



Developing a Policy Commitment and Embedding Respect for Human Rights

What do the UN Guiding Principles Expect?

- ▶ A policy commitment is a statement approved at the highest levels of the business that shows it is committed to respecting human rights and communicates this internally and externally.
- ▶ The statement needs to be reflected in other company policies, procedures and practices in order to embed respect for human rights throughout the business.

Why is this Important?

- A policy commitment sets the “tone at the top” that is needed to continually drive respect for human rights into the core values and culture of the business;
- It indicates that top management considers respect for human rights as a minimum standard for conducting business with legitimacy; it sets out their expectations of how staff and business partners should act, as well as what others can expect of the company;
- It should trigger a range of other internal actions that are necessary to meet the commitment in practice.

What are the Steps Involved?



Resources on “Internationally Recognised Human Rights”:

The Guiding Principles define these rights as including, at a minimum:

- ▶ 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](#), which address:
 - freedom of association and collective bargaining,
 - forced labour,
 - child labour, and
 - non-discrimination.

A good “translation” of these rights is in [Human Rights Translated: A Business Reference Guide](#).

Where businesses might have impacts on individuals belonging to potentially vulnerable or marginalised groups (e.g., women, children, racial or ethnic minorities), they will need to consider the additional international standards that apply to those individuals or groups (see [Annex 1](#) for a full list).

I A Defining the Content of a Policy Commitment

Key Points for Implementation

- ▶ A policy commitment should be a general commitment to respect all “[internationally recognised human rights](#)” throughout the company’s operations.
- ▶ The commitment should clearly explain how it applies to the company’s staff (employees and other workers), as well as the company’s expectations of business partners, including those one or more steps removed in the value chain.
- ▶ The commitment will need to be reviewed periodically to reflect any significant changes in the company’s human rights risks, for example due to new operating contexts or new business relationships. The pace of change in the ICT sector will make this particularly important.

Possible Approaches

- **Stand-alone or integrated policies?** An ICT company may integrate respect for human rights into an existing high-level policy that guides the business, such as a Code of Conduct, or a relevant issue-specific policy. Alternatively, companies may opt for a stand-alone human rights policy. Both approaches can be effective: the key is to take an approach that signals the importance of respecting human rights and helps [embed](#) respect into the corporate culture.

In determining the right “home” for the policy within the company, it will also be important to reflect on who, or which department, should have ownership over the policy and help drive the embedding process.

- **Key elements of a policy:** The policy needs at a minimum to reflect the company’s commitment to meet its responsibility to respect all internationally-recognised human rights, and to set out the company’s expectations of staff, business partners and others in its value chain with regard to respect for human rights. Companies could also include other information of interest to stakeholders, such as:
 - A commitment to conduct on-going human rights due diligence, perhaps specifying key moments when risks will be assessed;
 - The leading human rights risks they identified for the company as a whole and its approach to addressing them;
 - Their commitment or approach to engaging and consulting with [potentially affected stakeholders](#);
 - Their approach to communicating with other stakeholders and the wider public;
 - Direct references to international principles or initiatives that are consistent with internationally recognised human rights and that the company is committed to implement. An explicit commitment to the UN Guiding Principles is a good starting point. For [telecommunications and Web-based services companies](#), the [Principles on Freedom of](#)

[Expression and Privacy](#) developed by the multi-stakeholder Global Network Initiative will be particularly relevant.

- **Identifying leading human rights risks:** For those ICT companies that can have significant human rights impacts, it can be helpful to identify leading risks in the policy commitment. In doing so, a good place to start is often with the company's own engineers and developers. They have the technical expertise to know what an ICT company's products, services or technologies may be capable of.

Leading human rights issues for an ICT company often include:

- **For all companies:** the human rights of workers (including rights to form and join trade unions and collective bargaining, health and safety, working hours, pay and benefits, non-discrimination) both in a company's own operations and in its [value chain](#);
- **For device and component manufacturing companies:** rights related to the sourcing of raw materials (such as the rights to life, liberty and security of local communities, the elimination of child and forced labour, and the rights of indigenous peoples around mining operations), all the way through the value chain to the disposal of electronics products (including workers' rights to health and safety and the elimination of child labour at "e-waste" recycling sites), and privacy and freedom of expression in relation to hardware (such as where features or functionality can be changed or enabled through the installation of software);
- **For telecommunications and Web-based services and software companies:** privacy and freedom of expression, impacts on other rights arising from misuse of technology or customers or users' personal information by states - for example, impacts on individuals' rights to life, liberty and security, and on the freedom from torture, cruel, inhuman or degrading treatment – and impacts the rights of vulnerable or marginalised individuals or groups (e.g., on children's rights or on the rights of persons with disabilities).
- **Operating in challenging contexts:** ICT companies with activities or business relationships in high-risk contexts, where human rights impacts are more likely to occur, will want to think through their approach to managing the additional risks involved. It can be helpful to reflect this in their policy commitment, or in a separate, supporting policy document. Possible approaches to managing human rights risks in such contexts are discussed in [Section III-E](#) below.

