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BUSINESS AND HUMAN RIGHTS

A PRIMER FOR
GOVERNMENT
MISSION PERSONNEL

Shift

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1 INTRODUCTION



Since they were unanimously endorsed by the UN Human Rights Council in 2011, the UN Guiding Principles on Business and Human Rights have become the authoritative global standard on business and human rights. After more than a decade of implementation by governments, companies, and other stakeholders, the UN Guiding Principles continue to guide State efforts to protect individuals from human rights abuses by

business enterprises, set global expectations for responsible business conduct, and shape the remedies available to individuals affected by business activity.

Business and human rights practitioners today include business managers and government policymakers. States are addressing the human rights impacts of business through national legislation and regulation, such as mandatory corporate human rights reporting and human rights due diligence, as well as trade and other policies. Companies are identifying

and addressing the human rights risks connected to their businesses by adopting human rights policies, conducting human rights due diligence, and acting to prevent, mitigate, and remedy human rights impacts. Business and human rights concepts such as human rights due diligence, exercising leverage to address human rights impacts, and operational-level grievance mechanisms, are influencing related disciplines of sustainability, accounting, and corporate governance.¹

Government mission personnel – individuals working as diplomats and as embassy, mission, and agency staff – represent their home State governments around the world and implement State policies in the areas of foreign affairs, international trade, and development assistance, among other government functions.

To carry out their duties effectively, mission personnel need to be aware of how human rights issues are related to business practices. A shared framework that establishes reasonable expectations of companies to manage their negative impacts can help mission personnel with different roles to communicate a single, coherent set of expectations for companies and other stakeholders on this topic.²

The roles and responsibilities of government mission personnel may include:

- Advancing foreign and economic policies, including the commercial interests of companies and workers based in their home countries.
- Identifying business and human rights issues (including labor issues) that arise locally in the countries where they are posted.
- Addressing questions related to business and human rights posed by home country companies operating abroad.
- Addressing questions related to business and human rights posed by foreign governments and local companies.
- Engaging and assisting local stakeholders, including human rights defenders, on business and human rights issues.

¹ [UN Guiding Principles on Business and Human Rights \(2011\)](#).

² John Gerard Ruggie, Caroline Rees, and Rachel Davis, “Ten Years After: From UN Guiding Principles to Multi-Fiduciary Obligations,” *Business and Human Rights Journal* 6, no. 2 (2021), 179-197; Caroline Rees, *Transforming How Business Impacts People: Unlocking the Collective Power of Five Distinct Narratives* (November 2020), <https://shiftproject.org/resource/unlocking-narratives>.

- Reporting back to their government on local conditions with implications for the human rights impacts connected to business activity.
- Promoting responsible business conduct through trade and investment policies, bilateral and multilateral agreements, and development cooperation.
- Leading by example in their role as economic actors and in their commercial activities, including public procurement and employment of local staff.
- Promoting access to remedy through OECD national contact points, international and regional organizations, multilateral development banks, and other mechanisms.

Government mission personnel with varied job descriptions and responsibilities are increasingly likely to encounter business and human rights issues in their duties. When companies face human rights-related questions in their international operations, they often reach out to representatives of their home State governments for information, advice, and support. Familiarity with business and human rights issues, the UN Guiding Principles, and their implementation by companies and other stakeholders can help mission personnel working in areas that include foreign policy, economics, trade, development, human rights, labor, procurement, and the environment.

Mission personnel, for example, may be asked to:

» ENGAGE BUSINESS

- Explain the corporate responsibility to respect human rights to business enterprises.
- Share examples of corporate good practice for managing human rights impacts.
- Discuss home state companies' compliance with local laws.
- Ensure that local companies supplying their government have no connection to labor abuses or questionable business practices.

» ENGAGE GOVERNMENT

- Build the capacity of a host government to protect against human rights abuses by business enterprises.
- Engage with a host government on local efforts to prevent forced labor, abuse of migrant workers, or the worst forms of child labor.

» ENGAGE RIGHTSHOLDERS AND CIVIL SOCIETY

- Assist human rights defenders under threat for their criticism of business-related human rights abuses.
- Advise local civil society on access to effective remedy for individuals harmed by business activity (for example, through National Human Rights Institutions or National Contact Points under the OECD Guidelines³).
- Address allegations by local trade unions of poor working conditions in local factories supplying home-state companies.

» ADVOCATE

- Support a home state company competing for a contract against companies that fail to conduct human rights due diligence or meet labor standards in their supply chain.

» REPORT

- Report to their home government on emerging business and human rights issues generally and specifically in the country where they are posted.

While some governments are building business and human rights capacity among government personnel,⁴ there is an unmet need for greater awareness and more training on these issues.⁵ There may be

³ [OECD Guidelines for Multinational Enterprises](#).

⁴ The U.S. Department of State, for example, has added a [Business and Human Rights course](#) to its Foreign Service Institute curriculum. The Ministry for Foreign Affairs of Finland has developed a Business and Human Rights course for Ministry and Mission personnel, and made the course [publicly available](#) online. The Dutch Ministry of Foreign Affairs has added a business and human rights course to the Ministry's Academy offering.

⁵ United Nations Working Group on Business and Human Rights, UNGPs 10+: A Roadmap for the Next Decade of Business and Human Rights (November 2021), p. 16 (“All States should take action to develop national action plans or other national strategies to strengthen coherence and develop a holistic State approach to business and human rights, using a range of tools to strengthen protection against business-related human rights impacts and foster responsible business conduct.”) In its Second [National Action Plan on Business and Human Rights](#) (2022-2025), for

limited awareness among government mission personnel of the human rights impacts connected to business activity, the content of the UN Guiding Principles, how various stakeholders are implementing the UN Guiding Principles, and how the UN Guiding Principles are relevant for addressing the business and human rights issues that arise in their duties.

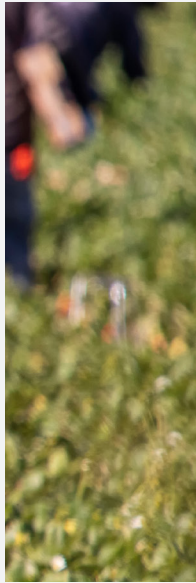
This ***Business and Human Rights Primer for Government Mission Personnel*** provides an introduction to the topic of business and human rights, an overview of the UN Guiding Principles on Business and Human Rights, examples of how business and human rights (BHR) issues can arise in the field, key questions that mission personnel can use to guide their engagement on BHR issues, and a list of BHR resources.

Shift is a non-profit, mission-driven organization and the leading center of expertise on the UN Guiding Principles on Business and Human Rights. Shift’s global team of experts seeks to build a world where business gets done with respect for people’s dignity. The content of this Primer is based on Shift’s work promoting the implementation of the UN Guiding Principles by States and helping governments to build the capacity of mission personnel to identify and address business and human rights issues.

The development of this Primer was supported by the U.S. Department of State’s Bureau of Democracy, Human Rights, and Labor. The content of this Primer reflects the views of Shift alone; it does not represent the policy positions of the United States Government or any State. Shift has worked with government partners including the U.S. Department of State, the Ministry for Foreign Affairs of Finland, and the Dutch Ministry of Foreign Affairs to develop and strengthen business and human rights training for government mission personnel.

example, the Chilean government seeks to “strengthen knowledge of business and human rights among students in the Diplomatic Academy of its Foreign Ministry.” p 30. In its updated [National Action Plan on Responsible Business Conduct](#) (2024), the United States Department of State commits to “launch a BHR training for Department officers” to help them “understand what BHR is, why it is integral to U.S. foreign policy, and how BHR issues may present in their work.”, p. 16. As of 2024, over fifty countries have developed or are in the process of developing National Action Plans on the implementation of the UN Guiding Principles. <https://globalnaps.org/country/>.

2 ABOUT BUSINESS AND HUMAN RIGHTS



“

All human beings are born free and equal in dignity and rights.

”

Universal Declaration of Human Rights (1948)

WHAT IS “BUSINESS AND HUMAN RIGHTS”?

Business and human rights, a field at the intersection of business, law, and public policy,⁶ focuses on the human rights impacts of business activity and what governments and companies should do to address them.

WHAT ARE HUMAN RIGHTS?

