

Annexes

Annex 1: Key Resources

The resources below provide further information and approaches to addressing the issues covered in the Guide. The inclusion of guidance and tools in this Annex should not be taken to imply that they are necessarily fully consistent with the UN Guiding Principles.

Overarching Resources

International and Regional Human Rights Standards and Instruments

Instruments Setting Out Internationally-Recognised Human Rights:

- ▶ UN, International Bill of Human Rights, comprised of:
 - The Universal Declaration on Human Rights: www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx
 - The International Covenant on Economic, Social and Cultural Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
 - The International Covenant on Civil and Political Rights: www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx
- ▶ ILO, 1998 Declaration on Fundamental Principles and Rights at Work: www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453911:NO

International Labour Organization (ILO) Standards:

In addition to the Declaration on Fundamental Principles and Rights at Work above, these include:

- ▶ C029 – Forced Labour Convention, 1930 (No.29)
- ▶ C087 – Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- ▶ C097 – Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation No. 86
- ▶ C098 – Right to Organise and Collective Bargaining Convention, 1949 (No.98)
- ▶ C100 – Equal Remuneration Convention, 1951 (No.100)
- ▶ C105 – Abolition of Forced Labour Convention, 1957 (No.105)
- ▶ C111 – Discrimination (Employment and Occupation) Convention, 1958 (No.111)
- ▶ C138 – Minimum Age Convention, 1973 (No.138)
- ▶ C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and Recommendation No. 151
- ▶ C181 – Private Employment Agencies Convention, 1997 (No. 181)
- ▶ C182 – Worst Forms of Child Labour Convention, 1999 (No.182)
- ▶ C189 – Domestic Workers Convention, 2011 (No. 189)
- ▶ Maritime Labour Convention (MLC), 2006

All are available at: www.ilo.org/dyn/normlex/en/

Key International Human Rights Instruments Applying to Potentially Vulnerable or Marginalised Groups:

- ▶ The Convention on the Elimination of All Forms of Racial Discrimination
- ▶ The Convention on the Elimination of All Forms of Discrimination Against Women
- ▶ The Convention on the Rights of the Child
- ▶ The Convention on the Rights of Persons with Disabilities
- ▶ The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

All are available at: www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

- ▶ The Declaration on the Rights of Indigenous Peoples: www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx
- ▶ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N93/076/55/IMG/N9307655.pdf?OpenElement>

Regional Human Rights Standards:

- ▶ African Charter on Human and Peoples' Rights: www.achpr.org/instruments
- ▶ American Convention on Human Rights: www.cidh.oas.org/basicos/english/basic3.american%20convention.htm
- ▶ ASEAN Human Rights Declaration: www.asean.org/news/asean-statement-communiques/item/asean-human-rights-declaration
- ▶ European Convention on Human Rights: www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/

Other Relevant International and Regional Standards and Instruments

Other Relevant International Standards:

- ▶ International Finance Corporation (IFC) Performance Standards, especially Performance Standard 2: www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_pps
- ▶ ISO 26000 Guidance on Social Responsibility: www.iso.org/iso/home/standards/iso26000.htm
- ▶ OECD Guidelines for Multinational Enterprises: www.oecd.org/daf/inv/mne/2011update.htm

Other Relevant European Standards and Processes:

- ▶ Council of Europe Convention No 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data: <http://conventions.coe.int/Treaty/en/Treaties/Html/108.htm>
- ▶ European Commission:
 - Sectoral Social Dialogue for Agency Work: <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=75>
 - Exchange Platform for organisations promoting or implementing Diversity Charters: http://ec.europa.eu/justice/discrimination/diversity/diversity-charters/index_en.htm
- ▶ European Union (EU):
 - Charter of Fundamental Rights: www.europarl.europa.eu/charter/pdf/text_en.pdf
 - Employment Equality Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:NOT>
 - Posted Workers Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996L0071:EN:HTML>
 - Racial Equality Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:NOT>
 - Temporary Agency Work Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>

Key Resources on Business and Human Rights

UN Guiding Principles and Implementation:

- ▶ United Nations (UN):
 - Protect, Respect and Remedy" Framework: www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf
 - Guiding Principles on Business and Human Rights: www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
 - Office of the High Commissioner for Human Rights (OHCHR), Interpretive Guide to the Corporate Responsibility to Respect Human Rights: www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf
 - Principles for Responsible Contracting: www.ohchr.org/Documents/Issues/Business/A.HRC.17.31.Add.3.pdf
 - Working Group on Business and Human Rights: www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx
- ▶ European Commission, "Introductory guide to human rights for smaller businesses": http://ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/human-rights/index_en.htm

Information Resources on Business and Human Rights

- ▶ Business and Human Rights Resource Centre: <http://business-humanrights.org>
- ▶ International Labour Organisation (ILO):