I B Developing the Policy Commitment

Key Points for Implementation

- ▶ The company should draw on expert resources to ensure the policy is well-informed and complete. These may be individuals with knowledge of human rights and of the business and/or – particularly where resources are more limited – credible written sources.

Possible Approaches

- **Involving different parts of the company:** In larger ICT companies, there may be various departments or functions that have potential impacts on a range of different human rights. For example, human resources will mostly look at risks to the human rights of the company's employees and agency workers; those sourcing supplies may look at the rights of workers in the supply chain; the sales team will focus on impacts on customers or end users. In smaller companies, these roles will be concentrated among a few managers.

In addition, legitimate trade unions or worker representatives within the company may be a useful source of expertise regarding local labour laws, technical standards and specific conditions in the local labour market that may affect the human rights of workers.

Example: Developing a Global Framework Agreement

One telecommunications company has developed an agreement with the global trade union representing workers in its operations. The agreement is intended to promote trust and on-going dialogue between the company, including its wholly owned subsidiaries, its employees and their representatives. It restates the company's commitment to respect the rights of employees in accordance with key international principles and standards – including the UN “Protect, Respect and Remedy” Framework and the ILO's core Conventions. Importantly, the company also commits to practical steps to implement these principles and standards, particularly to protect employees' rights to freedom of association and collective bargaining. The agreement also establishes a process for raising problems and resolving them in an atmosphere of mutual trust.

It is a good idea to involve people from across relevant areas of responsibility in the development of the policy – what it should cover and how it should be implemented. This will help build understanding of the reasons for the policy and ownership of its implementation.

- **Involving external expertise:** Companies that do not have in-house expertise on human rights can use external sources as they develop their policy commitment. For smaller companies, written guidance from industry associations, multi-stakeholder or industry-led initiatives or human rights organisations that have worked with the industry can provide a good starting point. A list of helpful resources is included in [Annex 1](#). ICT companies may also find it useful to benchmark their policies against their peers, in particular those recognised as industry leaders in human rights performance.
- **Engaging stakeholders:** ICT companies with significant human rights risks are likely to find it helpful to test a draft policy commitment with representatives of key stakeholder groups. They can help the company understand how the policy commitment is likely to be seen by these stakeholders. Approaches can include:
 - Seeking the views of legitimate trade unions that represent employees or other workers, wherever that is possible;
 - Identifying key contexts where significant risks may be present for individuals or groups with heightened [vulnerability or marginalisation](#) (such as migrant workers in manufacturing contexts or human rights defenders or journalists in an online context); then consulting with individuals who represent such groups, or whose backgrounds are as similar as possible, to understand how the policy is likely to apply to members of those groups in practice;
 - Testing the policy commitment in draft with investors – particularly socially responsible investors (SRIs) that have expertise on the issues;
 - For larger companies, establishing a formal advisory group to seek feedback, possibly including representatives of a [national human rights institution](#), NGOs, trade unions, SRIs and other relevant experts. This kind of advisory group might also play a longer-term role providing feedback on the company's ongoing efforts to meet its responsibility to respect.

IC Communicating the Policy Commitment

Key Points for Implementation

- ▶ The policy commitment should be publicly available.
- ▶ It needs to be approved at the highest levels of the company and communicated internally to all workers in order to signal its importance and help embed it throughout the business.
- ▶ It also needs to be communicated externally to business partners and others in the company's value chain, as well as to people who may be affected by the company's operations.

Possible Approaches

- **Demonstrating top-level commitment to the policy:** Clear and consistent messages over time from the CEO and senior management set the “tone at the top” of the company. They can help draw attention to the policy commitment and embed it into the business culture. Approaches can include:
 - Regular references to human rights issues and due diligence in top management speeches inside and outside the company;
 - Regular questions about human rights risks or performance from top management in meetings about core business issues, such as entry into new operating contexts or markets;
 - Including a letter from the CEO on the company’s website where it sets out its human rights commitments;
 - Publicising internally examples where there has been accountability for human rights performance – whether rewards or sanctions (examples can be anonymised as necessary);
 - Making human rights part of top management’s early-stage discussions with potential business partners and governments.
- **Choosing appropriate methods:** It will be important for ICT companies to consider how workers, customers and users, and others affected by their operations access information – for example, through written, spoken or visual means, through the use of particular technologies, or in particular languages. This will help the company decide how best to communicate the policy commitment both internally and externally.
- **Communicating about privacy:** All ICT companies handle sensitive personal information – whether it relates to their own workers, business partners or customers and users. How effectively they manage the collection, storage and sharing of this information can impact on those individuals’ privacy.

