

When was the last time you considered your human rights impacts?

By Sune Skadegaard Thorsen and Roxanne Batty

When was the last time you discussed them, or debated them with your colleagues or friends? When was the last time you considered human rights to be an important part of your daily activities, or something you had to fight to protect?

What is so interesting about human rights is how our knowledge about them relates to our everyday lives. Human rights are integral to our experiences, even if we are not totally aware of how or where. In countries where governments are known for human rights abuses, citizens can be faced with human rights violations on a regular basis. These can include, for example, a person's right to freedom of expression, the right to humane treatment as a detained person or the right not to be subjected to slavery, servitude or forced labour. If you are continually confronted with the possibility or reality of a violation of your human rights, or if you feel that somebody is taking them away from you, then you find that it quickly becomes something you are aware of - and something you wish to fight for. Your dignity as a human being is impaired.

In much of the Western world, however, human rights seem to be less of an issue, or at least something which is rarely debated in politics, the media, or even over the dinner table. We don't

learn about our human rights in school, or if we do, we learn them from a historical perspective. For many economically developed countries, including Denmark, we treat human rights as a topic from the past. The United Nations created the international bill of human rights after the atrocities in the Second World War, yet after just 60 short years, it seems we are no longer overly concerned about them. Human rights have been given a back seat, and they are addressed only when necessary - primarily between lawyers and legal experts. Perhaps we feel as though we are subconsciously addressing them, and that our governments are aware of them, so we can take their respect for granted.

Business and human rights

But what about the business world? Are businesses globally required to understand human rights?

Some businesses see the need to address a select few. They see that the core labour rights are important, and attempt to reduce their impacts on these. However, they also often only see their impacts on these human rights as an issue for their business actions abroad, not at home. And although such impacts are important, this limited outlook makes companies miss human rights impacts that *are* occurring or can occur in companies globally, even in the Western world. Whether you are in Denmark or Bangladesh, there are human rights impacts that your business needs to consider.

As we have mentioned in previous blog posts (http://global-csr.com/fileadmin/Articles/15_Proactive%20CSR_March.pdf), the United Nations Guiding Principles for Business and Human Rights (UNGPs) brings the matter of human rights back onto the table. It shows that although companies, unlike States, cannot *violate* human rights - they do need to respect them. Business needs to identify and address their actual or potential adverse impacts. They need to *know* where they have adverse impacts, and *show* what they do to prevent and mitigate them. And this is – as a minimum - for all 48 human rights contained in the International Bill of Human Rights.

Unlikely to have adverse impacts

Yet for some businesses, the idea of addressing all 48 human rights seems like an unnecessary struggle, especially if they operate in a country like Denmark. They may have the impression that it is very unlikely that they will have any adverse impacts on human rights, and if they do consider impacts, they are only concerned with 'traditional' labour rights. However, narrowing the focus down before doing a proper and thorough human rights impact assessment seems a little counter productive, and does not align said business with the UNGPs. As John Ruggie, who conceived the UNGPs, states, "(A) *company operating in the far eastern region of the Democratic Republic of Congo is far more likely to be involved in a range of adverse impacts on human rights than one operating in Denmark. But because no*

such impacts can be ruled out ex ante by any business anywhere, all rights should be considered."¹

Distinct from States, businesses will not be evaluated on whether they 'violate' human rights. They are asked to have a governance system in place that will continuously enable them to avoid or minimize 'adverse human rights impacts'. *An adverse human rights impact occurs when an action removes or reduces the ability of an individual to enjoy his or her human rights.*¹

To take an example, we can raise the question of whether or not these businesses have considered the right to self determination. This seems particularly obvious for those that have overseas operations in areas with indigenous peoples groups; but there are indigenous populations all over the globe that perhaps do not come to mind straight away. For Scandinavian companies, for example, the Sami or Inuit peoples may be impacted by business activities by mining or extracting companies in an area in which these indigenous peoples live. Of course, they also may not be. But the mere fact that the company has addressed that it *potentially could impact indigenous peoples rights* and that they are aware of that, steps their respect for human rights up to a whole new level. It also opens up a dialogue with potentially affected groups, which can improve both the relationship with potentially impacted stakeholders and the company's general reputation.

¹ Office of the High Commissioner for Human Rights; "The Corporate Responsibility to Respect Human Rights – An Interpretive Guide", 2012, p. 5

Everyday human rights

Another example could be impacts on the right to freedom of expression. This is particularly the case in the wired world where most people have a strong online presence. Employees may wish to express their opinion about certain work related incidents on their social media accounts, but because it damages their employer's reputation, they are told they must not or they risk losing their job. Indeed the company may have good reasons and even legal backing for such a restriction; nevertheless the restriction needs to be balanced against the obvious adverse impact. Early upfront engagement can help business to retain its licence to operate and the employee to retain his or her dignity.

Similarly, with the right to privacy. Any company should know that they have potential adverse impacts on this human right, whether its from handling data, registering and using information on customers or surveilling employees or work premises. And most businesses may even address the impacts somewhere in the organisation. But are they aware that they are handling impacts on human rights? Do they communicate this? And do we engage with those impacted by our activities when seeking to prevent or mitigate the impact? According to the new global minimum standard for responsible business conduct we need to understand where our impacts are, and show how we prevent or mitigate them.

Many impacts are not completely avoidable, but this is not the point. As businesses we need to demonstrate that we are aware of human rights. Clearly, human rights are a global issue. We should not presuppose that we have no impacts just because we operate in an area where human rights are not part of the daily lingo. Interestingly, they could and should become part of our language again. 'Social dumping' is a human rights impact. Human rights underpin all policy areas: Health, housing, food, water, education, social security, and freedom of information are all human rights.

By properly assessing impacts on all 48 human rights any company can calibrate its presence in society to our mutual benefit. With the UNGPs it became clear that all businesses in the world are expected to frequently regulate their actions against this benchmark for human dignity. It is the only globally agreed standard for corporate responsibility. It is the minimum we can do and should do to retain our social license to operate. Is it possible? Well in 2011 everybody, including businesses, agreed that it is the pragmatic way forward. Understanding human rights and how they relate to business operations is the first step towards change.

Roxanne Batty is a project assistant at GLOBAL CSR. She is currently a Masters student of Communication and Cultural Encounters at RUC

Sune Skadegaard Thorsen is the CEO of GLOBAL CSR. Sune has more than 15 years of experience in the field of business and human rights, and holds various advisory board memberships, including GBI: Global Business Initiative on Human Rights and AIM Progress.

ⁱ John Gerard Ruggie: "Just Business – Multinational Corporations and Human Rights"; Norton, 2013, ISBN 978-0-393-06288-5, p. 96