

A photograph of a tea plantation. In the foreground, there are rows of lush green tea bushes. Several workers, mostly women wearing traditional headscarves, are seen sitting on the ground or on woven baskets, picking tea leaves. The background is filled with tall, thin trees, likely eucalyptus, which are planted in rows. The overall scene is a typical view of a tea estate.

M&S  
— FOOD —

**MARKS AND SPENCER'S FOOD HUMAN RIGHTS STANDARDS:**  
HUMAN RIGHTS DUE DILIGENCE AND REMEDY GUIDANCE

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Suppliers should not feel bound to read this document from cover to cover. We have split it up into different sections so that you can consult the sections where you need support and use others to verify the steps you have already taken.



## STRUCTURE

This guidance document is split into four sections:

**SECTION A: Where to start** provides guidance on where to start in developing your human rights due diligence (HRDD) approach and how to assess how advanced your current approach is. It outlines two main ideas of

- 1 identifying **what human rights** your company could have an impact on and
- 2 mapping your **stakeholders** – people who may affect or be affected by your company's activities.

We encourage you to think about the difference between causing, contributing or being linked to adverse human rights impacts and putting the people you have an impact on at the heart of your HRDD approach.

 **KEY DOCUMENT –  
MATURITY FRAMEWORK (PAGE 18)**

**SECTION B** breaks down each of the six areas required to establish a HRDD approach based on the principles of the UN Guiding Principles on Business and Human Rights

- **SECTION B1: Establishing your Foundations: Commitments and Governance** explains how your company should make commitments to human rights and put in place a governance model which supports an effective HRDD approach
- **SECTION B2: Assessing and Prioritising your human rights risks** explains how to assess the human rights impacts of your activities and your business relationships and how to prioritise those risks
- **SECTION B3: What you can do to prevent or reduce the impact of human rights impacts** explains how to determine what human rights risks you should and can tackle and how you tackle them
- **SECTION B4: Making sure workers can raise issues and remediating any negative human rights impacts** explains how to ensure there are grievance and whistleblowing channels for workers to raise issues and how you remediate any negative human rights impacts
- **SECTION B5: How to monitor the impact of your human rights due diligence approach** explains how you put in place systems to collect ongoing information about the performance of your HRDD approach and what you measure as well as how to evaluate the longer-term effectiveness of your HRDD approach
- **SECTION B6: Communicating what you have achieved** explains how you show the effectiveness of your efforts to respect human rights to colleagues and to external stakeholders

**SECTION C: Reporting on progress** explains and provides a template for how you should communicate your approach and progress made to M&S.

 **KEY DOCUMENT –  
M&S – HUMAN RIGHTS DUE DILIGENCE  
REPORTING TEMPLATE (PAGE 84)**

**SECTION D: Appendices**

 **KEY DOCUMENT –  
APPENDIX 1 - INTERNATIONALLY AGREED  
HUMAN RIGHTS (PAGE 86)**



# FOREWORD

# FOREWORD



M&S has been working proactively with suppliers to ensure that the people who work in our supply chains are treated with respect and fairness since the launch of Plan A in 2007. Back in 2009 we were one of the first companies to publish a set of [Global Sourcing Principles](#), which established the standards for suppliers working with us. In 2010 we established the Food Sustainability Scorecard which drove forward standards and best practices within our supply chain such as adopting annual employee surveys and the establishment of worker committees.

The introduction of the new [M&S Food Human Rights Standard](#) is the next evolution of our approach with a key focus on human rights due diligence (HRDD). We are aware that this shift to a HRDD approach is a big change for our suppliers and M&S. To support this change and drive continuous improvements we have developed this guidance to help with this transformation.

This guidance:



**has been created to help you develop a HRDD approach for YOUR company.** It is not designed to be a prescriptive guide but instead **to be used as a reference guide** for your business to learn from others, and help you develop your own approach that works for your business. We would like you to share your approach with us and, where appropriate, review areas to work together on your approach.



**does not have all the answers.** We have tried to cover all the key areas and link to existing guidance out there to avoid duplication, but if you feel there are any gaps please let us know so we can update it.



**can be downloaded and read all in one go or split up into sections so you can read only the bits that are most useful to you.** We have provided useful navigations throughout to help you find the most relevant sections for you.



**provides a [Maturity Framework](#), we would encourage you to look at this and assess where your company is at the moment** and where you would like to get to. This should form the heart of your HRDD approach and drive your actions. If you are at the early stages of developing your HRDD approach don't be overwhelmed, start by looking at the Foundation guidance in each section – what does your business still need to do and what is going to be most challenging?



includes a section on the [mindset and approach you need to take when reading this document and implementing your HRDD approach](#). If you are open to the ideas in the guidance and patient about the time it will take to implement your HRDD approach you will see the benefits of using this guidance and the tools and templates it contains.

