



What happens when human rights become management tools?

*Translating the UN Guiding Principles
for Business and Human Rights into the
corporate sphere*

Bonavero Human Rights Institute
6th May 2020

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and Human
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Business and Human Rights in context

The field of business and human rights is concerned with how businesses may impact human rights and the various ways in which such violations can be prevented and addressed (Bernaz 2017)

Digital privacy
The Facebook scandal could change politics as well as the internet

Even used legitimately, it is a powerful, intrusive political tool



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Fifa

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Legal action filed against Fifa over treatment of Qatar migrant workers

- Action on behalf of migrant worker Nadim Sharaful Alam
- Two Bangladesh workers group join case against governing body



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Apple admits using child labour

Apple has admitted that child labour was used at the factories that build its computers, iPods and mobile phones.



Apple has been repeatedly criticised for using factories that abuse workers and where conditions are poor. Photo: EPA

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fourth round - as it ha

Teacher: I'm 42, paid

mortgage and I only

days a week

Fame proved toxic

relationship: when c

double-acts split

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place to put £30,000

Police arrest man aft

crash kills three teen

Guatemalan women take on Canada's mining giants over 'horrific human rights abuses'

A group of indigenous Maya Q'eqchi' women has launched a precedent-setting legal challenge that could cast a chill over Canada's vast mining interests



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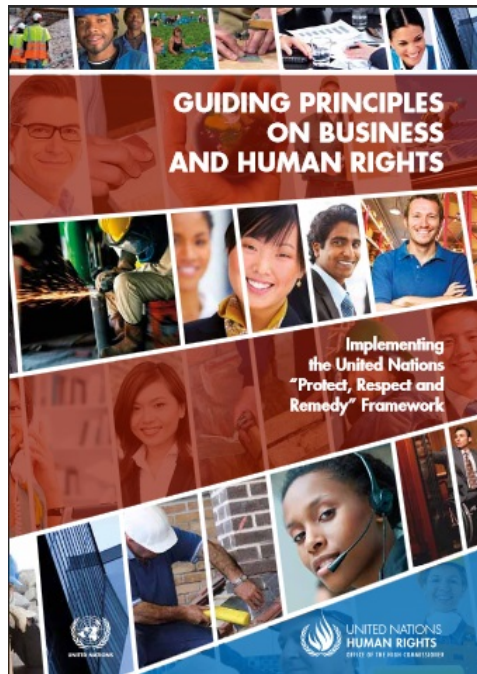
UK court hears appeal in Shell Nigeria oil spill case

by Ahmed Idris



The UNGPs

THREE PILLARS of the UN GUIDING PRINCIPLES



THE UN GUIDING PRINCIPLES REPORTING FRAMEWORK

PART A: GOVERNANCE OF RESPECT FOR HUMAN RIGHTS

POLICY COMMITMENT

- A1** What does the company say publicly about its commitment to respect human rights?
 - A1.1 How has the public commitment been developed?
 - A1.2 Whose human rights does the public commitment address?
 - A1.3 How is the public commitment disseminated?

EMBEDDING RESPECT FOR HUMAN RIGHTS

- A2** How does the company demonstrate the importance it attaches to the implementation of its human rights commitment?
 - A2.1 How is day-to-day responsibility for human rights performance organized within the company, and why?
 - A2.2 What kinds of human rights issues are discussed by senior management and by the Board, and why?
 - A2.3 How are employees and contract workers made aware of the ways in which respect for human rights should inform their decisions and actions?
 - A2.4 How does the company make clear in its business relationships the importance it places on respect for human rights?
 - A2.5 What lessons has the company learned during the reporting period about achieving respect for human rights, and what has changed as a result?

PART B: DEFINING THE FOCUS OF REPORTING

- B1** **Statement of salient issues:** State the salient human rights issues associated with the company's activities and business relationships during the reporting period.
- B2** **Determination of salient issues:** Describe how the salient human rights issues were determined, including any input from stakeholders.
- B3** **Choice of focal geographies:** If reporting on the salient human rights issues focuses on particular geographies, explain how that choice was made.
- B4** **Additional severe impacts:** Identify any severe impacts on human rights that occurred or were still being addressed during the reporting period, but which fell outside of the salient human rights issues, and explain how they have been addressed.

PART C: MANAGEMENT OF SALIENT HUMAN RIGHTS ISSUES

SPECIFIC POLICIES

- C1** Does the company have any specific policies that address its salient human rights issues and, if so, what are they?
 - C1.1 How does the company make clear the relevance and significance of such policies to those who need to implement them?

STAKEHOLDER ENGAGEMENT

- C2** What is the company's approach to engagement with stakeholders in relation to each salient human rights issue?
 - C2.1 How does the company identify which stakeholders to engage with in relation to each salient issue, and when and how to do so?
 - C2.2 During the reporting period, which stakeholders has the company engaged with regarding each salient issue, and why?
 - C2.3 During the reporting period, how have the views of stakeholders influenced the company's understanding of each salient issue and/or its approach to addressing it?

