilitate enjoyment of this right by, for example, promoting diversity in their workplaces and places of business. This may take the form of permitting employees to observe religious holidays, wear traditional attire, or through the provision of employment opportunities for minorities.</p> <p>Source: Human Rights Translated 2008; page 81</p>	<p>PS1: Assessment and Management of Environmental and Social Risks and Impacts</p> <p>11. Requirements / Environmental and Social Assessment and Management System / Risks and Impacts Identification</p> <p>PS2: Labor and Working Conditions</p> <p>10. Requirements / Working Conditions and Management of Worker Relationship / Working Conditions and Terms of Employment</p> <p>14. Requirements / Working Conditions and Management of Worker Relationship / Non-Discrimination and Equal Opportunity</p> <p>PS7: Indigenous Peoples</p> <p>Introduction</p> <p>Objectives</p> <p>8-9. Requirements / General / Avoidance of Adverse Impacts</p> <p>10-11. Requirements / General / Participation and Consent</p> <p>13-14. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>15. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use</p> <p>16-17. Requirements / Circumstances Requiring Free, Prior, and Informed Consent / Critical Cultural Heritage</p> <p>21-22. Requirements / Private Sector Responsibilities Where Government is Responsible for Managing Indigenous Peoples Issues</p>

Human Rights Articles / Definition	Business risks and impacts / Business opportunities: examples	IFC Policy and Performance Standards on Environmental and Social Sustainability; Relevant paragraph numbers
Rights of minorities (cont.)		<p>PS8: Cultural Heritage</p> <p>1. Introduction</p> <p>Objectives</p> <p>6-7. Requirements / Protection of Cultural Heritage in Project Design and Execution</p> <p>9. Requirements / Protection of Cultural Heritage in Project Design and Execution / Consultation</p> <p>10. Requirements / Protection of Cultural Heritage in Project Design and Execution / Community Access</p> <p>11. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Replicable Cultural Heritage</p> <p>12. Requirements / Protection of Cultural Heritage in Project Design and Execution / Removal of Non-Replicable Cultural Heritage</p> <p>13-15. Requirements / Protection of Cultural Heritage in Project Design and Execution / Critical Cultural Heritage</p> <p>16. Requirements / Project's Use of Cultural Heritage</p>



HUMAN RIGHTS IMPACT ASSESSMENT TOOL

Human Rights Impact Assessment Tool

Guidance and recommendations on how to use the Tool:

- **The human rights and the related UDHR, ICCPR and ICESCR articles:** To have a better sense of the multiple facets and dimensions of the risks and impacts related to each human right, companies should consult the [Human Rights Impact Assessment and Management Table](#) that provides a list of business risks and impacts, and business opportunities by right.
- **Source of the risks and impacts:** The company should identify the provenance of the risks and impacts (business activity itself, contractor, supplier, government, etc.). This information should be based on the results of Stage 2. Identification.
- **Affected stakeholders** are people, groups, or communities, who are subject to actual or potential project-related risks and/or adverse human rights impacts (e.g. local communities, Indigenous Peoples, vulnerable and disadvantaged individuals, groups or communities, consumers, costumers, etc.). For the purpose of this Tool, affected stakeholders will include workers and employees.
- **Stage of the project's lifecycle:** The company should identify when during the project lifecycle (design, construction, operation, decommissioning and closure, as appropriate) the human rights risks and impacts have occurred or will occur.

The information gathered in this Tool will be used during Stage 5 and Stage 6 of the Guide to HRIAM process, and in particular during the completion of the [Human Rights Impacts Mitigation and Management Tool](#).

Human Rights / Articles / Definition	Source of the risks and impacts	Affected stakeholders	Stage of the project's lifecycle
Right to life UDHR 3; ICCPR6			
Right to liberty and security (including freedom from arbitrary arrest, detention or exile) UDHR 3 and 9; ICCPR 9			
Right not to be subjected to slavery, servitude or forced labor UDHR 4; ICCPR 8; ILO No.29; ILO No.105			
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment UDHR 5; ICCPR 7			
Right to recognition as a person before the law UDHR 6; ICCPR 16			