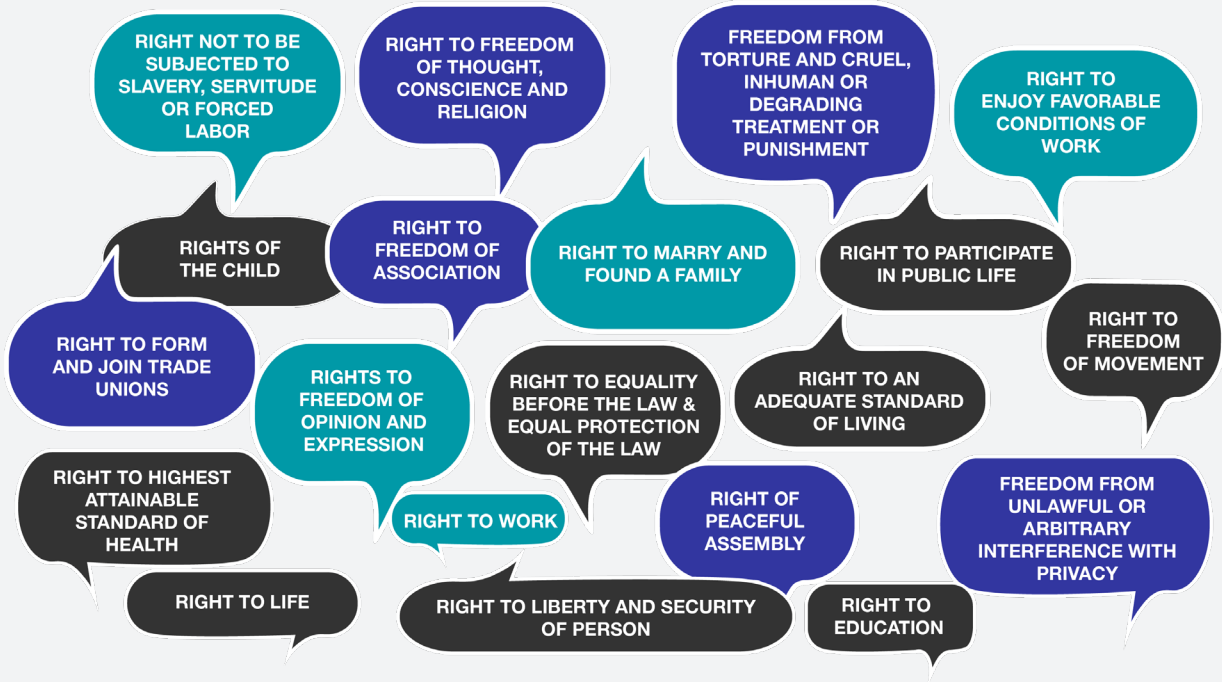
The idea of human rights is as simple as it is powerful: that people have a right to

be treated with dignity. Being treated with dignity is the foundation for leading a decent human life. Human rights are universal, not rights that governments are free to grant or take away, and inherent to all individuals as human beings. Human rights apply to everyone equally without discrimination, irrespective of nationality, religion, language, or gender.

Human rights include the rights to life and physical security; rights to freedom of thought,

⁶ Michael A. Santoro, “Business and Human Rights in Historical Perspective,” *Journal of Human Rights* 14, no. 2 (2015): 155–161.

conscience and religion; freedom of expression; freedoms of association and of movement; rights to education and work; freedom from arbitrary or unlawful interference with privacy, family, home or correspondence; the right to an adequate standard of living, including adequate food, safe drinking water and sanitation; freedoms from torture, slavery or forced labor; rights to just and favorable conditions of work; and freedom from discrimination.



HOW AND WHERE ARE HUMAN RIGHTS DEFINED?

Internationally recognized human rights are set out in the Universal Declaration of Human Rights,⁷ which was adopted by the United Nations in 1948 following the atrocities of the Second World War. Since then, all States have expressed support for this Declaration. These human rights are elaborated in more detail in other international declarations, treaties, conventions, and instruments.

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of 1966, are legally binding human rights instruments that elaborate the rights contained in the Universal Declaration.⁸ Each of the Covenants has been

⁷ UN General Assembly, Resolution 217(A) (III), Universal Declaration of Human Rights, A/RES/3/217A (December 10, 1948).

⁸ International Covenant on Civil and Political Rights, December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976); International Covenant on Economic, Social and Cultural Rights, December 16, 1966, 993 U.N.T.S. 3 (entered

ratified by over 150 states. Collectively, all three documents are known as the International Bill of Human Rights.

The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work commits all its member States to five categories of principles and rights: freedom of association and the right to collective bargaining; the elimination of compulsory labor; the abolition of child labor; the elimination of discrimination in respect of employment and occupation; and the right to a safe and healthy working environment. These are covered in more depth in the ten ‘core conventions’ of the ILO.

Human rights are also detailed in international instruments addressing specific concerns, such as racial discrimination, torture, enforced disappearances, and genocide; and rights as they pertain to members of specific groups, such as women, children, indigenous peoples, and persons with disabilities.

UN human rights instruments elaborating the rights of persons belonging to particular groups or populations:⁹

- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention on the Rights of Persons with Disabilities
- Declaration on the Rights of Indigenous Peoples
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

into force January 3, 1976).

9 OHCHR, ‘The Corporate Responsibility to Respect Human Rights: An Interpretative Guide’, 2012, p.12.

WHAT ROLE DO STATES HAVE WITH REGARD TO HUMAN RIGHTS?

States' human rights obligations primarily arise when States negotiate, sign, and ratify human rights treaties and conventions, which obligate States to translate international human rights standards into domestic law. State duties include respecting human rights in what they do as States, protecting human rights against abuse by others, and realizing human rights over time where that requires considerable resources, for example in providing access to education or safe drinking water.

HOW CAN BUSINESS AFFECT HUMAN RIGHTS?

Business is the major engine of economic growth and job creation. Companies can have positive impacts on the enjoyment of human rights through their economic activity. Some industries advance human rights and related issues in specific ways, such as supporting freedom of expression through information and communication technologies, supporting health by making new medicines available and accessible, or advancing development by bringing new roads and water supplies to poor communities.

But business can also pose risks to human rights, harming people, including in sectors that seek to have positive impacts. Today there is increasing awareness of and scrutiny on how companies impact people and communities around the world. This includes large and small companies in all industries – from a mining company resettling a community, to a retailer requiring its supplier to produce garments in an unrealistically short timeframe that causes excessive overtime, a manufacturer polluting a water supply, or a company relying on security forces that use excessive force.¹⁰

The global business and human rights standard focuses on addressing the adverse human rights impacts of business activity.

¹⁰ Global Compact Network Netherlands, Oxfam and Shift, [Doing Business With Respect For Human Rights: A Guidance Tool for Companies](#). (2nd ed., 2016), p. 12.

EXAMPLES OF HOW BUSINESS ACTIVITY CAN HARM PEOPLE:



A technology company sells software to an authoritarian regime that uses it to surveil and arrest political dissidents for exercising their human rights.



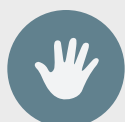
Employers withhold migrant workers' identity documents, restricting the workers' freedom of movement and their ability to find new employment or to leave the country.



Security forces use force against or arrest individuals for peacefully protesting business activity.



Factory wastewater contaminates a local drinking water source, making people sick.



A supplier of recycled packaging material to a consumer goods company is connected to child labor by young children collecting paper from landfills



Promoters for an international alcohol brand work late hours in nightclubs and bars, without appropriate uniforms or transportation, making them vulnerable to gender-based abuse, harassment, and discrimination.



A local government resettles an Indigenous community without consent or compensation to provide the land to a foreign mining company.



An energy company sources solar panels from a region where the government is known to restrict the movement of ethnic minorities and local factories reportedly use forced labor.



Human rights defenders advocating Indigenous Peoples' rights in relation to business activity are subject to violence, threats, or lawsuits seeking to silence critical voices.

WHO MAY BE MOST VULNERABLE TO THE HUMAN RIGHTS IMPACTS OF BUSINESS?

The human rights of all people can be affected by business activity. Adverse human rights impacts from business activity, however, often disproportionately affect people already in vulnerable situations, such as:

- Those living in poverty
- Migrant workers
- Women
- Children
- Indigenous Peoples
- LGBTQI+ persons¹¹
- People with disabilities
- Human rights defenders¹²
- Members of other marginalized groups

HOW CAN A COMPANY BE CONNECTED TO ADVERSE HUMAN RIGHTS IMPACTS?