- Help Desk for business on international labour standards: www.ilo.org/business
- Normlex, for information on ILO standards, comments of the supervisory bodies and specific country profiles: www.ilo.org/normlex
- ▶ OHCHR, List of Business and Human Rights Tools: www.ohchr.org/EN/Issues/Business/Pages/Tools.aspx

Key Resources for Employment & Recruitment Agencies

Relevant Associations and Initiatives for Employment & Recruitment Agencies:

- ▶ Ciett (International Confederation of Private Employment Agencies): www.ciett.org
- ▶ Commonwealth Teacher Recruitment Protocol: www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=39311
- ▶ Eurociett (European Confederation of Private Employment Agencies): www.eurociett.eu
- ▶ End Human Trafficking Now: www.endhumantraffickingnow.com
- ▶ Global Business Coalition Against Trafficking: www.gbcat.org
- ▶ UN Global Initiative to Fight Human Trafficking: www.ungift.org

General Reports Relevant to Employment & Recruitment Agencies:

- ▶ Ciett, “The Agency Work Industry Around the World: Economic Report”: www.ciett.org/fileadmin/templates/ciett/docs/Stats/Ciett_econ_report_2012_final.pdf
- ▶ Eurociett and UNI Global Union, “The Role of Temporary Agency Work and Labour Market Transitions in Europe”: www.ciett.org/fileadmin/templates/eurociett/docs/Social_dialogue/Transitions_project/Report/2012.12.18_-_Executive_Summary.pdf
- ▶ European Commission, Employment, Social Affairs & Inclusion, “Report of Expert Group: Transposition of Directive 2008/104/EC on Temporary Agency Work”: <http://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPagelId=207>
- ▶ European Foundation for the Improvement of Living and Working Conditions, “Temporary Agency Work and Collective Bargaining in the EU”: www.ciett.org/fileadmin/templates/eurociett/docs/EIRO_Foundation_Report_on_TAW_Dec_08.pdf
- ▶ ILO:
 - “Combating forced labour: A handbook for employers and business”: www.ilo.org/sapfl/Informationresources/ILOPublications/WCMS_101171/lang--en/index.htm
 - “Decent Work for Domestic Workers: Convention 189 and Recommendation 201 at a Glance”: www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_170438.pdf
 - “Guide to Private Employment Agencies: Regulation, monitoring and enforcement”: www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/instructionalmaterial/wcms_083275.pdf
 - “Private Employment Agencies, temporary agency workers, and their contribution to the labour market: Issue paper for discussion at the Workshop to promote ratification of the Private Employment Agencies Convention, 1997 (No 181) (20-21 October 2009)”: www.ilo.org/global/publications/books/WCMS_116580/lang--en/index.htm
 - “Report of the Discussion, Workshop to Promote Ratification of the Private Employment Agencies Convention, 1997 (No 181)”: www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_162743.pdf
- ▶ IndustriALL, “The Triangular Trap: unions take action against agency labour”: www.industriall-union.org/sites/default/files/uploads/documents/Triangular_Trap/agency_work_final.pdf

Resources for Each Specific Section of the Guide

I. Developing a Policy Commitment

- ▶ BLIHR, OHCHR, UN GC, “Policies” section in “A guide for integrating human rights into business management”: www.integrating-humanrights.org/policies_home
- ▶ Ciett Code of Conduct: www.ciett.org/fileadmin/templates/ciett/docs/CIETT_Code_Conduct.pdf
- ▶ Monash University et al, “Human Rights Translated: A Business Reference Guide”: www2.ohchr.org/english/issues/globalization/business/docs/Human_Rights_Translated_web.pdf

- ▶ OHCHR, UN Global Compact, “Human Rights and Business Learning Tool”: <http://human-rights-and-business-learning-tool.unglobalcompact.org/>
- ▶ UN Global Compact (GC), “How to develop a human rights policy: A guide for business”: www.ohchr.org/Documents/Publications/DevelopHumanRightsPolicy_en.pdf

Migrant Worker Policy Commitments

- ▶ Athens Ethical Principles: www.endhumantraffickingnow.com/?page_id=77 and Luxor Protocol on implementation of the Principles: www.endhumantraffickingnow.com/?page_id=79
- ▶ Institute for Human Rights and Business (IHRB), The Dhaka Principles for Migration with Dignity: www.dhaka-principles.org
- ▶ OHCHR, “Rights of Migrant Domestic Workers in Europe”: www.europe.ohchr.org/Documents/Publications/Study_Domestic_Migrant_webversion.pdf
- ▶ Verité, Fair Hiring Toolkit: www.verite.org/helpwanted/toolkit
- ▶ Verité and Manpower Group, “An Ethical Framework for Cross-Border Labor Recruitment”: www.verite.org/sites/default/files/ethical_framework_paper_20120209_PRINTED.pdf
- ▶ World Health Organisation, “Global Code of Practice on the International Recruitment of Health Personnel”: http://apps.who.int/gb/ebwha/pdf_files/WHA63/A63_R16-en.pdf