We know that your company cannot implement a HRDD approach on its own and that many of the steps, particularly actions taken to prevent, reduce or remediate human rights impacts, **require supportive behaviour from M&S**. We are aware that in our development and implementation of our HRDD we will face challenges and we anticipate discussing these with you. We are always keen to hear from you about what support you need in developing your HRDD approach and to understand what behaviours we might need to change.

We look forward to reviewing and discussing your human rights due diligence process and plan on an annual basis. We have created a [M&S Human Rights Due Diligence Reporting Template](#) to support you to provide evidence of the HRDD approach you have taken.

Finally, thank you for **opening up this guidance**, we hope it offers you new insights, approaches and resources which will help you in the coming years and that reading it inspires you with new ideas of what to do next.

# EXECUTIVE SUMMARY



# EXECUTIVE SUMMARY



## EXECUTIVE SUMMARY

M&S's new [Food Human Rights Standard](#) consists of 6 pillars. Pillars 2 and 3 require suppliers to develop a **human rights due diligence approach** for their business and put processes in place to provide remedy where they have caused or contributed to a negative human rights impact. This guidance has been written to help you do both things.

**Human rights due diligence (HRDD)** is defined by the [Ethical Trading Initiative](#) as "the action taken by a company to both identify and act upon actual and potential risks for workers in its operations, supply chains and the services it uses"<sup>1</sup>. The need for human rights due diligence comes primarily from the [United Nations Guiding Principles on Business and Human Rights \(UNGPs\)](#), a set of guidelines launched in 2011 for countries and companies to prevent, address and remedy human rights abuses committed in business operations, but also from growing legislative requirements, investor and customer expectations.

Human rights due diligence is about **more than compliance**. M&S's Global Sourcing Principles remain the minimum labour standards we expect our suppliers to meet in your operations and supply chains. Your human rights due diligence approach is how you go about making sure those principles are adhered to and how you resolve any issues identified. It is **your company's approach** for you to develop with the help of this guidance. M&S wants to support this process and to find shared goals we can work on together.

Before you start, we recommend that you do three things that will help you to determine the scope of your human rights due diligence approach. Firstly, you need to identify **which of the internationally agreed human rights your business could negatively impact** and think about whether you have caused, contributed or are linked to those impacts by a business relationship. Secondly, you need to **map your stakeholders**, the individuals, groups or organisations who may affect, or be affected, by your company's activities. And thirdly, we encourage you to **assess how advanced your company's current approach to HRDD** is using our [Maturity Framework](#) and identify what gaps you need to address.

With this context in mind, [Step 1](#) of the guidance outlines how to put in place the **foundations** of a HRDD approach by creating **policies** and **procedures** and a **governance** model that will share these commitments across the organisation. Having an individual or a cross-functional team who leads your work on human rights is a good start. Board level and senior management support is critical as

is making sure everyone in the organisation understands the human rights risks faced by your business and their role in reducing those risks. Building human rights into how you select and contract with suppliers makes it clear from the outset that this matters to your company as does rewarding suppliers who invest in their own human rights due diligence approaches.

[Step 2](#) of the guidance explains what steps you need to take to understand where in your operations and your supply chains there is the greatest **risk** of your company negatively impacting people's human rights. You need to start by assessing the risks of the operations, products or services that are most important to your business. In time, your risk assessment should include the views of workers and include more tiers of your supply chains and all the products and services purchased by your company. Once you have understood your greatest risks you need to use commercial information to decide which of your high-risk suppliers you **prioritise** and start to work with them to reduce negative human rights impacts. Bear in mind that risks change, sometimes very quickly. Assessing your risks and prioritising should be an annual process and you need processes, sometimes as simple as using internet alerts, to identify emerging risks.

“M&S's Global Sourcing Principles remain the minimum labour standards we expect our suppliers to meet in your operations and supply chains.”

[Step 3](#) of the guidance covers the steps you should take to **prevent or reduce the impact** of the human rights risks you have prioritised. Prevention activities, such as sourcing from suppliers with their own HRDD approach, can help you to avoid adverse human rights impacts. Mitigation activities, such as making sure workers have channels through which they can raise concerns, reduce the impact when an adverse human rights impact does occur. Your company will need to decide if you have caused, contributed or are linked to adverse human rights impacts before you can decide what steps to take to prevent or mitigate

<sup>1</sup> [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/eti\\_human\\_rights\\_due\\_diligence\\_framework.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/eti_human_rights_due_diligence_framework.pdf)

## EXECUTIVE SUMMARY



## EXECUTIVE SUMMARY (continued)

those impacts. In some cases you will need to find additional leverage to have an impact. You will also need to step back and understand the root causes of the issues you have identified and make sure your actions will address those root causes. The actions you then take are likely to be combination of engaging with workers, using grievance mechanisms to gather worker feedback, working with and supporting suppliers including raw material suppliers, promoting responsible recruitment, collaborating with others, proactive checks of suppliers and labour providers and developing responsible sourcing practices.