Companies may cause or contribute to adverse human rights impacts through their own activities or be linked to adverse human rights impacts by their business relationships. A company, for example, may be connected to human rights violations and abuses committed by other actors, such as governments and state security forces.

¹¹ Shift, [Beyond Pride: The Rights of LGBTI People and the Corporate Responsibility to Respect](#).

¹² See Front Line Defenders, [Global Analysis 2021](#) (Feb 2022), Business and Human Rights Resource Centre and International Service for Human Rights, [Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders](#) (September 2018), Ministry for Foreign Affairs of Finland, [Supporting Human Rights Defenders Together: Guidelines of the Finnish Foreign Service](#) (April 2023).

Companies may cause adverse impacts.

If employees are injured due to unsafe working conditions, or if companies displace communities from their lands and livelihoods without due process and compensation.

Companies may contribute to adverse impacts.

If a company's purchasing practices incentivize suppliers to force workers into unpaid overtime to meet contract requirements, or if multiple companies drain or pollute the water resources essential for local communities' drinking supply.

Companies may be linked to adverse impacts.

If forced labor or child labor is used to make components in their products or if a technology company's equipment is used to track, imprison and harm end users, despite the company's reasonable efforts to avoid these outcomes.

WHAT IS THE BASIC RESPONSIBILITY OF COMPANIES REGARDING HUMAN RIGHTS?

The UN Guiding Principles on Business and Human Rights (detailed in the next section) set the global expectation that companies respect human rights.

Achieving respect for human rights is challenging. It is not just about companies' own operations and employees and the activities they directly control. It includes their supply chains and broader value chains.

A company's value chain includes "upstream" activities such as sourcing and supply chains and "downstream" activities such as retail sales, customer use, recycling, and waste disposal. It includes impacts that may be more remote in companies' value chains and caused by third parties over which the companies have limited influence. But the expectation on companies today is clear: if their operations, products or services are linked

to abuses of human rights, they have a responsibility to take reasonable steps to try to change that situation.

WHAT IS THE “BUSINESS CASE” FOR RESPECTING HUMAN RIGHTS?

Respecting human rights is not only the right thing to do but the smart thing to do. The so-called “business case” for rights-respecting business practices acknowledges that companies thrive, and economies prosper when business operates with respect for human rights. Respecting human rights reduces business risk and creates business opportunities.

Respecting human rights not only minimizes risks to individuals but also places companies at a competitive advantage by mitigating their operational, legal, and reputational risks.

Human rights risks become business risks when:

- Companies face operational disruption and delays due to conflict with local communities or protests from workers. This means that the site or facility cannot function as expected. Costs associated with this kind of disruption should not be thought of as the “cost of doing business.” They are the result of the challenges in effectively managing human rights risks.¹³
- Companies lose revenue, business opportunities, business partners, customers, or financing due to human rights concerns.
- Legal claims are brought against companies for alleged involvement with human rights abuses.¹⁴
- Companies struggle to recruit and retain employees. Employees want to work for companies that care about how they impact and contribute to society. People are more likely to be productive when they feel respected and can raise issues that affect them.

It is very much in the interests of companies themselves to address these risks, for they are risks not just to individuals, but to any business that is

¹³ See, for example, Rachel Davis and Daniel Franks, Costs of Company-Community Conflict in the Extractive Sector (May 2014), <https://shiftproject.org/resource/costs-of-company-community-conflict-in-the-extractive-sector/>.

¹⁴ Such claims have resulted in financial settlements and civil judgements in jurisdictions including the Netherlands, the United Kingdom, and the United States. See, e.g., Business & Human Rights Resource Centre, “Lawsuit Database,” <https://www.business-humanrights.org/en/from-us/lawsuits-database/>. A growing number of human rights complaints against companies have been brought to official State-based ‘National Contact Points’ in the 51 countries that adhere to the OECD Guidelines. <https://mneguidelines.oecd.org/ncps/>.

concerned with its medium- and long-term success.

Respecting human rights is also closely linked to business opportunities, such as:

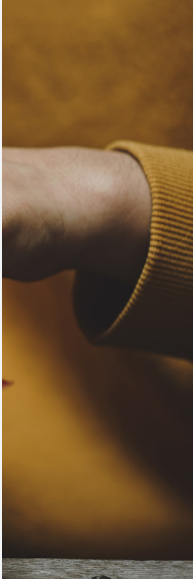
- Improved relationships with workers, communities, and other stakeholders, resulting in greater trust and a stronger ‘social license to operate.’
- Improved employee retention and recruitment.
- Greater access to business opportunities with governments and other business customers.
- Greater access to capital.
- The creation of innovative new products and services

HOW DO STATES BENEFIT WHEN COMPANIES RESPECT HUMAN RIGHTS?

Advancing corporate respect for human rights benefits governments, companies, and the communities in which they operate. When States protect individuals from business-related human rights abuses and businesses respect human rights, companies have a level-playing field to do business while advancing human dignity. Rights-respecting companies become preferred partners because they take seriously their responsibility to follow the rule of law; uphold human rights; and strengthen the communities in which they operate.

As the international landscape for trade and investment becomes more competitive, countries that produce high-quality goods and services in a rights-respecting manner strengthen their economic interests and competitiveness, the rule of law, and their national security.

3 THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS



WHAT ARE THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS?

The UN Guiding Principles on Business and Human Rights,¹⁵ unanimously endorsed by the United Nations Human Rights Council in 2011, are the global standard on business and human rights. The UN Guiding Principles comprise thirty-one Principles, organized as “foundational” and “operational” principles on three topics, or pillars:

- 1) the State duty to protect human rights;
- 2) the corporate responsibility to respect human rights; and

3) access to effective remedy.

Each Principle is accompanied by a commentary clarifying its meaning and implications for stakeholders.

WHERE DO THE UN GUIDING PRINCIPLES COME FROM?

The UN Guiding Principles on Business and Human Rights were authored by Professor John Ruggie during his six years as the UN Secretary-General’s Special Representative for Business and Human Rights. They were built on extensive global research and consultation and were unanimously endorsed by the United Nations Human Rights Council in 2011.

¹⁵ [UN Guiding Principles on Business and Human Rights \(2011\)](#).

WHAT IS THE STATUS OF THE UN GUIDING PRINCIPLES?

The UN Guiding Principles set the authoritative global standard on business and human rights. They are not a standard that companies sign up to or choose whether to support; they are an existing expectation of all companies, regardless of size, sector, or location. Many other international, regional, and national standards have incorporated or refer to the UN Guiding Principles, and in particular the corporate responsibility to respect human rights.

Standards that have incorporated or refer to the UNGPs, and the corporate responsibility to respect human rights, include the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct,¹⁶ the ISO 26000 Standard on Social Responsibility,¹⁷ and the International Finance Corporation's Performance Standards on Environmental and Social Sustainability.¹⁸

Prominent global companies in diverse industries have publicly committed to respect human rights as detailed in the UN Guiding Principles.

States have incorporated elements of the UN Guiding Principles in national laws and regulation, coordinated government policies through National Action Plans on Business and Human Rights, and promoted the UN Guiding Principles in their bilateral and multilateral relations with other States.

WHAT DO THE GUIDING PRINCIPLES COVER?

The Guiding Principles are built on the three-pillar 'Protect, Respect and Remedy' framework. The framework recognizes that States and companies have distinct but complementary roles in ensuring that individuals' human rights are safeguarded. It is innovative in helping move away from assumptions

¹⁶ [OECD Guidelines for Multinational Enterprises](#). In 2011, the OECD added a human rights chapter to the Guidelines, which incorporates key aspects of the corporate responsibility to respect human rights as defined in the UNGPs, including the expectation that companies should undertake human rights due diligence.

¹⁷ <https://www.iso.org/iso-26000-social-responsibility.html>.

¹⁸ <https://www.ifc.org/en/insights-reports/2012/ifc-performance-standards>.

THREE PILLARS of the UN GUIDING PRINCIPLES



that human rights responsibilities apply to only States or companies, and recognizes that there are distinct expectations of each.

States have a duty to protect human rights.

States must take appropriate steps to prevent, investigate, punish, and redress human rights abuse by business enterprises. States can do this through policies, regulation, legislation, and their effective enforcement.