II. Assessing Human Rights Impacts

- ▶ Aim for Human Rights, “Guide to Corporate Human Rights Impact Assessment Tools”: www.humanrightsimpact.org/fileadmin/hria_resources/Business_centre/HRB_Booklet_2009.pdf
- ▶ Danish Institute for Human Rights, “Human Rights Compliance Assessment”: www.humanrightsbusiness.org/compliance+assessment
- ▶ IHRB and Global Business Initiative on Human Rights (GBI), “State of Play: The Corporate Responsibility to Respect in Business Relationships”: www.ihrb.org/publications/reports/state-of-play.html
- ▶ IndustriALL, ITUC and Clean Clothes, “The UN Guiding Principles on Business and Human Rights and the human rights of workers to form or join trade unions and to bargain collectively”: www.ituc-csi.org/IMG/pdf/12-11-22_ituc-industriall-ccc-uni_paper_on_due_diligence_and_foa.pdf
- ▶ UN Global Compact Network Netherlands, “How to do business with respect for human rights: A guidance tool for companies”: www.gcnetheerlands.nl/report_business_human_rights.htm

Country Risk Analysis

- ▶ Amnesty International, Country Reports: www.amnestyusa.org/our-work/countries
- ▶ Danish Institute for Human Rights, Country Risk Assessment Portal (forthcoming): www.humanrightsbusiness.org/country+portal
- ▶ Freedom House, Freedom in the World Country Reports: www.freedomhouse.org/report/freedom-world/freedom-world-2012
- ▶ Human Rights Resource Centre, “ASEAN baseline Rule of Law report”: http://hrrca.org/system/files/Rule_of_Law_for_Human_Rights_in_the_ASEAN_Region.pdf
- ▶ Human Rights Watch, World Reports: www.hrw.org/publications
- ▶ ILO, Country information: www.ilo.org/normlex
- ▶ Transparency International, Corruptions Perception Index: www.transparency.org/research/cpi/overview
- ▶ UN Development Programme, Human Development Index: <http://hdr.undp.org/en/statistics/hdi/>
- ▶ US State Department, Annual Human Rights Reports: www.state.gov/j/drl/rls/hrrpt/
- ▶ World Bank, Worldwide Governance Indicators: http://info.worldbank.org/governance/wgi/sc_country.asp

Sector-specific Risks Relevant to Agency Workers

- ▶ Make IT Fair & Good Electronics, “Report of Roundtable for the Electronics Industry and Civil Society Organisations: Improving Labour Standards in the Global Electronics Industry, Defining Strategies that Work”: <http://makeitfair.org/en/companies/dialogue-with-companies/dialogue-with-companies/round-table-report-may-09>

- ▶ Somo, “Temporary agency work in the electronics sector: discriminatory practices against agency workers”: http://somo.nl/publications-en/Publication_3805
- ▶ UK Equality and Human Rights Commission, “Inquiry into the Meat and Poultry Processing Sectors (UK)”: www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-the-meat-and-poultry-processing-sectors

Young Workers

- ▶ ILO, “Safe Work for Youth”: www.ilo.org/ipecc/areas/Safeworkforyouth/lang--en/index.htm
- ▶ UNICEF, “Children Are Everyone’s Business, Chapter 2”: www.unicef.org/csr/css/CSR_Workbook_A4_LR_low_res.pdf
- ▶ UNICEF, UNGC and Save the Children, Children’s Rights and Business Principles: www.unicef.org/csr/47.htm
- ▶ US Department of Labour, “Reducing Child Labour and Forced Labour: A Toolkit for Responsible Business”: www.dol.gov/ilab/child-forced-labor

Equal Remuneration and “Living Wage” Norms

- ▶ EU, Temporary Agency Work Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:327:0009:0014:EN:PDF>
- ▶ ILO:
 - Convention No 97: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO
 - Convention No 143, Part II: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312288:NO
 - Database of Conditions of Work and Employment Laws: www.ilo.org/dyn/travail/travmain.home
 - “Gender Equality: A Guide to Collective Bargaining”: www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_PUBL_9221105555_EN/lang--en/index.htm
 - “Giving Globalization a Human Face”: www.ilo.org/ilc/ILCSessions/101stSession/reports/reports-submitted/WCMS_174846/lang--en/index.htm
 - “Q&As on Business, Wages and Benefits”: www.ilo.org/empent/areas/business-helpdesk/faqs/WCMS_DOC_ENT_HLP_WAG_FAQ_EN/lang--en/index.htm