**Step 4** of the guidance covers the process of **remediation** – how to put right negative human rights impacts. Your company needs to make sure you and your suppliers have effective grievance mechanisms for workers to raise concerns and that you have a response plan to investigate and deal with any negative human rights impacts identified. Responding to severe human rights violations such as forced labour requires additional planning, particularly where these violations take place beyond your operations in your supply chain. You will need to plan for, and put policies in place to, remedy human rights impacts. This should include whether you will fund remedy such as the repayment of recruitment fees. You will also need to consider how your company will learn from the process of providing remedy.

Human rights due diligence is “the action taken by a company to both identify and act upon actual and potential risks for workers in its operations, supply chains and the services it uses.”

## Ethical Trading Initiative

**The last two steps** of the guidance cover **monitoring and communication**.

**Monitoring** is the regular, ongoing collection of information to assess and help your company improve the performance of your HRDD approach. It should measure the effectiveness of your HRDD management systems, progress against your action plans and answer the “so what?” of whether your HRDD approach has negative or positive impacts on workers. Monitoring is one of the least well-developed steps of HRDD. However, most companies are already capturing information about working practices and HRDD activities but need to do more to analyse and share that information. **Communication** is the final step in HRDD which allows you to show the effectiveness of your efforts to staff, suppliers, investors, government and other stakeholders. You will need to meet legal reporting requirements such as the UK Modern Slavery Act but should also look to share your successes and challenges and, where possible, the successes and challenges of your suppliers.

This guidance ends with our request to suppliers to report on the progress you make in implementing your HRDD approach. We will ask nominated suppliers to present their HRDD approach on an annual basis to M&S category and ethical teams. We have provided a format to share this information and would encourage you to use existing company reports, for example sustainability reports and Modern Slavery Statements, as the basis of what you share with us.

Whether you are at the start of the process of developing your company’s HRDD approach or are advanced in this area, we hope that you will take inspiration from this guidance, the tools and templates provided and the case studies we have shared from M&S suppliers and other sources. We know that it will take time to implement all the elements of HRDD we include here and we know that there will be challenges as you identify, tackle and remedy your human rights risks. **We look forward to working alongside you as you face these challenges and make progress.**



# HOW TO USE THIS GUIDANCE







# HOW TO USE THIS GUIDANCE



## WHY WE DEVELOPED THIS GUIDANCE

M&S's new Food Human Rights Standard is designed to communicate our human rights requirements of our supply base and evolves our approach by:

-  Defining 6 clear and concise pillars with demonstrable outcomes
-  Ensuring effective human rights due diligence (HRDD) within our supply partners own operations and supply chain
-  Empowering our supply partners to be responsible for their own HRDD in line with these requirements
-  Supporting and coaching suppliers who want to drive their standards by signposting relevant guidance and tools for continuous improvement.

This document provides guidance for suppliers on Pillars 2 and 3 of our new standard – developing your company's approach to Human Rights Due Diligence and Access to Remedy:

<p><b>1 DRIVING STANDARDS EACH AND EVERY DAY</b></p> <p><b>OUTCOME:</b> The people that grow, farm, and pack M&amp;S FOOD products are treated with respect and their health, safety and their human rights are respected at in their workplace.</p>	<p><b>2 HUMAN RIGHTS DUE DILIGENCE</b></p> <p><b>OUTCOME:</b> Supplier prevents, manages and mitigates human rights impacts in their own operations and supply chain.</p>	<p><b>3 ACCESS TO REMEDY</b></p> <p><b>OUTCOME:</b> Supplier provides remediation when identified they have caused or contributed to a negative human rights impact.</p>
<p><b>4 BUILDING CAPABILITIES</b></p> <p><b>OUTCOME:</b> Supplier has the capability and capacity to manage human rights and ethical trade within the M&amp;S Food supply chain</p>	<p><b>5 WORKING IN PARTNERSHIP TO TACKLE ENDEMIC ISSUES</b></p> <p><b>OUTCOME:</b> Endemic issues are tackled by working in partnerships with other suppliers, industry, NGOs and stakeholders.</p>	<p><b>6 RESPONSIBLE PURCHASING PRACTICES</b></p> <p><b>OUTCOME:</b> M&amp;S FOOD behaviours support our supply base, and suppliers' behaviours support suppliers' supply chain in upholding the M&amp;S Food Human Rights Standards.</p>