Privacy policies can be lengthy and confusing for customers and users. ICT companies are investigating more effective ways of communicating about impacts on privacy. Possible approaches include:

- Where practicable, giving customers and users the option of choosing from a range of privacy settings, and helping them understand the implications of their choice – for example, using a “sliding scale” which the user can interact with;
- Providing an explanation of the company’s policy on responding to requests for personal information, and directing customers and users to any public reporting the company provides on such requests;
- Considering the implications for vulnerable or marginalised individuals or groups in deciding how to communicate the policy.

Systems for protecting personal information are discussed below in [Section III-A](#).

- **Communicating through Terms of Service:** For ICT companies that interact directly with users or customers, the company’s Terms of Service, “user community” guidelines or similar documents, will be a particularly important means of communicating about the company’s policy commitment. It can be important to:
 - Explain in clear and accessible language any legal justifications for particular terms;

Example: Communicating about Privacy

One ICT company uses visual icons on its website to explain the different types of tracking technology it uses, such as cookies, and how they can affect user experience. The icons are placed on a “sliding scale”; a user can click and drag the cursor along the scale and choose an appropriate setting.

Each setting informs users of the purposes for which their information is being collected. For example, at one end of the scale, the company will collect information relevant only to the immediate experience of the user (such as remembering items placed in their online “shopping basket”). At the other end, the company will share the user’s personal information with third parties for targeted advertising purposes.

Moving the cursor over a different setting reveals a list of actions the website now will or will not take (e.g., remembering log-in details or enabling the user to share things from the website through social networking services).

- Include details of how updates to the Terms will be introduced and how users may opt-out of certain changes;
 - Provide a channel for receiving complaints about alleged violations of the terms;
 - Establish a method for communicating with users about such complaints and enabling them to provide further information and “appeal” decisions by the company.
- **Choosing appropriate “language”:** Language can be a sensitive issue. Human rights terminology may be unfamiliar and using it may be challenging at first – both within the company and externally. For example, there may be cultural considerations that make the use of human rights language difficult, particularly with governments. In some cases, there may be a good reason to avoid human rights terminology in the short-term or in a particular situation. It will then be important that at least those who lead on the issue, and any others who routinely engage with stakeholders, have an understanding of internationally recognised human rights and their implications for company processes. In time, it may be possible to reintroduce the language of human rights to strengthen understanding of their relevance to the company’s daily activities.

I D Aligning Internally with the Policy Commitment

Key Points for Implementation

- ▶ For the policy commitment to be effective in practice, other policies and processes across the company need to be consistent with it.
- ▶ Implementation of the commitment needs adequate support and resources, including through leadership, accountability, incentives, and training. These factors can directly affect staff assumptions and attitudes about the relevance of the commitment to their work and help embed it into the company’s values and culture.

Possible Approaches

- **Alignment with existing policies:** Larger ICT companies are likely to have various existing internal policies, processes and management systems that incorporate aspects of human rights, even if they are not expressed in human rights language. This can be helpful in showing that human rights is not a new issue for the company. It is also important to check that these other policies and processes are consistent with the human rights policy commitment: meaning that they reinforce rather than work against or contradict it.

Examples of relevant policies and processes include those in the areas of:

- Procurement;
- Human Resources;
- Research and Development/Design;
- Legal;
- Communications/Public Affairs;
- Risk;
- Corporate Responsibility/CSR;
- Security;
- Marketing and Sales.

Anti-corruption policies are also relevant: where corruption and bribery are accepted, human rights are rarely respected.