Human Rights / Articles / Definition	Source of the risks and impacts	Affected stakeholders	Stage of the project's lifecycle
Right to equality before the law, equal protection of the law, non-discrimination UDHR 7; ICCPR 26; ILO No.111			
Right to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred UDHR 7; ICCPR 20			
Right to access to effective remedies UDHR 8; ICCPR 2			
Right to a fair trial UDHR 10; ICCPR 14			
Right to be free from retroactive criminal law UDHR 11; ICCPR 15			
Right to privacy UDHR 12; ICCPR 17			
Right to freedom of movement UDHR 13; ICCPR 12			
Right to seek asylum from prosecution in other countries UDHR 14			
Right to have a nationality UDHR 15			
Right to marry and form a family UDHR 16; ICCPR 23; ICESCR 10			
Right to own property UDHR 17; ICESCR 15			
Right to freedom of thought, conscience and religion UDHR 18; ICCPR 18			

Human Rights / Articles / Definition	Source of the risks and impacts	Affected stakeholders	Stage of the project's lifecycle
Right to freedom of opinion, information and expression UDHR 19; ICCPR 19			
Right to freedom of assembly UDHR 20; ICCPR 21			
Right to freedom of association UDHR 20; ICCPR 22; ILO No.87			
Right to participate in public life UDHR 21; ICCPR 25			
Right to social security, including social insurance UDHR 22; ICESCR 9			
Right to work UDHR 23; ICESCR 6			
Right to enjoy just and favorable conditions of work (including rest and leisure) UDHR 23 and 24; ICESCR 7			
Right to form trade unions and join the trade unions, and the right to strike UDHR 23; ICESCR 8; ILO No.98			
Right to an adequate standard of living (Housing, Food, Water & Sanitation) UDHR 25; ICESCR 11			
Right of protection for the child UDHR 25; ICCPR 24; ILO No.182			
Right to health UDHR 25; ICESCR 12			

Human Rights / Articles / Definition	Source of the risks and impacts	Affected stakeholders	Stage of the project's lifecycle
Right to education UDHR 26; ICESCR 13 and 14			
Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors UDHR 27; ICESCR 15			
Right to self-determination UDHR 21; ICCPR 1; ICESCR 1			
Right not to be subjected to imprisonment for inability to fulfill a contract ICCPR 11			
Right of aliens due process when facing expulsion ICCPR 13			
Rights of minorities ICCPR 27			



HUMAN RIGHTS IMPACT MITIGATION AND MANAGEMENT TOOL

Human Rights Impact Mitigation And Management Tool

Guidance and recommendations on how to use the Tool:

- **Human Rights:** The company should list here the human rights that have been identified as representing a risk or impact for the company's stakeholders in the [Human Rights Impact Assessment Tool](#).
- **Nature of (potential) human rights risks and impacts:** The company should identify where the (potential) impact comes from (business activity itself, contractor, supplier, government, etc.); the groups of stakeholder (potentially) impacted; the reason why they are impacted; the stage of the project's lifecycle where the impact occurred/will occur. This information should be based on the results of the [Human Rights Impact Assessment Tool](#).
- **Mitigation actions and measures required:** The company will identify the actions and measures that will mitigate the previous/existing actual impacts and/or prevent/avoid/anticipate the potential impacts. [The Human Right Impact Assessment and Management Table](#) can offer practical guidance and examples to companies in view of the identification of practical actions and measures.
- **Level of control or leverage:** The company should identify the level of control that they have on the actions and measures that are required to prevent/mitigate the impacts, including any implementation support that may be needed from business partners or third parties, according to the scope of the identified actions and measures. Collaboration with NGOs, government agencies and intergovernmental organisations will be particularly important in situations where the company has very poor leverage or control over any identified risk or impacts.
- **Scope of action:** The company should identify the scope of the actions and measures identified, and in particular whether the company will need to work in collaboration with business partners, associated facilities or other third parties (Government agencies, Civil Society Organisations, etc.) to implement such actions and measures.
- **Technical feasibility** should be based on whether the proposed actions and measures can be implemented with commercially available skills, human resources, equipment, and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity, and operations reliability.
- **Financial feasibility** should be based upon the ability to apply sufficient financial resources to install the measures and maintain them in operation in the long term.
- **Key Performance Indicators (KPIs)** are quantifiable measurements, agreed to beforehand, that reflect the critical success factors of a company in implementing the identified actions and measures. KPIs will differ depending on the company and the business activity itself. KPIs should follow the SMART criteria. This means the measure has a:

Specific purpose for the business

Measurable to really get a value of the KPI

Achievable

Relevant to measure (and thereby to manage)

Time phased, which means the value or outcomes are shown for a predefined and relevant period.