## HUMAN RIGHTS DUE DILIGENCE

**Pillar 2** of our standard aims to ensure that “suppliers prevent, manage and mitigate human rights impacts in their own operations and supply chain”. Suppliers must have their own human rights due diligence processes in place and a plan for this must be achieved through steps including:

- 1** Assessing actual and potential human rights risks,
- 2** Identifying key hotspots and areas of risk linked to specific product or supply chain issues,
- 3** Developing an action plan for mitigating risks and if relevant remediating workers,
- 4** Monitoring and reviewing action plans.

Suppliers must conduct human rights raw material risk assessments including supply chain mapping on key high risk ingredients. This will be checked as part of the M&S Food Integrity audit.

Nominated suppliers must present their HRDD process and plan for their company on an annual basis to their category and the ethical team for review. Nominated suppliers will need to agree their human rights priority area/s of focus within their Joint Business Plan and this/these will be reviewed on an annual basis with the category. This/these priority area/s might be part of a larger industry initiative and be in partnership with M&S Food.

## REMEDY

**Pillar 3** of our standard aims to ensure that “suppliers provide remedy when identified that they have caused or contributed (through action or inaction) to a negative human rights impact.” Suppliers must:

- 1** Establish or participate in an effective operational grievance mechanism,
- 2** Establish response plans and remediation policies to respond to severe human rights issues,
- 3** Protect workers from any form of reprisals and ensure that there is no retribution in relation to any grievance raised,
- 4** Actively engage in bringing about remediation, working alone or in cooperation with other actors where a negative human rights impact has been identified.

## HOW TO USE THIS GUIDANCE



### DEFINITIONS

#### What do we mean by human rights and human rights due diligence?

M&S have developed this guidance in line with the UN Guiding Principles on Business and Human Rights (UNGPs).

The UNGPs state that businesses should respect human rights and should avoid infringing on the human rights of others and address adverse human rights impacts with which they are involved. The UNGPs *do not provide a specific list of what human rights should be respected* but require businesses to respect the “entire spectrum of internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO’s Declaration on Fundamental Principles and Rights at Work<sup>2</sup>.” For details see [Appendix I](#).

The UNGPs provide a **blueprint** for companies to manage the risk of having an adverse impact on human rights. They require businesses to carry out human rights due diligence in order to “identify, prevent, mitigate and account for how they address their adverse human rights impacts<sup>3</sup>. Human rights due diligence aims to prevent and mitigate potential human rights impacts in which a business might be involved. Remediation aims to put right any actual human rights impacts that an enterprise causes or contributes to. The two processes are separate but interrelated.

The ETI defines human rights due diligence as “the action taken by a company to both identify and act upon actual and potential risks for workers in its operations, supply chains and the services it uses<sup>4</sup>. Businesses need an ongoing management process that covers adverse human rights impacts a business may cause or contribute to or which may be linked to its business relationships. According to the UNGPs, the process should include:

- **Assessing** actual and potential human rights impacts
- **Integrating** and **acting** upon the findings
- **Tracking responses**, and;
- **Communicating** how **impacts** are addressed.

The UNGPs provide a blueprint for companies to manage the risk of having an adverse impact on human rights.

The process adopted will vary in complexity depending on the size, operating context, nature and risks associated with the business<sup>5</sup>. However, the key elements of human rights due diligence described above, when taken together with remediation processes, will enable a business to “know and show” that it is respecting human rights in practice.



#### ENGAGEMENT

You can find a case study of on the HRDD approaches adopted by Adidas and Unilever and their successes in changing the way both businesses have tackled human rights risks [here](#).

#### What do we mean by “adverse human rights impacts”?

An “adverse human rights impact” occurs when an action reduces or removes someone’s ability to enjoy their human rights. Vulnerable individuals or groups often face a higher risk of being exposed to adverse impacts and may need particular attention when you are identifying risks. Examples can include children, women, indigenous people, ethnic and other minorities, migrant workers or people with disabilities<sup>6</sup>.