Migrant Workers, Trafficking and Forced Labour

- ▶ Amnesty International, “False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers”: www.amnesty.org/en/news/nepal-protect-nepalese-migrants-false-promises-work-abroad-2011-12-12
- ▶ BSR:
 - “International Labour Migration: A Responsible Role for Business”: www.bsr.org/reports/BSR_LaborMigrationRoleforBusiness.pdf
 - “Good Practice Guide on Migration”: www.bsr.org/reports/BSR_Good_Practice_Guide_Global_Migration.pdf
 - “Migrant Worker Management Toolkit: A Global Framework – Managing Workers and Protecting Rights”: www.bsr.org/reports/BSR_Migrant_Worker_Management_Toolkit.pdf
- ▶ Centros de los Derechos Migrante, Inc. and American University College of Law, “Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry”: <http://fairlaborrecruitment.files.wordpress.com/2013/01/pickedapart-1.pdf>
- ▶ Clean Clothes Campaign, “False Promises: Migrant Workers in the Global Garment Industry – Discussion Paper”: <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1747&context=globaldocs>
- ▶ End Human Trafficking Now: www.endhumantraffickingnow.com, with a series of case studies that includes two E&R agencies: www.endhumantraffickingnow.com/?page_id=145
- ▶ ILO:
 - “Global Estimate of Forced Labour: Executive Summary”: www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_181953.pdf
 - Migration and Child Labour: www.ilo.org/ipecc/areas/Migration_and_CL/lang--en/index.htm
 - Trafficking in Children: www.ilo.org/ipecc/areas/Traffickingofchildren/lang--en/index.htm

- ▶ International Organization for Migration (IOM): www.iom.int/cms/en/sites/iom/home/what-we-do/migrant-training.html
- ▶ International Trade Union Confederation (ITUC), “Hidden Faces of the Gulf miracle”: www.ituc-csi.org/hidden-faces-of-the-gulf-miracle,9144?lang=en
- ▶ Joseph Rowntree Foundation,
 - “Experiences of Forced Labour in the UK Food Industry”: www.jrf.org.uk/sites/files/jrf/forced-labour-food-industry-full.pdf
 - “Forced Labour in the UK: The Business Angle”: www.jrf.org.uk/sites/files/jrf/forced-labour-and-business-full.pdf
- ▶ OHCHR, Migration and Human Rights: www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx
- ▶ U.S. Department of State, “Trafficking in Persons Report”: www.state.gov/j/tip/rls/tiprpt/
- ▶ UN High Commissioner for Refugees, Trafficking webpage: www.unhcr.org/pages/4a16aae76.html
- ▶ Verité:
 - Fair Hiring Toolkit: www.verite.org/helpwanted/toolkit
 - “Research on Indicators of Forced Labour in the Production of Goods: A Multi-Country Study”: www.verite.org/research/indicators_of_forced_labor
 - “Summary Report, Help Wanted: Hiring, Human Trafficking and Modern Day Slavery in the Global Economy”: www.verite.org/sites/default/files/images/Help_Wanted_2010.pdf
- ▶ Verité and Manpower Group, “An Ethical Framework for Cross-Border Labor Recruitment”: www.verite.org/sites/default/files/ethical_framework_paper_20120209_PRINTED.pdf

Domestic Work

- ▶ Human Rights Watch, “They deceived us at every step’: Abuse of Cambodian Domestic Workers Migrating to Malaysia”: www.hrw.org/sites/default/files/reports/cambodia1111webwcover.pdf
- ▶ ILO:
 - “Domestic workers across the World: Global and regional statistics and the extent of legal protection”: www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf
 - “Working Conditions of Domestic Workers”: www.ilo.org/travail/areasofwork/domestic-workers/lang--en/index.htm
- ▶ Migrants Rights International (MRI): www.migrantwatch.org
- ▶ OHCHR, “Rights of Migrant Domestic Workers in Europe”: http://europe.ohchr.org/Documents/Publications/Study_Domestic_Migrant_webversion.pdf

Stakeholder Engagement

- ▶ AccountAbility, UNEP, Stakeholder Researchers Canada:
 - “Stakeholder Engagement Manual, Volume 1”: www.accountability.org/images/content/2/0/207.pdf
 - “Stakeholder Engagement Manual, Volume 2”: www.accountability.org/about-us/publications/the-stakeholder.html
- ▶ IFC, “Stakeholder Engagement: A good practice handbook for companies doing business in emerging markets”: www1.ifc.org/wps/wcm/connect/938f1a0048855805beacfe6a6515bb18/IFC_StakeholderEngagement.pdf?MOD=AJPERES
- ▶ UN Global Compact page on Stakeholder Engagement (contains a number of resources and tools): www.unglobalcompact.org/Issues/human_rights/Tools_and_Guidance_Materials.html#stakeholder

III. Integrating & Acting

- ▶ Global Compact Network Netherlands, “How to do business with respect for human rights: A guidance tool for companies”: www.gcneland.nl/report_business_human_rights.htm

Guidance on Operating in High-Risk and Conflict Areas

- ▶ Danish Institute of Human Rights, “Decision Map: Doing Business in High-Risk Human Rights Environments”: www.humanrightsbusiness.org/files
- ▶ IHRB, “From Red Flags to Green Flags: The Corporate Responsibility to Respect Human Rights in High-Risk Countries”: www.ihrb.org/news/2011/from_red_to_green_flags.html
- ▶ International Alert and Fafo, “Red Flags: Liability Risks for Companies Operating in High-Risk Zones”: www.redflags.info