ASSESSING IMPACTS

- C3** How does the company identify any changes in the nature of each salient human rights issue over time?
 - C3.1 During the reporting period, were there any notable trends or patterns in impacts related to a salient issue and, if so, what were they?
 - C3.2 During the reporting period, did any severe impacts occur that were related to a salient issue and, if so, what were they?

INTEGRATING FINDINGS AND TAKING ACTION

- C4** How does the company integrate its findings about each salient human rights issue into its decision-making processes and actions?
 - C4.1 How are those parts of the company whose decisions and actions can affect the management of salient issues involved in finding and implementing solutions?
 - C4.2 When tensions arise between the prevention or mitigation of impacts related to a salient issue and other business objectives, how are these tensions addressed?
 - C4.3 During the reporting period, what action has the company taken to prevent or mitigate potential impacts related to each salient issue?

TRACKING PERFORMANCE

- C5** How does the company know if its efforts to address each salient human rights issue are effective in practice?
 - C5.1 What specific examples from the reporting period illustrate whether each salient issue is being managed effectively?

REMEDIATION

- C6** How does the company enable effective remedy if people are harmed by its actions or decisions in relation to a salient human rights issue?
 - C6.1 Through what means can the company receive complaints or concerns related to each salient issue?
 - C6.2 How does the company know if people feel able and empowered to raise complaints or concerns?
 - C6.3 How does the company process complaints and assess the effectiveness of outcomes?
 - C6.4 During the reporting period, what were the trends and patterns in complaints or concerns and their outcomes regarding each salient issue, and what lessons has the company learned?
 - C6.5 During the reporting period, did the company provide or enable remedy for any actual impacts related to a salient issue and, if so, what are typical or significant examples?

Outstanding issues in business and human rights

The BHR field has brought out strong conceptual and normative scholarship in recent years but engaged relatively scarcely in empirical analysis so far. Thus, an ‘empirical testing’ of normative claims in the BHR field is one strand whose exploration we would welcome...particularly... related to firm compliance with the UN framework. (Deva et al., 2019:202)

Empirical scholarship

More scholarship appears to be needed in order to clearly demarcate that BHR is not only related to law and law-based standards of conduct as a field, but also to governance, management, communication organisation and politics’ (Buhmann et al., 2018:328)

**Interdisciplinary/
critical voices**

There has not yet been much consideration of the reflexive dimension between corporate everyday practices, their routines and ways of implementing policies. Scheper (2015)

**Everyday human rights
implementation**

Thesis objectives

What happens when human rights are placed into a corporate space?

Who is involved in this process and what impact do actors have?

How does this impact corporate accountability for human rights?

Accountability as a social practice (Messner 2009; Roberts 2009; Rached 2016)

The Cases



Fieldwork took place between Oct 2018- Dec 2019 and includes a combination of:

- 33 in-depth qualitative interviews
- analysis of corporate reports
- participant observation

'External experts'



Findings: Translation

So, I think it's like that translation again. It's about transferring – amongst different people – all the lessons learned that are good, the positive practices, the sort of challenges and what people have learnt from that. P22 (Consultant at HRC3)

Translation = moving a concept from one context and making it understandable in another

‘Dual consciousness’ of translators (internal and external)
(Merry 2006; Levitt & Merry 2009)

Neutralisation of human rights?

It's around language, the UNGPs use very neutral language. It talks about human rights impacts, it doesn't talk about violations or abuses or infringements and I think that...in some ways makes the discussion a little...bit less provocative. (P9)

‘Toning down’ human rights – avoidance of incendiary language

Reinforcing hierarchies?

- Between rightsholders and corporate headquarters

You can't from headquarters, determine...you can't sit there and say...oh, that's going to be our human rights focus. because how do you know that that's going to be relevant in country X, at a particular operation? So, I think just kind of making clear that you- the scoping needs to come from the context, and it can't kind of be predetermined at a kind of, you know, headquarters policy level, basically. P7 (Senior Advisor HRI1)

- Power of translators – speaking for others' lived experiences first requires silencing those 'in whose name we speak' (Callon 1986:14).

Corporatisation through translation?

Yeah, if you look at the SDGs, compared to the UNGPs, in their marketing value, and in how easy people connect themselves to it, that they don't do with the UN Guiding Principles, I think maybe we should rethink how to brand it. (P18)

- Encourage market capture of human rights? (Scheper)

‘Human rights ideas are more easily adopted if they are packaged in familiar terms and do not disturb established hierarchies, but they are more transformative if they challenge existing assumptions about power relationships.’ (Merry 2006)

Boltanski & Chiapello (2005) - capitalism’s ability to absorb critique and extract value from it

Next steps...Experts in the BHR space

Thank you!