#### What do we mean by “severe human rights violations”?

According to the UNGPs, there is no uniform definition of severe human rights violations in international law, however the following practices would generally be included: genocide, slavery and slavery-like practices<sup>7</sup>, summary or arbitrary executions, torture, enforced disappearances, arbitrary and prolonged detention, and systematic discrimination. In the workplace, severe human rights violations would include any illegal activity, forced labour, child labour, infringements of health and safety requirements that threaten life or limb, physical punishment of workers or illegal workers. Other kinds of human rights violations, including of economic, social and cultural rights, can also count as gross violations if they are grave and systematic, for example violations taking place on a large scale or targeted at particular population groups<sup>8</sup>.

<sup>2</sup> <https://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>

<sup>3</sup> <https://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>

<sup>4</sup> [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/eti\\_human\\_rights\\_due\\_diligence\\_framework.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/eti_human_rights_due_diligence_framework.pdf)

<sup>5</sup> <https://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>

<sup>6</sup> Shift-SER Workshop Report- Business and Human Rights Impacts ([shiftproject.org](https://shiftproject.org))

<sup>7</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603470/EXPO\\_STU\(2018\)603470\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/603470/EXPO_STU(2018)603470_EN.pdf)

<sup>8</sup> <https://www.ohchr.org/Documents/Issues/Business/RtRInterpretativeGuide.pdf>

## HOW TO USE THIS GUIDANCE



### WHICH PARTS OF MY SUPPLY CHAIN DOES THIS GUIDANCE APPLY TO?

As you work through the guidance you will see that its initial focus is on identifying, acting and remedying human rights impacts in your own operations. This guidance, in line with the UK Modern Slavery Act and the UNGPs, also expects you to identify and act on human rights impacts that are linked to your suppliers, labour providers, service providers, contractors and sub-contractors (collectively referred to as “suppliers”). It recommends you start with high-risk suppliers in your Tier 1 and proposes working with key raw material suppliers in certain areas. However, your business may be able to work with all your Tier 1 suppliers and you may already be working with your Tier 2, 3 or 4 suppliers. Where you are able to work with suppliers further along your supply chains you should do so. The process of remediation should start where your company has caused or contributed to human rights impacts, which is most likely to be in relation to your own operations or your Tier 1 suppliers. However, you may need to use your leverage to ensure adverse human rights impacts are remedied further along the supply chain.

### HOW TO USE THIS GUIDANCE

We have written this guidance to help you develop a human rights due diligence and remediation process for your business. We recognise that the approach you take to both of these areas will differ depending on the human rights risks faced by your business and its supply chains and your approach to tackling those risks. The guidance which follows provides principles, guidance, tools and templates, case studies and further information to shape your work.

### SCOPE

This guidance aims to:

- Support suppliers to understand what human rights due diligence and remediation are and why companies should implement HRDD and remediation
- Provide step-by-step guidance on how suppliers can develop and implement HRDD and remediation in their own operations and their supply chains
- Provide case studies from M&S's own suppliers and learning from other businesses about how to implement human rights due diligence and remediation
- Signpost tools, templates and examples to support HRDD and remediation
- Empower our suppliers to be responsible for their own HRDD and remediation

### HOW HAVE WE DEVELOPED THIS GUIDANCE?

This guidance draws on more than 30 international frameworks, toolkits, reports and documents (listed in Appendix III) presented in accessible language which we hope will help you to check the approach you have taken to date and fill any gaps which exist in your approach. Each section has been developed with the input of M&S suppliers and case studies have been provided from the M&S supply base and external sources. Wherever possible, we have tried to avoid using jargon and theoretical terms – in some cases we have had to use terms like “mitigation”, “remediation” or “severe human rights violations” because they are so widely used but in each case we have defined what we mean by these terms.

### HOW DOES THIS GUIDANCE LINK IN WITH M&S GLOBAL SOURCING PRINCIPLES, THE ETI BASE CODE, SEDEX AND OTHER HRDD GUIDANCE?

For M&S, the ETI Base Code is built into our Global Sourcing Principles which set out the minimum labour standards which we expect our suppliers to meet in their operations and supply chains. We require our suppliers to share evidence of their compliance with our Global Sourcing Principles using the SEDEX Self-Assessment Questionnaire (SAQ) and third-party audits where required by our M&S Food Human Rights Standard.

This guidance aims to help suppliers to move beyond compliance. It explains **HOW** you go about making sure our Global Sourcing Principles are adhered to in your own operations and your supply chains and the steps you need to take, which may include using SAQs and audits, to identify and tackle adverse human rights risks.

We recognise that other guidance documents on HRDD exist, for example the [ETI's human rights due diligence framework](#) or the [RISE Roadmap for improving Seafood Ethics](#). We encourage suppliers to use all these documents as points of reference in developing your own approach to HRDD.