- ▶ International Committee of the Red Cross (ICRC), “Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law”: www.icrc.org/eng/resources/documents/publication/p0882.htm
- ▶ OECD, “OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones”: www.oecd.org/daf/inv/mne/weakgovernancezones-riskawarenesstoolformultinationalenterprises-oecd.htm
- ▶ UN Global Compact:
 - “Business Guide for Conflict Impact Assessment & Risk Management”: www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/BusinessGuide.pdf
 - Human Rights and Business Dilemmas Forum: <http://human-rights.unglobalcompact.org>
- ▶ UN Global Compact, PRI, “Guidance on Responsible business in conflict-affected and high-risk areas: a resource for companies and investors”: www.unglobalcompact.org/docs/issues_doc/Peace_and_Business/Guidance_RB.pdf

Non-discrimination and Diversity

- ▶ Business in the Community, “Opportunity Now on combating gender discrimination”: <http://opportunitynow.bitc.org.uk>
- ▶ European Commission:
 - “Material on the business case for diversity”: http://ec.europa.eu/justice/discrimination/document/index_en.htm#h2-4
 - “Networks of experts on anti-discrimination”: http://ec.europa.eu/justice/discrimination/experts/index_en.htm
 - European Network Against Racism (ENAR), Equal@Work initiative for businesses: www.enar-eu.org/Page_Generale.asp?DocID=28886&la=1&langue=EN
- ▶ ILO:
 - “Equality at Work: The Continuing Challenge”: www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_154779.pdf
 - “Global Business and Disability Network”: www.businessanddisability.org
- ▶ UN Global Compact, The Women’s Empowerment Principles: www.unglobalcompact.org/Issues/human_rights/equality_means_business.html

Standards for User Enterprises

- ▶ Fair Labor Association, Workplace Code of Conduct: http://www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf
- ▶ IFC, Performance Standard 2: www1.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/publications/publications_handbook_pps

IV. Tracking

- ▶ Ethical Trading Initiative, Base Code: www.ethicaltrade.org/eti-base-code
- ▶ Fair Labor Association:
 - “Principles of Fair Labour and Responsible Sourcing”: www.fairlabor.org/sites/default/files/fla_principles_of_fair_labor_responsible_sourcing.pdf
 - “Workplace Code of Conduct and Compliance Benchmarks”: www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf
- ▶ Global Reporting Initiative, “G4 Sustainability Reporting Guidelines”: www.globalreporting.org/reporting/g4/Pages/default.aspx
- ▶ ILO, “Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labour of Adults and Children”: www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf
- ▶ Verité:
 - “Fair Hiring Toolkit, For Suppliers: Managing Labour Brokers and Monitoring for Ethical Recruitment and Hiring – Tool 2: Monitoring the Performance of Labour Brokers – Introduction and Key Issues of Concern”: www.verite.org/sites/default/files/SUPPLIERS-Managing_Labor_Brokers_and_Monitoring-Tool2.pdf
 - “Research On Indicators Of Forced Labour: Successes, Challenges and Reflections on Future Engagement”: www.verite.org/sites/default/files/images/Lessons%20Learned%20During%20Research%20on%20Indicators%20of%20Forced%20Labor%20in%20the%20Production%20of%20Goods__9.14.pdf
- ▶ Survey 2020: www.survey2020.com

V. Communicating

- ▶ Ciett, Code of Conduct: www.ciett.org/fileadmin/templates/ciett/docs/CIETT_Code_Conduct.pdf
- ▶ Ethical Trading Initiative, Base Code: www.ethicaltrade.org/eti-base-code
- ▶ Fair Labor Association:
 - Principles of Fair Labor and Responsible Sourcing: www.fairlabor.org/sites/default/files/fla_principles_of_fair_labor_responsible_sourcing.pdf
 - Workplace Code of Conduct and Compliance Benchmarks: www.fairlabor.org/sites/default/files/fla_complete_code_and_benchmarks.pdf
- ▶ Global Reporting Initiative, "G4 Sustainability Reporting Guidelines": www.globalreporting.org/reporting/g4/Pages/default.aspx
- ▶ Verité, Fair Hiring Toolkit, "For Brands: Reporting and Transparency": www.verite.org/helpwanted/toolkit/brands/reporting-transparency

Legislative Developments

- ▶ California Transparency in Supply Chains Act: www.state.gov/documents/organization/164934.pdf
- ▶ US Presidential Executive Order – Strengthening Protections Against Trafficking in Persons in Federal Contracts: www.whitehouse.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe

VI. Remedy and Operational Level Grievance Mechanisms

Reports

- ▶ BSR, "International Labour Migration: A Responsible Role for Business": www.bsr.org/reports/BSR_LaborMigrationRoleforBusiness.pdf
- ▶ CSR Europe, Company mechanisms for addressing human rights complaints (draft): www.csreurope.org/data/files/Publications/Company_Mechanisms_for_Addressing_Human_Rights_Complaints_CSR_Europe_Draft_report.pdf
- ▶ CSR Initiative, Harvard Kennedy School, "Rights-Compatible Grievance Mechanisms": www.hks.harvard.edu/m-rcbg/CSRI/publications/Workingpaper_41_Rights-Compatible_Grievance_Mechanisms_May2008FNL.pdf
- ▶ International Federation for Human Rights (FIDH), "Corporate Accountability for Human Rights Abuses": www.fidh.org/IMG/pdf/guide_entreprises_uk-intro.pdf
- ▶ ILO, Labour inspection: www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/labour-inspection/lang--en/index.htm
- ▶ UN SRSG, Addendum to the UN Guiding Principles, "Piloting principles for effective company/stakeholder grievance mechanisms: A report of lessons learned" (May 2011, A/HRC/17/31/Add.1): www.ohchr.org/Documents/Issues/Business/A-HRC-17-31-Add1.pdf, (undertaken by the the CSR Initiative, Harvard Kennedy School).

Institutions/Organisations

- ▶ ACCESS: www.accessfacility.org
- ▶ National Human Rights Institutions: <http://nhri.ohchr.org/EN/Pages/default.aspx>
- ▶ Netherlands national hotline service (SNCU): www.sncu.nl/nl
- ▶ OECD, National Contact Points: www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/nationalcontactpointsfortheoecdguidelinesformultinationalenterprises.htm

Annex 2: Key Concepts

Note: Many of the below key concepts have been drawn from the UN OHCHR [Interpretive Guide to the Corporate Responsibility to Respect Human Rights](#).

Actual human rights impact

An “actual human rights impact” is a negative impact that has already occurred or is occurring.

Agency worker

An individual placed with a user enterprise, but employed by an E&R agency.

Assessing human rights impacts

The first of the four stages of Human Rights Due Diligence, undertaken in order to identify and assess any negative impacts on human rights with which a company may be involved. This includes both actual impacts (past or current) and potential impacts (those possible in the future), and impacts that occur through the company’s own activities and through its business relationships.

Business relationships

Business relationships refer to those relationships a business enterprise has with business partners, entities in its value chain and any other non-state or state entity directly linked to its business operations, products or services. They include indirect business relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.

Candidate

An individual that an E&R agency comes into contact with as a potential recruit. Candidates may be recruited for placement in agency work or as employees to be directly hired by a client company.

Client company

A company (which may be a private or public employer) that contracts with an E&R agency to recruit individuals as direct hire employees.

Communicating human rights performance

In the context of the corporate responsibility to respect, communicating is the set of processes through which companies are able to account externally for how they address their actual and potential human rights impacts. This is particularly important when concerns are raised by or on behalf of affected stakeholders. Communication needs to be appropriate to the company’s impacts in terms of its form, frequency, accessibility, and the adequacy of information provided. Where companies have severe human rights risks or impacts they should publicly report formally on how they address them.

Complicity

Complicity has both legal and non-legal meanings. As a legal matter, most national legislations prohibit complicity in the commission of a crime, and a number allow for the criminal liability of business enterprises in such cases. The weight of international criminal law jurisprudence indicates that the relevant standard for aiding and abetting is “knowingly providing practical assistance or encouragement that has a substantial effect on the commission of a crime”. As a non-legal matter, companies may be perceived as being “complicit” in the acts of another party where, for example, they are seen to benefit from an abuse committed by that party.

The human rights due diligence process should uncover risks of non-legal (or perceived) as well as legal complicity and generate appropriate responses.

The corporate responsibility to respect human rights

The corporate responsibility to respect human rights means that companies should avoid infringing on the rights of others and should address negative impacts with which they may be involved.

Cross-border recruitment

Recruitment of workers from one country and their placement in employment in another.

Debt Bondage

Debt bondage occurs when a person's labour is demanded as a means of repayment for a loan. The person is then trapped into working for very little or no pay, and is unable to leave the employment until the debt is repaid, which may never happen. This is also known as "bonded labour" and is a form of forced labour.

Destination state

The country that is a destination for migrants to take up employment.

Direct hire employee

An individual recruited by an E&R agency, but directly hired by a client company.

Domestic work/worker

Domestic work means work performed in or for a household or households. Domestic worker means a person who performs work within an employment relationship in or for a private household or households.