EXAMPLE



Members of the European Union adopt national laws requiring companies operating in their markets to conduct and report on human rights due diligence for their own operations and global value chains.

Business enterprises have a responsibility to respect human rights.

Companies should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved through their activities or business relationships throughout their value chains.



EXAMPLE

A technology company allows hate speech to be posted to its social media platform. Local civil society organizations accuse the company of complicity in ethnic violence surrounding a national election.

Individuals harmed by business activity have access to effective remedy.

When something goes wrong and people are adversely affected because of a company's actions, things need to be put right. Remedy is about restoring individuals to the situation they would have been in had the harm not occurred – or as close to that as possible. Where this is not possible, those harmed could be provided compensation or other forms of remedy that try to make amends for the harm caused. Examples of remedy include apologies, restitution, rehabilitation, financial compensation, non-financial compensation, guarantees of non-repetition, and sanctions, such as fines. Both States and companies have a role to play enabling access to effective remedy. Members of an Indigenous community claim they will be harmed by an international mining project licensed by the national government. A home state bank financing the project requires the local mining company to establish an operational-level grievance mechanism aligned with the UN Guiding Principles that provides affected individuals access to their preferred form of remedy.

EXAMPLE



Members of an Indigenous community claim they will be harmed by an international mining project licensed by the national government. A home state bank financing the project requires the local mining company to establish an operational-level grievance mechanism aligned with the UN Guiding Principles that provides affected individuals access to their preferred form of remedy.

HOW CAN GOVERNMENT MISSION PERSONNEL USE THE THREE PILLARS OF THE UNGPS IN THEIR WORK?

The UN Guiding Principles can help mission personnel to identify business and human rights issues; ask the right questions of governments, companies, and other BHR stakeholders; and support rights-respecting companies as well as local stakeholders who approach them with concerns.

EXAMPLE 1	EXAMPLE 2	EXAMPLE 3
 <p>A local government may consider measures to prevent forced labor or abuse of migrant workers.</p>	 <p>A company may want advice on conducting human rights due diligence across its global supply chain.</p>	 <p>Local human rights defenders may be under threat for speaking out about business-related human rights impacts.</p>

HOW ARE STATES IMPLEMENTING THE UN GUIDING PRINCIPLES?

States must take steps to prevent, investigate, punish, and redress human rights abuse by business enterprises through effective policies, legislation, regulations, and adjudication.

States are increasingly making elements of the corporate responsibility to respect human rights mandatory for companies.

Domestic laws in countries including Australia, Canada, France, Germany, the Netherlands, the United Kingdom, and the United States require disclosure of human rights due diligence efforts around the risks of slavery and human trafficking in global supply chains, or in relation to other high-risk activities.¹⁹ The EU Corporate Sustainability Reporting Directive (2022)²⁰

¹⁹ See, for example, Australia, Modern Slavery Act 2018, No. 153, 2018, <https://www.legislation.gov.au/C2018A00153/asmade/text>; Canada, Fighting Against Forced Labour and Child Labour in Supply Chains Act (May 2023), <https://www.parl.ca/DocumentViewer/en/44-1/bill/S-211/third-reading>; United Kingdom, Modern Slavery Act 2015, 30, cl. 54 <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>; California Transparency in Supply Chains Act, CAL. CIV. CODE §1714.43, <https://oag.ca.gov/SB657>.

²⁰ Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards

requires companies to report on their management of human rights issues.

Laws including the French Law on the Duty of Vigilance (2017), the German Supply Chain Law (2021), and the European Union Corporate Sustainability Due Diligence Directive (2024), require corporations to carry out human rights due diligence that goes beyond mere disclosure of their efforts.²¹

States are coordinating government policies through National Action Plans on Business and Human Rights.²²

States are also regulating the activities of businesses domiciled in their territory and/or jurisdiction carried out abroad. Trade laws prohibit the import of goods made with forced labor.²³ This type of ‘extraterritorial’ regulation includes civil, administrative, or criminal liability for companies that commit or contribute to human rights abuses, wherever they occur, such as direct parent company civil liability for human rights harms available as emerging judicial remedies in the United Kingdom, the Netherlands, and Canada.²⁴

States can advance government policies when they set clear expectations that businesses within their territory and/or jurisdiction respect human rights wherever they operate.

corporate sustainability reporting, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L2464>.

21 See Claire Bright and Nicolas Bueno, “Mandatory human rights due diligence,” in *Teaching Business and Human Rights* (2023), pp. 144-159.

22 As of 2024, over fifty countries have developed or are in the process of developing National Action Plans on the implementation of the UN Guiding Principles. <https://globalnaps.org/country/>.

23 See, for example, the draft EU Forced Labor Regulation (2024), Proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market (COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)), https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/CJ33/AG/2024/03-20/1298958EN.pdf; and the Uyghur Forced Labor Prevention Act (2021) in the United States. Public Law No. 117-78, <https://www.cbp.gov/trade/forced-labor/UFLPA>.

24 See, Rachel Chambers, “Judicial Remedy,” in *Teaching Business and Human Rights* (2023), pp. 160-176.



KEY POINTS: THE STATE DUTY TO PROTECT HUMAN RIGHTS

1. States have a duty to protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

The State duty to protect is a standard of conduct. States are not responsible for human rights abuse by private actors; however, States may breach their international human rights law obligations when they fail to take appropriate steps to prevent, investigate, punish, and redress abuse by business enterprises.

2. States should take additional steps to protect against human rights abuses when a business enterprise is State-owned or receives substantial support from State agencies.

In these cases, an abuse of human rights by the business enterprise may entail a violation of the State's own international law obligations. States should exercise adequate oversight when they contract with or enter a commercial transaction with a business enterprise. Government mission personnel responsible for procurement should promote respect for human rights by commercial business partners.

3. In conflict-affected areas, States should help to ensure that business enterprises operating in those contexts are not involved with human rights abuses.

The risk of gross human rights abuses is heightened in conflict-affected areas.²⁵ States can engage and help companies operating in these contexts to identify, prevent and mitigate human rights-related risks. States can deny access to public support and services to business enterprises that are involved with gross human rights abuses and refuse to address the situation.

4. States should ensure policy coherence across governmental departments, agencies and other institutions that shape business practices.

Policy coherence is part of a State's duty to protect human rights. Building the capacity of government mission personnel to identify business and human rights issues and support the implementation of the UN Guiding Principles by all stakeholders is one way to advance policy coherence. States are also adopting National Action Plans on Business and Human Rights to foster policy coherence.

²⁵ United Nations Development Programme and the United Nations Working Group on Business and Human Rights, [Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide](#) (2022).

HOW ARE COMPANIES MEETING THEIR RESPONSIBILITY TO RESPECT HUMAN RIGHTS?

The responsibility to respect human rights requires that companies **‘know and show’** the human rights risks related to their business and how they are being managed. This means having:

- A public commitment to respect human rights that is embedded into the company’s culture;
- An on-going process of human rights due diligence through which the company assesses risks to human rights, integrates the findings into its decision-making and actions in order to mitigate the risks, tracks the effectiveness of these measures, and is able to communicate its efforts internally and externally.
- Processes for helping provide remedy to anyone who is harmed as a result of the company’s actions or decisions. Companies should establish effective grievance mechanisms that allow affected stakeholders to flag issues with the company and contribute to remedy where appropriate.

A BLUEPRINT FOR IMPLEMENTING THE RESPONSIBILITY TO RESPECT HUMAN RIGHTS



WHAT ARE THE KEY FEATURES OF HUMAN RIGHTS DUE DILIGENCE?

Human rights due diligence is an ongoing, dynamic process that complements existing due diligence carried out by companies that focuses on managing risks to the business.

The primary focus of human rights due diligence must be on preventing and addressing risks to people. If a company needs to prioritize which issues to address first, it should prioritize the most severe impacts on human rights (that is, its ‘salient human rights issues’). The most severe impacts on human rights converge strongly with risks to the business. In practice, when a company understands risks to human rights it has a strong basis for understanding how human rights-related risks can also affect the business, especially over the medium to long-term. By contrast, processes that start with risk to the business usually miss critical issues affecting people.

Companies should conduct heightened due diligence when their value chains are linked to geographies or industries where there is conflict and/or heightened risks of gross human rights abuses.²⁶



²⁶ United Nations Development Programme and the UN Working Group on Business and Human Rights, [Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide](#) (New York, 2022).