## HOW TO USE THIS GUIDANCE



### IS THIS GUIDANCE APPLICABLE FOR ALL SUPPLIERS?

We have worked hard to make sure that this document will provide guidance for suppliers at all stages in developing their approach to HRDD. We have called these stages Foundation, Intermediate and Advanced (see our [M&S's Human Rights Due Diligence Maturity Framework](#)).



**Foundation** – you are in the early stages of developing your approach to human rights. You have made some commitments as a company and have basic policies and procedures in place, most of which are focused on your own operations.



**Intermediate** – your company is committed to human rights, understands what your risks and priorities are for your own operations and your supply chains and invests in resources to prevent and reduce those risks.



**Advanced** – your human rights approach is led by your board and you are making progress in preventing, reducing and remedying risks in your own operations and your supply chains.



**SMEs** – we have highlighted in each section steps that are appropriate for Small to Medium Sized Enterprise (SMEs) or companies that have assessed themselves as “Below Foundation” which may not yet have sufficient resources, experience and expertise to complete the recommended actions.

“If you are open to the ideas in the guidance and patient about the time it will take to implement your HRDD approach you will see the benefits of using this guidance and the tools and templates it contains.”

### MINDSET AND APPROACH

Before we leave you to read through the relevant sections of the guidance, we would like you to think about the mindset you need to develop your approach to human rights. We encourage you to:



**Read this document with an open mind** – don't worry about your ability to do everything in this document, rather think about what is applicable for your business, what you can do in the short-term and what you could commit to do in the longer-term.



**Bring in others' point of view** – think about the issues you identify and the steps you decide to take from different perspectives, whether that be that of a colleague, a worker in your supply chain or a supplier.



**Be flexible** – recognise that the steps you take may not be right first time but you will learn from them and you can take what you learn into what you do next.



**Be patient** – understand that you are in this for the long-term and don't be frustrated by the challenges of the task and the time that it will take. Know that with dedication and hard work you will make progress even with the most challenging of areas.



**Be innovative** – take this document as a guide and have confidence in doing things your own way. Ask yourself “How can I make this applicable to my business?” or “Is there a way to do this even better?”<sup>9</sup>



**Be action-oriented** – work out what you want to achieve and develop an action plan with goals broken down into tasks with timelines and resources.



**Ask for help** – don't be afraid to ask M&S or another supplier for help – be reassured that there is always someone who has faced a similar challenge to you.

# SECTION A:

## Where should I start?



# SECTION A:

## Where should I start?

We recommend that you start by doing three things that will help you to determine the scope of your human rights due diligence approach. First, identify the human rights that your business could impact. Second, map your stakeholders. And third, assess how advanced your company's approach to HRDD currently is and what key gaps you need to address.

### 1 IDENTIFY THE HUMAN RIGHTS YOUR BUSINESS COULD IMPACT

Read the list of human rights outlined in Appendix I and **decide which adverse human rights impacts your business could “cause”, “contribute” or be “linked” to**. You will need to think about this in relation to your own operations and your supply chains. Use the table on the right, shown with examples, to help you to do this. You may decide that some human rights, for example the right to a fair trial or the right of detained persons to fair treatment, are not applicable to your business.

**SMEs** Advice for smaller organisations on where to start  
If your business is an SME or you have assessed yourself as Below Foundation, you could use the human rights outlined in the M&S Global Sourcing Principles as your starting point and skip this step.

#### “CAUSE”, “CONTRIBUTE” OR “LINKED” TO?

UN Guiding Principle 13 requires businesses to consider how they may be involved in adverse human rights impact<sup>10</sup>:

- a** A business may **cause** the impact through its own activities e.g. on its own sites
- b** It may **contribute** to the impact through its own activities e.g. through sourcing decisions, contractual relationships or lobbying
- c** It may be involved because the impact is caused by an organisation with which it has a business relationship (contractual and non-contractual) and is **linked** to its own operations, products or services e.g. a supplier or sub-contractor.

See [Section B3](#) for further information on cause, contribute and linked to.