- **Starting early: “Human rights by design”:** For all ICT companies, the potential for heightening or mitigating human rights risk is often built into the very design of their products, services and technologies. It is therefore critical to embed human rights from the earliest design phases – for example, by ensuring that each development team has at least one member trained in assessing the human rights implications of the products, services and technologies being developed. Engineers can bring a “solutions driven approach” to the prevention and mitigation of negative impacts through appropriate design modification initially, and throughout the product, service or technology’s lifecycle.
- **Establishing accountability:** Internal accountability for implementation of the policy commitment will be important in making sure human rights is seen as part of “everyone’s job”. Approaches can include:
 - Giving responsibility for overseeing human rights issues to an individual or committee of the Board or of senior management, such as an Ethics or Sustainability Committee;
 - Requiring regular reporting to the Board on human rights risks, and annual reviews of such risks by the Board;
 - Tying staff assessments and reward systems to implementation of the policy commitment; and doing so across all functions or departments, not just those with lead responsibility for human rights;
 - Providing clarity to sales staff that they will not be penalised for stalling or turning down problematic government or other requests (see [Section II-C](#) below);
 - Bringing the sales function in-house; and locating decision-making authority in such situations at more senior levels;
 - Where a company has local staff, establishing local management-level oversight of the policy commitment and ensuring they have an effective channel of communication with regional or corporate headquarters. This can help them access support and advice on emerging issues, as well as providing a pathway for appropriate escalation when problems occur.
- **Training and awareness-raising:** Colleagues on the technical sides of the business will be more likely to take human rights into account in their work if they understand what they are about, their relevance to the company, their significance to their own responsibilities, and the steps they need to take. There are various ways that ICT companies can “demystify” human rights in this way, including:
 - Providing training for staff within key functions (such as sales and legal) and for technical specialists (especially engineers);
 - Using “e-learning” modules, combined with in-person training components, to build knowledge and skills, including through the sharing of dilemmas experienced by colleagues and how they dealt with them;
 - Establishing focal points to support staff in answering their questions and working through dilemmas;
 - Preparing material to clearly explain “why human rights matters” to the business;
 - Engaging legitimate trade unions or worker representatives to support efforts to raise awareness among workers of the policy commitment;

Example: Raising Awareness of the Risks Facing Student and Trainee Workers

Engaging student and trainee workers is a growing phenomenon in the ICT sector, particularly in manufacturing contexts. In some countries, schools may make such workers’ diplomas or degrees conditional on their staying in a job for a set period of time, leaving them exposed to potential exploitation in the workplace. Companies have committed to various measures to combat this risk including: ensuring internships are in line with a student’s educational background and aspirations (instead of, e.g., automatically putting them to work on the production line); paying them the same entry level wage as regular workers; ensuring payments are made directly to interns and prohibiting their school from charging them a fee; clarifying in agreements that interns are free to leave at any time; prohibiting overtime; and providing for remediation of any breaches.

One **device manufacturer** has instituted a training program for interns and their schools, before the intern takes up the job, about the commitments made by supplier factories, as well as running awareness-raising workshops for suppliers themselves.

- Where relevant, organising in-country workshops to road-test the application of the policy in challenging scenarios.

ICT companies should prioritise awareness-raising and offers of expert assistance in contexts where the risks of human rights impacts are greatest.

I E Applying the Commitment to Business Relationships

Key Points for Implementation

- ▶ The human rights policy commitment needs to be embedded in how an ICT company conducts its business relationships from their earliest stages, including in the terms of contracts. This makes it clear that these expectations are not “negotiable extras”.
- ▶ Embedding the policy commitment into the terms of contracts and other agreements increases the company’s leverage – that is, its ability to influence behaviour – in those relationships. It can lay the foundations for regular engagement to discuss or review the management of human rights risks.