WHAT DOES HUMAN RIGHTS DUE DILIGENCE LOOK LIKE?

ASSESS



Human rights due diligence is an ongoing risk management process. It begins with an assessment of a company's most salient human rights risks -- the human rights that are at risk of the most severe adverse impact across the company's operations and value chain. Human rights due diligence takes a principled approach by identifying all the actual or potential impacts that a company may be involved with, and then prioritizing them according to severity and likelihood.

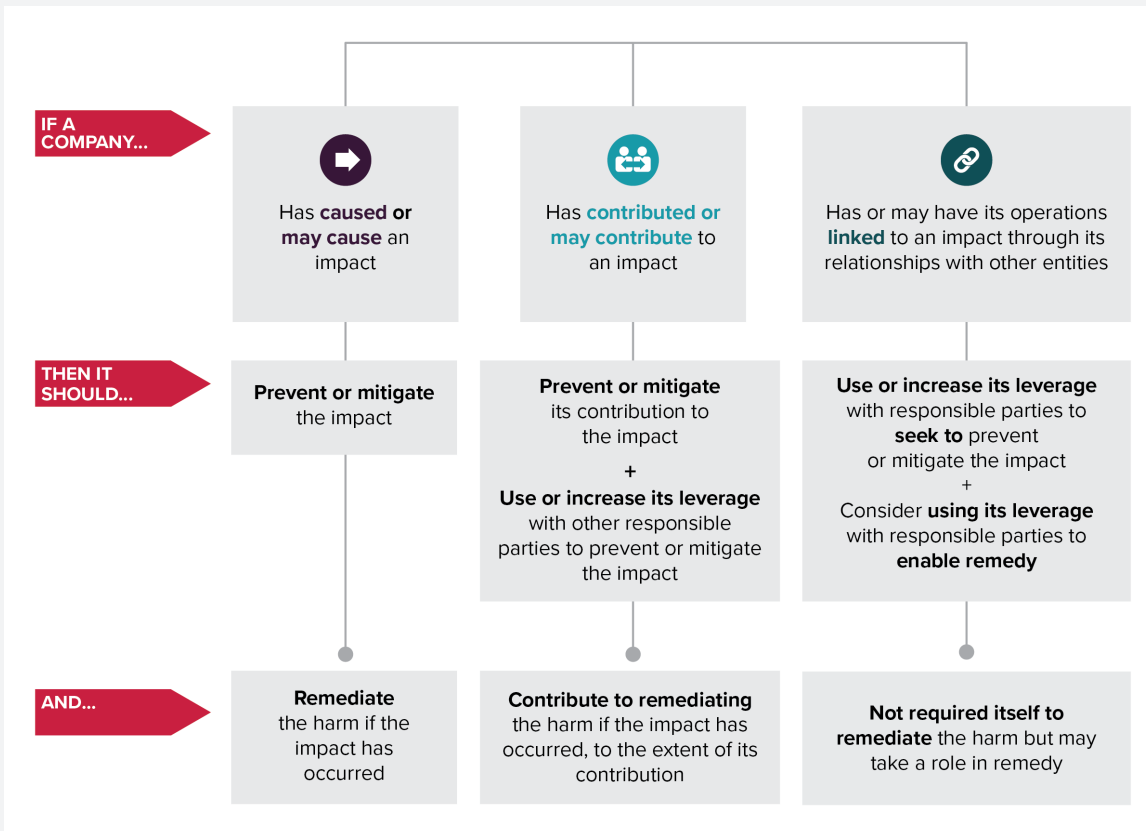
Once a company has prioritized its salient human rights risks, it will need to understand how it is involved with the risks – could it cause them directly, or contribute to them, or be linked to them through business relationships? (The expectations that flow from each situation are defined below.)

INTEGRATE AND ACT



A company's involvement with a risk or impact will determine its responsibility in line with the UN Guiding Principles. A company may be expected to take steps to mitigate the impact through its own decisions or actions, to provide or contribute to the remedy, or to use its leverage with other parties to bring about improved outcomes for people.²⁷

²⁷ Shift, [Using Leverage in Business Relationships to Reduce Human Rights Risks](#) (Nov. 2013).



TRACK AND COMMUNICATE



Finally, companies are expected to track the effectiveness of their actions over time, and to communicate publicly about them to a range of stakeholders, both internal and external.

WHAT IS THE ROLE OF STAKEHOLDER ENGAGEMENT IN HUMAN RIGHTS DUE DILIGENCE?

Throughout the human rights due diligence process, companies are expected to engage with directly affected stakeholders so that actions taken, or remedy provided, bring about improved outcomes for people. Stakeholders can include workers, local community members, and consumers or end-users of a company's products or services.

Companies need insight into the perspectives of the people at risk of harm. It is hard for a company to know and show that it is respecting human rights if it is blind to how others perceive its actions and their effects. Engaging with those people who could be affected, with their legitimate

representatives (such as trade unions where workers are unionized) or – if neither is possible – with ‘credible proxies’ who have insight into their perspectives (such as local NGOs), is essential to assess and address human rights risks.

HOW SHOULD COMPANIES PRIORITIZE THE HUMAN RIGHTS IMPACTS THEY IDENTIFY?

While business enterprises should address all their adverse human rights impacts, it may not always be possible to address them simultaneously. Business enterprises should first seek to prevent and mitigate human rights impacts that are most severe or where delayed response would make them irremediable. Considerations for determining the severity of a human rights impact include its 1) scale (the gravity of the impact); 2) scope (the number of individuals that are or could be affected); and 3) remediability (the ease with which those impacted could be restored to their prior situation before harm occurred).

HOW CAN COMPANIES EXERCISE LEVERAGE TO ADDRESS THEIR HUMAN RIGHTS IMPACTS?

A company’s influence (or ‘leverage’ in the Guiding Principles) affects how quickly and effectively it can address risks to human rights. Where companies have limited influence it is hardest to bring about change. The first question for companies is therefore how they can increase their leverage as part of their efforts to reduce the risks.

It is important to think creatively about leverage and how to use it. Leverage can come through the terms of contracts and their enforcement and through personal relationships and persuasion; through commercial and other incentives; through capacity-building of business partners; and through joint action with other companies, governments, international and civil society organizations. It may be public or private in nature, depending on what is most effective in any given situation.

HOW CAN COMPANIES ENABLE ACCESS TO EFFECTIVE REMEDY FOR INDIVIDUALS HARMED BY BUSINESS ACTIVITY?

Establishing grievance mechanisms that enable people – inside or outside the company – to flag that there is an issue and to seek a meaningful response is one way that companies can provide access to remedy by affected individuals where the company itself has caused or contributed to a harm.

“

Corporate philanthropy never relieves a company of its human rights responsibilities. A company cannot compensate for human rights harm by performing good deeds elsewhere.

”

Professor John Ruggie, Former UN Special Representative on Business and Human Rights

DOES CORPORATE PHILANTHROPY MEET A COMPANY’S RESPONSIBILITY TO RESPECT HUMAN RIGHTS?

No – companies often point to their philanthropic or corporate social responsibility (CSR) efforts as evidence of, or instead of, their commitment to human rights. CSR programs often consist of voluntary efforts by companies to demonstrate responsibility and advance societal goals. This may be done through donations, support for specific causes, or efforts that may have a positive impact on human rights, like providing scholarships or contributing goods to community organizations. Such efforts may be beneficial, but they are not a replacement for meeting the company’s responsibility to respect human rights. Companies need to also focus on the adverse impacts that may result from their business model (in other words, how they earn their revenue), rather than solely on how they choose to spend their profit (for example, philanthropy).

The UN Guiding Principles expect companies to begin by addressing their adverse human rights impacts, separate from considering any potential positive contributions.



KEY POINTS: THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

1. The corporate responsibility to respect human rights is independent of the State duty to protect human rights.

Compliance with national law may not be sufficient for a company to meet its responsibility to respect human rights. While it is more challenging for companies to meet their responsibility when States do not have adequate regulations in place or fail to enforce them effectively, the corporate responsibility to respect human rights does not increase or decrease depending on whether States meet their own duty to protect human rights.

2. The corporate responsibility to respect human rights applies to all companies.

All business enterprises, irrespective of size, sector, geography, or ownership structure, should prevent and address harm to people.