#### Example of assessment of which human rights are relevant to your business<sup>11</sup>

Human right	Could my business have CAUSED these rights to be violated?	Could my business have CONTRIBUTED to these rights being violated?	Could my business be LINKED to violations of these rights?
<b>Right to life</b>	Y – Poor health and safety in own operations leading to loss of life	Y – Sourcing decisions made which result in loss of life in supply chains	Y – Loss of life in suppliers' or service providers' workplaces
<b>Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment</b>	Y – Workplace bullying and harassment in own operations	Y – Changing product requirements at the last minute without adjusting deadlines and prices thus pushing suppliers to verbally abuse workers in order to meet deadlines	Y – Workplace bullying and harassment in supply chains
<b>Right not to be subjected to slavery, servitude or forced labour</b>	Y – Using forced labour in own sites	Y – Negotiating a price for products which does not cover the suppliers' cost of production and results in the use of forced labour	Y – Suppliers or service providers sub-contracting production to companies who use illegal prison labour
<b>Right to freedom of movement</b>	Y – Keeping workers' passports locked in a safe without their permission	Y – No or poor due diligence of suppliers locking workers into accommodation on site	Y – Suppliers or service providers using state visa bonded labour schemes
<b>Right to recognition as a person before the law</b>	Y – Use of undocumented migrant labour in own operations	Y – Use of undocumented migrant labour in supply chain as a result of sourcing decisions	Y – Use of undocumented migrant labour supply chains
<b>Right to privacy</b>	Y – Failing to adequately protect personal details of workers in own operations	N/A	N/A
<b>Rights to freedom of thought, conscience and religion</b>	Y – Failure to allow religious observances on own sites	N/A	Y – Failure to allow religious observances in supply chain
<b>Right to freedom of assembly</b>	Y – Not allowing trade unions on site to meet	Y – Not promoting worker representation and trade unions to suppliers	Y – Suppliers or service providers who do not allow trade unions to meet with workers
<b>Right to freedom of association</b>	Y – Your company or one of its wholly owned subsidiaries posting notices in the workplace threatening retaliation against workers who join a union	Y – Encouraging a supplier facing strikes to threaten retaliation against workers who are members of a union in order to ensure prompt delivery of your order from the supplier	Y – Suppliers do not promote workers right to join trade unions

You can find additional support on what each of the rights listed in Appendix I are and how businesses may impact upon them [here](#).

<sup>10</sup> The UNCPs talk about “caused”, “contributed” or “directly linked” – for the purposes of this document we will talk about caused, contributed and linked to

<sup>11</sup> Adapted from <https://media.business-humanrights.org/media/documents/files/documents/Debevoise-Enodo-Practical-Meaning-of-Involvement-Draft-2017-02-09.pdf>

SECTION A: Where should I start?

2 MAP YOUR STAKEHOLDERS

Understanding who your stakeholders are is critical to defining and achieving success in your human rights due diligence approach. It allows you to understand the perspectives of those you may have an impact on which improves the quality of your analysis of human rights impacts. This will enable you to include your stakeholders' views in how you prioritise your impacts and help you to understand better how to manage your identified impacts. A 'stakeholder' is an individual, group or organisation who may affect, or be affected, by a company's activities. Stakeholders will generally be in one of three groups:

- a Individuals/groups whose human rights have been or could be affected by a company's operations or sourcing decisions** – for example workers in your own business, workers in your supply chain, communities where your operations are located or suppliers
- b Responsible organisations** – organisations responsible for affecting people and communities i.e. the company, its suppliers and contractors, labour providers or government actors
- c Other stakeholders** – for example intergovernmental organisations, non-governmental organisations, civil society organisations, academia, trade unions.


**SMEs** Advice for smaller organisations on where to start  
If your business is an SME or you have assessed yourself as Below Foundation, focus on your most immediate stakeholders – workers and managers in your own operations.

The process of mapping stakeholders needs to include the following steps:

- i Identifying:** listing relevant groups, organizations, and people – can be done during a brainstorming session with colleagues to list stakeholders in each of the three groups
- ii Analysing:** understanding stakeholder perspectives and interests – documenting what each of the group's interests are, how you know this and if you have any information gaps. Sources of information may be surveys to suppliers and workers or social audits
- iii Mapping:** visualizing relationships between stakeholders – drawing how the interests of different groups are linked into each other
- iv Prioritizing:** ranking stakeholder relevance and identifying issues – determining which of your stakeholders are most important to your business and which of their issues you need to focus on.

Use the table on the following page, shown with examples, to help you to do this.

Mapping your stakeholders is the first step in an ongoing process of gathering information from stakeholders. You should aim to include the views of workers, colleagues and suppliers in developing your risk assessment and preventing and mitigating your human rights impacts and in the information you use to track the effectiveness of your human rights due diligence approach. If you have sufficient time and resources, you should also identify potential contacts in government, civil society and trade unions who could provide useful input on your HRDD activities.

 **ENGAGEMENT**  
More guidance on Stakeholder Identification and Management Tools is available to members of CIPS [here](#).

