

## Humanist Committee on Human Rights Human Rights and Business



### ***Report Seminar Bridging Worlds 7 December 2007 CMS Derks Star Busmann***

The Human Rights and Business Programme of HOM organised an afternoon seminar for Business, Government representatives and NGO's to discuss the gap between the worlds of profit and human rights: how big is this gap and could it be declining as we are speaking?

#### ***Plenary Session***

After a short introduction by the chairperson Gemma Crijns (Coordinator MVO-Platform) and a welcome by Machteld Derks (CMS Derks Star Busmann), Marina d'Engelbronner (Programme Manager HOM) started the plenary session by introducing the topic and pointing out some interesting approaches including the [Human Rights Compliance Assessment](#), which could assist in bridging the various worlds.

Mark Taylor (Managing Director [FAFO](#) Norway) presented the very complete FAFO report on the assessment of the liability of business entities for grave violations of international law. The presentation focussed on the discourse of liability in international and national law and the complex relationship between economic opportunities and human right risks in weak governance zones or war regimes.

Peter van Minderhout (TNT) talked about TNT's contribution to the field of human rights impact for businesses. By reviewing the companies approach he indicated some possible good practises for other business entities such as the training of workers and management, awareness raising, transparency and engagement in different stakeholder dialogues. In 2006, TNT ran a company specific Quick Check of the HR Compliance Assessment on some businesses in China and will continue to develop more thorough assessments in the future.

Finally, Piet the Klerk (Human Rights Ambassador of the Netherlands) expressed the view of the Dutch government on the international human right obligations for states and the voluntary responsibility approach for the business community. The Dutch Government rejects the idea of the establishment of international human rights instruments that create obligations for businesses but instead promotes the voluntary approach and encourages companies actively to engage in CSR policy.



## Workshops

### India

Chairs: Maja Gadourek (Royal Tropical Institute-IMC) and Gerard Oonk (India Committee of the Netherlands)

The situation in India

- Only 8% of the people is working in the formal sector, 92% in the informal sector
- Hardly any labour law applies to the informal sector; and in the formal sector there are very harsh labour laws.
- The country risk assessment signalizes many risks, for example child labour everywhere. There are more than 60-100 million children working.



What can companies do?

- Most Multinational companies find it hard to implement their codes of conduct, as in India there are so many social problems to tackle. So for a company the suggestion was raised to take a stepped approach:
- First step: make a public declaration about the specific company policy in India
- Second step: develop a programme to implement the policy
- When the government is unable or unwilling to cooperate companies can start influencing their own environment.

Comments:

- Dutch government should set agenda but companies can be part of this lobby.
- Surprisingly all companies use ISO certification, but there are no binding regulations or certification processes on human rights. Why can't we change that and make it mandatory?

### Brazil

Chairs: Pierre Hupperts (Visie en Strategie) and Hessel Abbink Spaink (Rabobank International)

The situation in Brazil

- Brazil has comprehensive labour rights. However, half of the work force is employed in the informal sector and has no access to trade unions.
- Brazil has one of the most unequal distributions of income in the world and the minimum wage does not cover basic needs.
- The Country Risk Assessment signalizes many risks, among others: discrimination, forced labour, land property (in particular affecting indigenous people), child labour and corruption at all levels of government.
- De-forestation is a problem that is related to human rights issues.

What can companies do?

- Companies do have a responsibility, however this is not absolute but related to what one knew / could have known;
- The influence extends to the first and possibly the second degree within the supplychain;



- The level of influence is closely related to the market position of a company.

Things that you can arrange at the outset:

- CRA – sound human rights analysis
- Be clear about your company's position in relation to human rights – internal and external
- Invest in training of personnel
- Draft an instruction about how to act in case you come across things you don't want to see to happen

Try to create a level playing field together with other actors, for example in relation to living wage.

Reference documents:

Toolkit: [www.internationaalondernemen.nl](http://www.internationaalondernemen.nl)

Rabobank – Social and Environmental Policy

## China

Chairs: Hilke Molenaar (Amnesty International) and Leonoor van Munster (Heineken Int.)

Film: *China Blue*

The debate in China on Human Rights is booming. Multinationals could assist in raising awareness and creating policies on human rights issues. Participants discussed the scope and time slot of social and economic changes in China. The main debate covered the idea that while China's human rights and social developments can not hold with its economic changes, foreign companies should not just use this gap for fast economic profit. This discussion brought along a lot of questions:



- What are the responsibilities for MNE's towards Human Rights in China? Is it just not engaging in HR-abuses or should they take an active approach? Where should they begin?
- How to take a baseline or minimum position on human rights for Companies?
- How to define the sphere of influence for different sectors?
- How to take into account the negative influences of CSR, for instance concerning Child Labour?
- How to use other instruments, such a health and safety regulations, as an incentive to engage companies?

Possible actions for companies and policies they could engage in:

- Raising awareness and discussions on human rights, taking away the taboos for both management and workers
- Starting Multi-stakeholder dialogues on company level
- Allowing workers to organise, encouraging a strong civil society
- Exposing integrity: transparency even if not (yet) complying, showing improvement

## South Africa

Chairs: Hansje Plagman and Jan de Vries (both HOM staff members)

After a short introduction on the basis of the CRA on South Africa, participants engaged in the 'Human Rights and Business Game', which showed to be a very interesting introduction to a diverse scope of human rights issues for companies in South Africa. The discussions covered among others:

- Discrimination based on gender within companies
- Discrimination on the basis of HIV/Aids within companies
- Land ownership and property issues within community-company relationships.
- Chain management and Child Labour
- Adequate housing and other labour rights concerning the management-workers relationship
- The 'different' position and treatment of migration workers

During the workshop the game provoked a discussion on the short term and long-term effects of bad or good human rights performance by a company. Is "bad" behaviour (read: violation of human rights of workers and/or the community) rewarded on the short term? While good behaviour will be rewarded on the long term?

## Closure/ follow-up

Chair Gemma Crijns closed the official part by shortly interviewing the workshop leaders on the workshop discussions. Gemma Crijns praised the seminar as the only Dutch event specifically dealing with the topic of human rights and business. During the social drinks afterwards the discussions on human rights and business and the application of the tools in bridging various worlds were continued.



## Contact:

For more info on seminar, the Country Risk Assessments and other Human Rights Compliance Tools, the HOM Human Rights and Business Programme, please contact: Marina d'Engelbronner ([m.dengelbronner@hom.nl](mailto:m.dengelbronner@hom.nl)) or check the HOM website: [www.hom.nl](http://www.hom.nl)