Possible Approaches

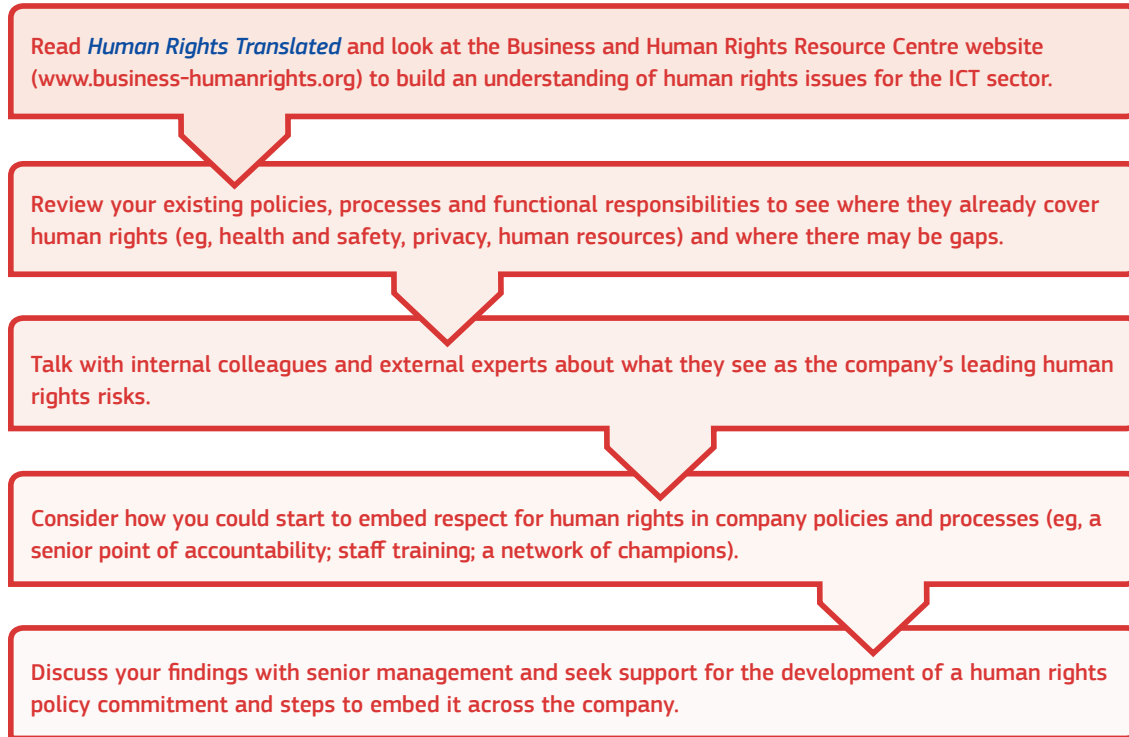
- **Getting it right from the start:** Many of an ICT company’s human rights risks – and its capacity to mitigate them – are established in the terms of its contracts with business partners, which may include suppliers, resellers/distributors, customers and users (including governments) and state-owned enterprises. Staff with responsibility for negotiating and concluding contracts and other agreements with business partners need clear guidance, including on:
 - The importance of specifying in the agreement who has responsibility for addressing human rights risks in the relationship;
 - What resources will be required to ensure respect for human rights and where those resources will come from;
 - How implementation of respect for human rights will be monitored and discussed with business partners. For more on these issues, see [Section III-D](#).

An ICT company’s business partners have their own responsibility to respect human rights throughout their operations. However, the company needs to know to what extent its partners are meeting their responsibility to respect in order to be confident – and to be able to show – that it is meeting its own responsibility. So companies will also want to consider:

- Looking for evidence up-front that the business partner has the capacity and will to comply with human rights provisions;
- Clarifying that the company expects its business partners (especially suppliers and resellers/distributors) to “pass on” expectations to respect human rights to their own business partners, and seeking evidence that they do so wherever possible.

Where to Start

For companies that are just starting to develop a human rights policy commitment, the following are some preliminary steps to consider:



Questions to Ask

The following questions correspond to sub-sections A, B, C, D and E above. They should help test the extent to which a company's policy commitment, and its efforts to embed it across the business, are consistent with the Guiding Principles:

I-A	<p>Defining the Content of a Policy Commitment</p> <ul style="list-style-type: none"> ▶ If we include our leading human rights risks in our policy commitment, how did we identify the risks? ▶ How will our policy commitment cope with major changes in the company's operating contexts or in relevant technology?
I-B	<p>Developing the Policy Commitment</p> <ul style="list-style-type: none"> ▶ What internal and external expertise have we drawn on in developing the commitment? ▶ Has the commitment been tested with representatives of key stakeholder groups? If not, are we confident that it will be understood and supported by members of those groups?
I-C	<p>Communicating the Policy Commitment</p> <ul style="list-style-type: none"> ▶ Has the commitment been approved at the most senior levels of the company? ▶ How is top leadership commitment to the policy communicated internally? How is it communicated publicly? ▶ What appropriate means have we found to communicate our commitment to customers and users, and any other key stakeholder groups that we may impact upon?
I-D	<p>Aligning Internally with the Policy Commitment</p> <ul style="list-style-type: none"> ▶ What steps have we taken to review whether our existing policies and processes are consistent with the policy commitment? ▶ How have we sought to integrate consideration of human rights into the design phase of our products, services or technologies? ▶ Do our training methods and materials take full account of the policy commitment? How do we know if they are effective? ▶ Where does accountability for implementation of the policy sit? Are there appropriate incentives and resources in place to meet the commitment in practice?
I-E	<p>Applying the Commitment to Business Relationships</p> <ul style="list-style-type: none"> ▶ How is the policy commitment taken into account in our relationships with business partners, including suppliers, resellers/distributors, customers and users, and joint venture partners? ▶ Do relevant staff have the guidance and support that they need to raise these issues at the earliest stages of those relationships?