3. The corporate responsibility to respect human rights extends across a company's operations and its value chain.

Respecting human rights is not just about a company's employees, nor is it just about problems 'out there' in the supply chain. The corporate responsibility to respect human rights encompasses all situations where harm to human rights can be linked with what the company does or produces.

4. The corporate responsibility to respect human rights looks forward and backward.

Respecting human rights is both a forward-looking *preventative responsibility* and a backward-looking *remedial responsibility* to address harm when it occurs. Companies should identify all the actual or potential impacts connected to their business operations and value chains. When harm occurs, companies are expected to take meaningful steps to address the impacts if they have caused or contributed to them. Respecting human rights is not just a passive "do no harm" expectation where companies simply avoid making existing situations worse. ►

5. Companies do not have a greater responsibility to respect human rights where they have greater influence.

Wherever harm to human rights is connected to what a company does or produces, the company has a responsibility to address its human rights impacts. On the other hand, merely operating or doing business in a challenging context does not make a company responsible for all impacts occurring in that context. Nor does having influence with a business partner (for example, because a company is a significant purchaser of its goods) make that company responsible for all the negative impacts of its business partner if they are not linked to its own products or services.

HOW ARE STATES AND COMPANIES ENABLING ACCESS TO EFFECTIVE REMEDY FOR INDIVIDUALS HARMED BY BUSINESS ACTIVITY?

Both States and companies have a role to play enabling access to effective remedy by individuals harmed by business activity.

As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.

State-based mechanisms can be judicial or non-judicial (including administrative, legislative, and other mechanisms).

Non-state-based grievance mechanisms include those administered by a company alone or with stakeholders, by an industry association or a multistakeholder group.

Companies should establish or participate in operational-level grievance mechanisms for individuals and communities who may be adversely affected by their adverse human rights impacts. Establishing grievance mechanisms that enable people – inside or outside the company – to flag that there is an issue and to seek a meaningful response is one way that companies can provide access to remedy by affected individuals.

A grievance mechanism can only serve its purpose if the people it is intended to serve know about it, trust it and are able to use it. As the

Guiding Principles make clear, effective non-judicial grievance mechanisms are legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue.

KEY POINTS: ACCESS TO EFFECTIVE REMEDY

1. Both States and business enterprises have a role to play in providing access to effective remedy for individuals affected by business-related human rights abuse.

States must take appropriate steps to prevent, investigate, punish, and redress human rights abuse by business enterprises. Companies should establish or participate in operational-level grievance mechanisms for individuals and communities who may be adversely affected by their adverse human rights impacts.

2. Remedy can take many forms.

At its core, remedy for a human rights harm means seeking to restore an individual to the situation they would have been in had the harm not occurred – or as close to that as possible. Where this is not possible, remedy often takes the form of financial compensation, but it can also mean non-financial compensation, apologies, restitution, rehabilitation, accountability for the responsible party, and/or guarantees of non-repetition.

3. Access to effective remedy has both procedural and substantive elements.

Remedy refers to both the process of providing remedy for a negative human rights impact and the substantive outcomes for affected people.²⁸ Effective non-judicial grievance mechanisms are legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue. ►

²⁸ UN Guiding Principles Reporting Framework, <https://www.ungpreporting.org/glossary/remediationremedy/>.

4. Grievance mechanisms should not preclude access to judicial mechanisms.

Effective judicial mechanisms are at the core of ensuring access to remedy.²⁹ Grievance mechanisms should be capable of delivering rights-compatible outcomes and provide processes that reflect rights-based principles such as inclusion, participation, non-discrimination, transparency, accountability, and attention to vulnerable groups.³⁰

5. Companies can play a role enabling remedy for affected individuals in situations where they are not required to do so.

When a company is linked to an adverse human rights impact through the company's relationships with third parties, while the company is not responsible for providing remedy because it has done what it reasonably can to prevent and mitigate the impact, a company is still expected to use its leverage to seek to improve the situation going forwards. One of the most powerful ways of using its leverage is often for the company to push the responsible parties to enable remedy for those harmed.

DIFFERENT FORMS OF REMEDY



²⁹ United Nations High Commissioner for Human Rights, [Improving Accountability and Access to Remedy for Victims of Business-Related Human Rights Abuse](#) (2016).

³⁰ Caroline Rees, *Piloting Principles for Effective Company-Stakeholder Grievance Mechanisms: A Report of Lessons Learned* (CSR Initiative, Harvard Kennedy School, 2014); Shift. *Remediation, Grievance Mechanisms and the Corporate Responsibility to Respect Human Rights* (2014).

HOW ARE OTHER STAKEHOLDERS IMPLEMENTING THE UN GUIDING PRINCIPLES?

Investors and lenders – including asset owners, asset managers, commercial banks, export credit and development finance institutions – are adopting human rights reporting frameworks, human rights due diligence processes for their portfolio companies, and benchmarking companies’ performance against the UN Guiding Principles.³¹

Stock exchanges and regulators in a growing number of jurisdictions, including India, Malaysia and South Africa, are requiring or encouraging greater disclosure on social – including human rights – issues.

The International Bar Association has issued guidance for national bar associations and for all business lawyers on implementing the UN Guiding Principles in legal practice.³²

Multistakeholder initiatives addressing human rights have been formed in industries including garments, toys, electronics, oil and mining, information and communications technology, private security, and sports. Some focus on specific human rights issues, such as trafficking or privacy; some focus on the human rights impacts of specific commodities, such as palm oil or cocoa.³³ Many of these initiatives have incorporated the corporate responsibility to respect human rights defined in the UN Guiding Principles.

Civil society organizations, including NGOs and trade unions, are using the standards set in the UN Guiding Principles in their advocacy efforts, to seek corporate accountability for adverse human rights impacts, and to provide remedy for individuals harmed by business activity.

HOW DO THE UN GUIDING PRINCIPLES RELATE TO OECD GUIDELINES?

The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct³⁴ and the UN Guiding Principles are complementary frameworks. In 2011, the OECD added to the Guidelines a human rights chapter that incorporates key aspects of the corporate responsibility to

31 See, for example, Principles for Responsible Investment, [Why and How Investors Should Act on Human Rights](#) (2020).

32 International Bar Association, [Updated IBA Guidance Note on Business and Human Rights: The role of lawyers in the changing landscape](#) (2023).

33 Dorothee Baumann-Pauly and Michael Posner, “Multistakeholder human rights initiatives,” in *Teaching Business and Human Rights* (Edward Elgar, 2023), p. 220.

34 [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#)

respect human rights as defined in the UN Guiding Principles, including the expectation that companies should undertake human rights due diligence. The OECD Guidelines – recommendations by governments – focus on government policies for responsible business conduct, helping businesses conduct due diligence,^{35, 36} and strengthening access to remedy.³⁷

HOW DO THE UN GUIDING PRINCIPLES RELATE TO THE TEN PRINCIPLES OF THE UN GLOBAL COMPACT?

The UN Guiding Principles and the UN Global Compact’s Ten Principles are complementary frameworks developed within the UN system. They address the same set of human rights standards. They are both concerned with respecting human rights in the context of advancing socially sustainable globalization. While the UN Global Compact is a peer learning network that companies voluntarily sign up to, the Guiding Principles are a set of expectations globally endorsed by UN Member States that apply to all companies everywhere.

The first two principles of the UN Global Compact’s [Ten Principles](#) state that: 1) “Businesses should support and respect the protection of internationally proclaimed human rights;” and 2) Businesses should “make sure that they are not complicit in human rights abuses.” Principles 3–6 address core international labor standards, which are also part of the ‘internationally recognized human rights’ that the UN Guiding Principles refer to as the baseline for all companies.

HOW DO THE UN GUIDING PRINCIPLES RELATE TO THE UN SUSTAINABLE DEVELOPMENT GOALS?

For many companies, the [Sustainable Development Goals](#) (SDGs) will provide a critical framework for their human rights efforts. The SDGs are a global framework for action committed to by all UN Member States in 2015. They last for 15 years, up until 2030. The SDGs include 17 goals and 169 targets, with numerous indicators. The SDGs are grounded in international human rights instruments, refer to specific human rights in some of the goals (for example, the right to safe drinking water and sanitation), and are intended to contribute to the fulfilment of human rights through the targets that they set.³⁸

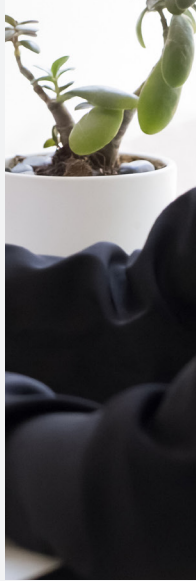
35 [OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct](#) (12 December 2022).