Effectiveness criteria for non-judicial grievance mechanisms

The Guiding Principles set out eight "effectiveness criteria" for non-judicial grievance mechanisms. They should be: legitimate, accessible, predictable, equitable, transparent, rights-compatible, based on dialogue and engagement, and a source of continuous learning. While these criteria mostly relate to the quality of processes, they include an important requirement that outcomes should be in line with internationally-recognised human rights. (See further Guiding Principle 31)

Embedding

Embedding can be thought of as the macro-level process of ensuring that the company's responsibility to respect human rights is driven across the organisation, into its business values and culture. It requires that all personnel are aware of the enterprise's human rights policy commitment, understand its implications for how they conduct their work, are trained, empowered and incentivised to act in ways that support the commitment, and regard it as intrinsic to the core values of the workplace. Embedding is one continual process, generally driven from the top of the company. (See further "Human rights policy commitment" and "Integration")

Employment services

This involves the recruitment and placement of agency workers in a third party entity ("user enterprise") for a fee. The fee is usually, but not always, paid by the user enterprise to the agency as a mark-up on the per hour pay rate to workers. The agency is responsible for payroll and other employment-related services (which it may perform itself or outsource). In some instances, the agency may also be responsible for on-site performance management (known as "vendor on premises"), but typically, the user enterprise is responsible for the supervision of work tasks. This is often referred to as a "triangular employment relationship". Placements are sometimes long-term and on an on-going basis, or they may be short term and ad hoc, for instance to help user enterprises with peaks in production.

Gross human rights abuses

There is no uniform definition of gross human rights abuses in international law, but the following practices would generally be included: genocide, slavery and slavery-like practices, summary or arbitrary executions, torture, enforced disappearances, and arbitrary and prolonged detention. Other kinds of human rights abuses, including of economic, social and cultural rights, can also count as gross abuses if they are grave and systematic, for example abuses taking place on a large scale or targeted at particular population groups.

Human rights due diligence

Human rights due diligence is an on-going risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its negative human rights impacts. It includes four key steps: assessing actual and potential human rights impacts, integrating and acting on the findings, tracking responses, and communicating how impacts are addressed.

Human rights policy commitment

A statement approved at the highest levels of the business that shows it is committed to respecting human rights and is communicated internally and externally. (See further "Embedding" and "Integration")

Human rights risks

A company's human rights risks are any risks that its operations may lead to one or more negative human rights impacts. They therefore relate to its potential human rights impacts. In traditional risk assessment, risk takes account of both the consequences of an event (its "severity") and its probability. In the context of human rights risk, severity is the predominant factor. Probability may be relevant in helping prioritise the order in which potential impacts are addressed in some circumstances (see "severe human rights impact" below). Importantly, a company's human rights risks are the risks that its operations pose to human rights. This is separate from any risks that involvement in human rights impacts may pose to the enterprise, although the two are increasingly related.

Human trafficking

This includes the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Integration

Integration can be thought of as the micro-level process of taking the findings about a particular potential impact, identifying who in the enterprise needs to be involved in addressing it and securing effective action to prevent or mitigate the impacts. If the macro-level process of "embedding" the corporate responsibility to respect human rights in the company's culture has been effective, the company is more likely to be successful in its efforts at integrating and acting on individual impacts. (See further "Embedding" and "Human rights policy commitment")

Internal staff

An E&R agency's employees involved in running its operations, including recruitment consultants, sales staff, and back office staff.

Internationally recognised human rights

The Guiding Principles define these as the rights in the [International Bill of Human Rights](#) (meaning the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and the principles concerning fundamental rights set out in the International Labour Organisation's [Declaration on Fundamental Principles and Rights at Work](#).

Leading human rights risks

The leading human rights for a company are those that stand out as being most at risk. This will typically vary according to its sector and operating context. The Guiding Principles make clear that companies should not focus exclusively on the leading human rights issues and ignore others that might arise. But the leading human rights risks will logically be the ones on which it concentrates its primary efforts. (Also referred to as the most "salient" human rights risks in the UN OHCHR [Interpretive Guide to the Corporate Responsibility to Respect Human Rights](#))

Legitimate trade unions

Organisations that exist to represent workers and are controlled by their members.

Leverage

Leverage is an advantage that gives power to influence. In the context of the Guiding Principles, it refers to the ability of a company to effect change in the wrongful practices of another party that is causing or contributing to a negative human rights impact.

Migrant worker

An individual who is, will be or has been engaged in a remunerated activity in a state of which he or she is not a national. In some cases, "internal" migrant workers who are recruited within a country may face similar risks as those who cross national borders. Where the Guide is referring to internal migrant workers, it makes this explicit.

Mitigation

The mitigation of negative human rights impact refers to actions taken to reduce its extent, with any residual impact then requiring remediation. The mitigation of human rights risks refers to actions taken to reduce the likelihood of a certain negative impact occurring.

Negative human rights impact

A negative human rights impact occurs when an action removes or reduces the ability of an individual to enjoy his or her human rights.

Operational-level grievance mechanism

An operational-level grievance mechanism (OLGM) is a formalised means for affected stakeholders to raise concerns about any impact they believe a company has had on them in order to receive remedy. Companies should establish or participate in effective OLGMs for stakeholders who may be negatively impacted by their activities, in order that grievances may be addressed early and remediated directly. Such mechanisms should not preclude access to judicial or other state-based processes, or undermine the role of legitimate trade unions. The mechanism should help to identify problems early, before they escalate, and provide solutions that offer remedy to anyone impacted. (See further “Effectiveness criteria for non-judicial grievance mechanisms”)

Origin state

The country from which a migrant worker originates.