In addition, the KPIs should designate who, within or outside the business activity/company, will be responsible to implement and monitor the identified actions and measures.

The following table provides a few generic examples that companies may use as guidance to draft their own Action Plan, based their own human rights impact assessment and capacity.

Human rights impacted	Nature of the (potential) human rights risks and impacts	Action Plan			
		Mitigation actions and measures required	Level of control / Leverage	Technical & financial feasibility	Key performance indicators
Right to life Right to health	Company impacting the right because of poor safety conditions at the operations stage of the business activity. Over the last two years, five workers died following three distinct explosions in one of the company's business activity	Carry out a safety audit Resolve the problems identified Improve the occupational health and safety management system of the business activity	Level of control: Direct or semi-direct (depending on who the operator is)	Technical feasibility: Need for external support: safety audit specialist and an engineer company Financial feasibility: Costs related to external technical assistance and human resources for implementation	[Safety audit company] to carry out audit within [timeline] [Faulty material] to be fixed by [engineer company] under the supervision of the [responsible department] within [timeline] Emergency prevention, preparedness, and response measures to be implemented by [responsible department] throughout the business activity within [timeline] Number of accidents occurring at workplace to decrease by [percentage] within [timeline]
Right to an adequate standard of living (Access to water)	Company impacting on the right to an adequate standard of living (Access to water) of [local community] because of the extensive use of the local water for production of [materials]. One month ago, the [local community] lodged a complaint against the company before the [regional civil court]	Set up resource efficiency water measures within the business activity Improve the water supply in the area of the business activity through the establishment of an improved water distribution system	Level of control: Direct (business activity's water efficiency) and indirect (water supply) Leverage: Business activity (business activity's water efficiency); regional development agency, NGOs, local community	Technical feasibility: Need external support for skills and materials Financial feasibility: In addition to internal costs, potential need for funding partner with [other companies, local authorities, etc. as appropriate]	The water consumption of the business activity is reduced by [percentage] within [timeline] The level of [affected stakeholders] access to water is restored to what it was before company's intervention within [timeline] and exceeded by [percentage] within [timeline]

Human rights impacted	Nature of the (potential) human rights risks and impacts	Action Plan			
		Mitigation actions and measures required	Level of control / Leverage	Technical & financial feasibility	Key performance indicators
Right to equality before the law, equal protection of the law, non-discrimination	Company impacting on the right to non-discrimination of workers	<p>Adopt a policy on non-discrimination and equal opportunity Policy</p> <p>Require a training program on non-discrimination and equal opportunity for staff and managers</p> <p>Track the number of complaints received by the company on this issue</p>	Level of control: direct	<p>Technical feasibility: Need for external support to develop and implement a new policy, and carry out training</p> <p>Financial feasibility: Costs related to external support and internal resources for implementation</p>	<p>Non-discrimination and equal opportunity Policy to be drafted by [responsible department] and adopted by company management within [timeline]</p> <p>A training session on non-discrimination and equal opportunity for [staff / managers] to be held by [responsible department] in [number of business activities] within [timeline]</p> <p>Number of complaints about non-discrimination and equal opportunity through the company grievance mechanism to decrease by [percentage] 80% within [timeline]</p>
Right to liberty and security	Company's private security contractors impacting the right to liberty and security of local communities at the construction stage of the business activity	<p>Establish an investigation mechanism for allegations of unlawful or abusive acts of security personnel</p> <p>Require a training program for security forces</p> <p>Set up a project grievance mechanism</p>	Leverage / level of control: Semi-direct	<p>Technical feasibility: Need for external support for training</p> <p>Financial feasibility: Costs related to external support and internal resources for implementation</p>	<p>A mandatory training program in the use of force and appropriate behaviour towards [affected stakeholders] is delivered by [staff, local/international NGO, consultant, etc.] for security personnel of the business activity within [timeline]</p> <p>A grievance mechanism allowing the local community members to express their concerns about security arrangements and acts of security personnel is set up by [responsible department] within [timeline]</p>



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