36 The OECD has produced human rights [Due Diligence Guidance](#) for companies, including on child labor, as well as sector-specific guides for agriculture, extractives, minerals, garment and footwear, and the financial sector.

37 State-based ‘National Contact Points’ in the 51 countries that adhere to the OECD Guidelines can receive human rights [complaints](#) against companies.

38 The SDGs explicitly reference the UN Guiding Principles and ILO standards in Paragraph 19.

4 RECOGNIZING BUSINESS AND HUMAN RIGHTS ISSUES



Few government mission personnel are assigned business and human rights issues as their sole responsibility, nor are business and human rights issues typically labelled as such by the organizations and stakeholders involved in them. Whatever their role or job function, mission personnel can apply a business and human rights lens to their duties and seek to recognize these issues whenever they

encounter them – and apply the framework of the UN Guiding Principles to help determine the right advice to give and resources to rely on.

The following key questions and resources can help mission personnel to identify and understand the actual and potential adverse human rights impacts connected to business activity in the specific instances that arise in their work.

KEY QUESTIONS FOR MISSION PERSONNEL

When engaging stakeholders on BHR issues, government mission personnel can collect relevant information by asking key questions about business activity and its relationship to actual and potential adverse human rights impacts.

The following representative questions can guide mission personnel when they encounter business and human rights issues in the field. Not all questions will apply to a specific company, location, or local context. The goal of this Primer is to highlight common categories of questions to better understand how human rights issues are related to business practices.

These questions can be addressed through desk research (including company public reporting), with input from government subject matter experts (including colleagues in the company's home State capital), and through stakeholder consultations. Different situations and BHR issues may require specific modes of information collection and engagement, such as engaging safely with workers or human rights defenders, or convening a dialogue between stakeholders in dispute.

Whenever business activity is connected to harmful human rights impacts or risks to people, relevant stakeholders for mission personnel to consider will include the affected individuals (or rightsholders), as well as the company or business enterprises involved. Beyond the affected individuals and the business connected to the human rights impacts or risks, relevant local stakeholders for government mission personnel, depending on the country context, may also include:

- Government officials
- Local business enterprises
- Trade unions and worker representatives
- Civil society organizations, including human rights defenders
- Local business associations and chambers of commerce, including any national Global Compact Network
- Standard-setting bodies, such as national stock exchanges and accounting boards

- Professional groups, such as national bar associations
- Academic institutions

A key consideration for mission personnel when engaging with certain stakeholders, such as workers organizations or human rights defenders, is to proactively assess and mitigate any risks to their jobs or safety that could arise from their raising concerns or being seen to engage with mission personnel or other parties about impacts on their rights. Mission personnel, for example, may need to seek the guidance and support of NGOs, trade unions or others with direct experience of the risks that stakeholders can face in evaluating how best to pursue meaningful engagement in such situations.³⁹

BUSINESS AND HUMAN RIGHTS CHECKLIST FOR GOVERNMENT MISSION PERSONNEL

- Understand the business enterprise and industry.**
- Understand the human rights risks and impacts connected to business activity.**
- Understand how companies are meeting their responsibility to respect human rights.**
- Understand the role of government protecting against human rights abuse by business enterprises.**
- Understand whether those affected by business-related human rights impacts have access to effective remedy.**

³⁹ See “Making stakeholder engagement meaningful,” in Global Compact Network Netherlands, Oxfam and Shift, *Doing Business With Respect For Human Rights: A Guidance Tool for Companies* (2nd ed., 2016), pp. 98-100; IFC, *Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets* (2007).



BUSINESS AND HUMAN RIGHTS CHECKLIST FOR GOVERNMENT MISSION PERSONNEL

✓ UNDERSTAND THE BUSINESS ENTERPRISE AND INDUSTRY.

A first step is to **gather information about a company and its activities.** Questions may include:

1. Where does the company operate?
2. What are the company's products or services?
3. Who are the company's employees?
4. Does the company use contractors?
5. Who are the company's suppliers?
6. Who are the company's other business partners?
7. What raw materials or goods are part of the company's supply chain?
8. Who are the company's customers?
9. What kinds of facilities does the company operate?
10. Where is the company headquartered?
11. Who owns the company?
12. Who are the company's major investors or lenders?
13. Is the company publicly traded on a stock exchange?
14. Who are the company's competitors?
15. What are key characteristics of the industry?



✓ UNDERSTAND THE HUMAN RIGHTS RISKS AND IMPACTS CONNECTED TO BUSINESS ACTIVITY.

With background information about a business enterprise or industry, mission personnel can seek information about the human rights risks and impacts connected to that business activity. Questions may include:

What are the **actual or potential human rights risks and impacts** connected to the company through its... *products or services? operations? supply chain? other business relationships or partners?*

1. What are the working conditions at the company's facilities?
2. Have there been allegations against the company for harming individuals?
3. Does the company's business model raise any red flags⁴⁰ for human rights risks?
4. Is the company operating in a conflict-affected area?
5. Is the company connected to any human rights violations by the local government?
6. Is the company causing or contributing to each identified human rights risk?

Who are the **individuals adversely affected** by the company's activities?

1. Are any affected individuals members of vulnerable and/or marginalized groups (for example: women, children, those living in poverty, migrant workers, Indigenous peoples, LGBTQI+ persons, people with disabilities, human rights defenders)?
2. Who are other relevant stakeholders?

Which **human rights** are implicated by the company's activities?

1. Which human rights impacts are the most severe?
2. Which human rights impacts are the most likely?

⁴⁰ [Business Model Red Flags](#), Shift



What are the main human rights concerns in the **local country context**?

1. How is business activity connected to these human rights risks?
2. Are there legal or political considerations that make groups vulnerable and/or marginalized?
3. Are there cultural and social norms (including stereotypes) that reinforce marginalization?
4. Whose voices are under-represented or excluded?
5. How are local governments and other stakeholders addressing these human rights concerns?

UNDERSTAND HOW COMPANIES ARE MEETING THEIR RESPONSIBILITY TO RESPECT HUMAN RIGHTS.

Mission personnel can seek to understand how a business enterprise is meeting its responsibility to respect human rights under the UN Guiding Principles. Questions may include:

What does **governance** of human rights look like for the company?

1. How does company leadership engage on the topic of human rights?
2. What public statements has the company Board and/or senior leadership made about human rights or a specific BHR issue?
3. What business function(s) manages human rights issues?
4. Does the company participate in any alliances or multistakeholder initiatives that address human rights? Are there any public criticisms of the initiative's credibility?
5. Is the company seeking to influence public policy and regulation to ensure they do not undermine human rights?

What are the company's **human rights policies**?

1. What human rights issues and standards do the company's policies address?
2. Does the company set human rights standards for its suppliers or other business partners?



3. What does the company say publicly about its commitment to respect human rights?
4. How does the company demonstrate the importance it attaches to the implementation of its human rights commitment?

Does the company conduct any **human rights due diligence**?

1. Has the company conducted any human rights impact assessments?
2. Does the company conduct any audits or other processes to identify and address human rights impacts?
3. How does the company prioritize the human rights risks associated with the company's activities and business relationships?
4. Does the company consider the vulnerability of members of marginalized groups (e.g., women, migrant workers) its human rights due diligence?
5. What human rights risks does the company see in the markets where it operates?
6. Are other companies in the same sector/markets approaching human rights due diligence differently?

Has the company **engaged any affected individuals** or their legitimate representatives?

1. How has the company engaged with local communities where it operates?
2. How does the company engage with stakeholders who may be marginalized or under-represented?
3. What language does the company use when talking about stakeholders? Does the company regard affected individuals as problematic, or does it talk about them using respectful terms?
4. Does the company engage with credible proxies (e.g., NGOs, human rights experts, academia) to better understand the potential risks and impacts on these groups?



How does the company **manage identified human rights risks**?

1. How is the company addressing each identified human rights risk or impact?
2. How does the company integrate its findings into its decision-making processes and actions?
3. Does the company have cross-functional processes in place to share information about human rights risks; agree actions to address human rights risks; and monitor progress against those actions?