Personal data

As defined in Article 2(a) of the Council of Europe [Convention for the Protection of Individuals with regard to Automatic Processing of Data](#) “personal data” means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one of more factors specific to his physical, physiological, mental, economic, cultural or social identity.

Potential human rights impact

A “potential human rights impact” is a negative impact that may occur but has not yet done so.

Pre-departure orientation training/programs

Pre-departure orientation is offered to many migrant workers before they leave their state of origin. The International Organisation for Migration, which provides pre-departure orientation for various countries, identifies three components that are common to most trainings or programs:

- ▶ Factual information about the destination state;
- ▶ Assistance to workers in developing the skills needed to succeed in their new environment (e.g., how to find accommodation, and how to access health care facilities);
- ▶ Information on the attitudes necessary for successful integration (e.g., flexibility, open-mindedness, initiative, and self-reliance).

Prevention

The prevention of negative a human rights impact refers to actions taken to ensure such impact does not occur.

Recruitment services

This involves the recruitment of agency workers as well as workers who are recruited for positions with client companies where the employment relationship will be direct (“direct hire employees”). This means that rather than a triangular employment relationship, the client company employs the worker directly either on an open-ended or fixed term contract. In this model, the agency only acts as a “recruiter” and not as an “employer”.

Remediation/remedy

Remediation and remedy refer to both the processes of providing remedy for an negative human rights impact and the substantive outcomes that can counteract, or make good, the negative impact. These outcomes may take a range of forms, such as apologies, restitution, rehabilitation, financial or non-financial compensation, and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.

Right to privacy

The protections against arbitrary, unreasonable or unlawful interference with a person’s privacy, family, home or correspondence, as well as attacks on their honour or reputation, contained in Article 17 of the [International Covenant on Civil and Political Rights](#) and Article 12 of the [Universal Declaration of Human Rights](#).

Severe human rights impact

The commentary to the Guiding Principles defines a severe human rights impact with reference to its scale, scope and irremediable character. This means that its gravity and the number of individuals that are or will be affected (for instance, from the delayed effects of environmental harm) will both be relevant considerations. Irremediability is the third relevant factor, used to mean any limits on the ability to restore those affected to a situation at least the same as, or equivalent to, their situation before the impact. For these purposes, financial compensation is relevant only to the extent that it can provide for such restoration.

Social dialogue

The International Labour Organisation defines social dialogue as including all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers on issues of common interest relating to economic and social policy, and to terms and conditions of work and employment. It can exist as a tripartite process with the government as an official party to the dialogue, or it may consist of bipartite relations between trade unions and management (or trade union organisations and employers' organisations). Dialogue can be informal or institutionalised and often it is a combination of the two. It can take place at the global, regional, national, sectoral, enterprise or workplace level.

Stakeholder/affected stakeholder

A stakeholder refers to any individual who may affect or be affected by an organisation's activities. An affected stakeholder refers here specifically to an individual whose human rights has been affected by a company's operations, products or services. A potentially affected stakeholder is an individual whose human rights may be affected by the company's operations, products or services

Stakeholder engagement/consultation

Stakeholder engagement or consultation refers here to an on-going process of interaction and dialogue between a company and its potentially affected stakeholders that enables the company to hear, understand and respond to their interests and concerns, including through collaborative approaches.

State duty to protect

The state duty to protect requires that states take appropriate steps to prevent, investigate, punish and redress any human rights abuse by companies within their territory and/or jurisdiction through effective policies, legislation, regulations and adjudication.

Tracking human rights performance

Tracking is the process by which a company monitors and evaluates whether it has responded effectively to human rights risks and impacts.

User enterprise

A third party entity in which an E&R agency places agency workers. It may be a private or public sector entity.

Value chain

A business enterprise's value chain encompasses the activities that convert input into output by adding value. It includes entities with which it has a direct or indirect business relationship and which either (a) supply products or services that contribute to the enterprise's own products or services, or (b) receive products or services from the enterprise.

Vulnerability or marginalisation / Vulnerable or marginalised individuals or groups

Vulnerability can stem from an individual's status or characteristics (e.g., race, colour, sex, language, religion, national or social origin, property, disability, birth, age or other status) or from their circumstances (e.g., poverty or economic disadvantage, dependence on unique natural resources, illiteracy, ill health). Those vulnerabilities may be reinforced through norms, societal practices, or legal barriers. Vulnerable or marginalised individuals typically experience negative impacts more severely than others. These individuals, or groups they are part of, may require specific, and if necessary separate, consultation and mitigation measures to ensure that negative impacts do not fall disproportionately on them, and are appropriately avoided, mitigated or compensated.