How does the company **measure and report progress** over time?

1. How does the company know if its efforts to address each human rights issue are effective in practice?
2. What indicators does the company use to track risks and progress?
3. What does the company report or share publicly about its efforts to address human rights impacts?

Are operational level **grievance and remedy** measures accessible to affected individuals and communities?

1. How does the company enable effective remedy if people are harmed by its actions or decisions in relation to a salient human rights issue?
2. How has the company addressed any human rights allegations?
3. Does the company participate in any alliance or multistakeholder initiative with a grievance mechanism that addresses human rights?



✓ UNDERSTAND THE ROLE OF GOVERNMENT PROTECTING AGAINST HUMAN RIGHTS ABUSE BY BUSINESS ENTERPRISES.

Mission personnel can seek to understand how both the host State and the company's home State are meeting their duty to protect against business-related human rights impacts. Questions may include:

How are **States meeting their duty to protect** against business-related human rights abuse?

1. Are the relevant States a party to the ICCPR, the ICESCR, and/or the core ILO Conventions?
2. Are the relevant States a party to other international human rights instruments applicable to the situation?
3. What domestic local laws/regulations apply to the situation?
4. What domestic laws/regulations of the company's home State apply to the situation?
5. Are business enterprises subject to mandatory human rights due diligence and/or human rights reporting?
6. Has the host State developed a National Action Plan (NAP) on business and human rights? If so, what issues does the NAP identify and how are they addressed by the host government?

Are there any **connections between a business enterprise and a State**?

1. Is the company a State-owned enterprise, or is it controlled by a State?
2. Does the company receive substantial support and/or services from State agencies?
3. Does the company contract with or have other business relationships with a State or State entities?



✓ UNDERSTAND WHETHER THOSE AFFECTED BY BUSINESS-RELATED HUMAN RIGHTS IMPACTS HAVE ACCESS TO EFFECTIVE REMEDY.

Finally, mission personnel can seek to understand whether those affected by business-related human rights impacts have access to effective remedy. Questions may include:

What are the judicial, administrative or other **State-based mechanisms** available to affected individuals?

1. Have affected individuals pursued remedies through State-based mechanisms?
2. Are affected individuals aware of available state-based mechanisms?
3. What remedies have affected individuals achieved?

5 RESOURCES



Resources for government mission personnel include international human rights standards, the UN Guiding Principles on Business and Human Rights, and tools for their implementation by companies and other stakeholders.

International Human Rights Standards

The [International Bill of Human Rights](#) is made up of the:

- Universal Declaration of Human Rights (1948);
- International Covenant on Economic, Social, and Cultural Rights (1966); and
- International Covenant on Civil and Political Rights (1966).

International Labour Organization. [Declaration of Fundamental Principles and Rights at Work](#) (1998, amended June 2022)

The UN Guiding Principles and their Implementation

[The UN Guiding Principles on Business and Human Rights \(2011\)](#)

United Nations Office of the High Commissioner for Human Rights, [The Corporate Responsibility to Respect Human Rights: An Interpretive Guide](#)

United Nations Office of the High Commissioner for Human Rights, [Frequently Asked Questions on the Guiding Principles on Business and Human Rights](#)

The [UN Working Group on Business and Human Rights](#) was created by the UN Human Rights Council in 2011 with a mandate to promote, disseminate and implement the Guiding Principles on Business and Human Rights.

- UN Working Group on Business and Human Rights, [UNGPs 10+: A Roadmap for the Next Decade of Business and Human Rights](#) (2021)
- UN Working Group on Business and Human Rights, [Doing business in Conflict-affected regions](#) (2020)
- UN Working Group on Business and Human Rights, [The UN Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders](#), UN Doc. A/HRC/47/39/Add.2 (23 June 2021)
- United Nations Development Programme and the United Nations Working Group on Business and Human Rights, [Gender Dimensions of the Guiding Principles on Business and Human Rights](#) (2019)

Implementation Tools for Companies

- Shift, [UN Guiding Principles ‘101’](#)
- Global Compact Network Netherlands, Oxfam and Shift, [Doing Business With Respect For Human Rights: A Guidance Tool for Companies](#). (2nd ed., 2016)
- Shift, [Using Leverage in Business Relationships to Reduce Human Rights Risks](#)
- Shift, [Beyond Pride: The Rights of LGBTI People and the Corporate Responsibility to Respect](#)
- Shift, [Respecting Trade Union Rights In Global Value Chains](#)
- Shift, [Business Model Red Flags](#)
- Shift, [Leadership and Governance Indicators of a Rights Respecting Culture](#) (February 2021)

- Shift, [Climate Action and Human Rights](#) (February 2023).
- WBCSD and Shift, [Advancing the “S” in ESG: A primer for CFOs](#) (2023).

Human rights due diligence

- Shift, [Human Rights Due Diligence in High Risk Circumstances](#)
- OECD Due Diligence Guidance for Responsible Business Conduct, <http://mneguidelines.oecd.org/duediligence/>
- United Nations Development Programme and the United Nations Working Group on Business and Human Rights, [Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide](#) (2022)
- U.S. Department of State, [Guidance on Implementing the “UN Guiding Principles” for Transactions Linked to Foreign Government End-Users for Products or Services with Surveillance Capabilities](#) (2020)

Human rights reporting

- Shift and Mazars LLP, UN Guiding Principles Reporting Framework (2015), <https://shiftproject.org/resource/un-guiding-principles-reporting-framework/>

Protecting human rights defenders

- Business and Human Rights Resource Centre and International Service for Human Rights, [Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders](#) (September 2018)
- Ministry for Foreign Affairs of Finland, [Supporting Human Rights Defenders Together: Guidelines of the Finnish Foreign Service](#) (April 2023).
- United States and the European Union, [Recommended Actions for Online Platforms to Improve Human Rights Defender Protection](#) (2024).

- U.S. Department of State, [United States Guidance for Online Platforms on Protecting Human Rights Defenders Online](#) (March 2024).

Stakeholder engagement

- World Economic Forum, [Guidance Note: Board Duties in Ensuring Company Engagement with Affected Stakeholders](#) (May 2022)
- IFC, Stakeholder Engagement: [A Good Practice Handbook for Companies Doing Business in Emerging Markets](#) (2007).

Building BHR Capacity

- Ministry for Foreign Affairs of Finland, “[Business and Human Rights](#),” Free Online Course.
- UN Global Compact Academy. “[Business and Human Rights: How Companies Can Operationalize the UN Guiding Principles](#).” Online Course (free, registration required, also available in French, Japanese, Spanish and Portuguese).
- UN Global Compact, “[Business & Human Rights Accelerator](#).” A six-month certificate program for companies participating in the UN Global Compact across industries and regions.
- Anthony Ewing, editor, [Teaching Business and Human Rights](#) (Edward Elgar, 2023),

Background information on corporate human rights performance

- The [Business and Human Rights Resource Centre](#) is a global business and human rights knowledge hub, delivering up-to-date and comprehensive news in eleven languages.
- The [Corporate Human Rights Benchmark](#) provides a comparative snapshot year-on-year of the largest multinational companies, looking at the policies, processes, and practices they have in place to systematize their human rights approach and how they respond to serious allegations.

Multistakeholder BHR initiatives

- [Centre for Sport and Human Rights](#)
- Fair Labor Association, <https://www.fairlabor.org>
- Global Network Initiative, <https://globalnetworkinitiative.org>
- International Accord for Health and Safety in the Textile and Garment Industry, <https://internationalaccord.org/>
- International Cocoa Initiative, <https://www.cocoainitiative.org/>
- International Code of Conduct for Private Security Providers' Association (ICoCA), [Home - ICoCA - International Code of Conduct Association](#)
- Roundtable on Sustainable Palm Oil, <https://rspo.org/>
- [The Voluntary Principles Initiative: Voluntary Principles on Security and Human Rights](#)

Business and Human Rights: a primer for Government Mission Personnel

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ABOUT SHIFT

Shift is the leading center of expertise on the UN Guiding Principles on Business and Human Rights. Shift's global team of experts works across all continents and sectors to challenge assumptions, push boundaries, and redefine corporate practice, in order to build a world where business gets done with respect for people's dignity. Shift is a non-profit, mission-driven organization, headquartered in New York City.

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