NOTES

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“ Understanding who your stakeholders are allows you to improve the quality of your analysis of human rights impact. ”



## SECTION A: Where should I start?

### 2 MAP YOUR STAKEHOLDERS





#### EXAMPLE of assessment of mapping of stakeholders and their interests

Relevant stakeholders	Stakeholders perspectives and interests	Relationships with other stakeholders	Priority interests? High/Medium/Low
<b>Workers in own operations (e.g. UK)</b>	<ul style="list-style-type: none"> <li>Consistency of working hours</li> <li>Cleanliness of site and facilities</li> <li>Maintenance of accommodation</li> <li>Payment of holiday pay</li> <li>Ability to raise concerns</li> </ul>	<ul style="list-style-type: none"> <li>Supervisors</li> <li>Managers</li> <li>Labour agencies</li> </ul>	<b>High</b> – all issues
<b>Workers in supply chain (e.g. Kenya)</b>	<ul style="list-style-type: none"> <li>Consistency of contracts and pay</li> <li>Childcare facilities on site</li> <li>Ability to take annual leave</li> <li>Development opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Supervisors</li> <li>Managers</li> <li>Recruitment agencies</li> </ul>	<b>Medium</b> – contracts, working hours versus take-home pay, access to leave
<b>Ethical trade team</b>	<ul style="list-style-type: none"> <li>Transparency of supply chains</li> <li>Supplier engagement in human rights</li> <li>Supplier evidence of compliance</li> <li>Reducing the likelihood of forced labour in supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Suppliers</li> <li>Customers ethical trade/human rights/responsible sourcing teams</li> </ul>	<b>High</b> – establishing sound due diligence approach and measuring the effectiveness of the approach
<b>Human resources</b>	<ul style="list-style-type: none"> <li>Supporting and ensuring workers' wellbeing</li> <li>Attracting and retaining workers</li> <li>Building skills and competencies</li> <li>Effective communication between managers and workers</li> <li>Encouraging workers to raise grievances</li> <li>Managing organisations through change and uncertainty</li> </ul>	<ul style="list-style-type: none"> <li>Workers in own operations</li> <li>Labour providers</li> </ul>	<b>High</b>
<b>Technical &amp; Procurement teams</b>	<ul style="list-style-type: none"> <li>Quality of product</li> <li>Compliance with Codes of Conduct</li> <li>Product margin</li> <li>Security of supply</li> </ul>	<ul style="list-style-type: none"> <li>Ethical trade team</li> <li>Human resources team</li> <li>Procurement teams</li> <li>Technical teams</li> </ul>	<b>Medium</b>
<b>Labour agencies</b>			
<b>Customers</b>			
<b>Government</b>			
<b>Non-governmental organisations/ Civil Society/Community</b>			

SECTION A:  
Where should I start?**3 ASSESS HOW ADVANCED YOUR BUSINESS IS ALREADY AND WHAT STEPS YOU  
NEED TO TAKE TO DEVELOP YOUR APPROACH TO HUMAN RIGHTS DUE DILIGENCE?**

The guidance which follows is framed around companies being at Foundation, Intermediate or Advanced level. The framework below, based on the [IASC modern slavery maturity framework 2020](#) and the [Consumer Goods Forum Maturity Journey Framework 2020](#), should help you work out how advanced your approach to human rights currently is and what steps you need to take to develop your approach to human rights due diligence:

**M&S's Human Rights Due Diligence Maturity Framework**

 <b>BELOW FOUNDATION</b>	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE
<ul style="list-style-type: none"> <li><input type="checkbox"/> No/minimal senior level commitment to human rights</li> <li><input type="checkbox"/> No ethical trade/human rights policies</li> <li><input type="checkbox"/> No/limited mapping of supply chains</li> <li><input type="checkbox"/> No staff leading work on ethical trade/human rights</li> <li><input type="checkbox"/> Staff have no/minimal awareness of human rights</li> <li><input type="checkbox"/> Purchasing practices do not include ethical trade requirements or performance</li> <li><input type="checkbox"/> Sole reliance on ethical audits</li> <li><input type="checkbox"/> No grievance mechanisms</li> <li><input type="checkbox"/> No protocol for dealing with severe human rights violations</li> <li><input type="checkbox"/> No measurement of information about workers in own operations or supply chain</li> <li><input type="checkbox"/> No public reporting of HRDD approach.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Business commitment to human rights outlined in basic policies</li> <li><input type="checkbox"/> Ethical Trade policy and Supplier Code of Conduct shared with suppliers</li> <li><input type="checkbox"/> An individual leads work on ethical trade/human rights</li> <li><input type="checkbox"/> Relevant staff have basic human rights awareness and know how to identify and report human rights risks</li> <li><input type="checkbox"/> Ethical trade/human rights referred to in Terms and Conditions and at tendering stage</li> <li><input type="checkbox"/> Basic risk assessment developed to identify areas of high risk in your own operations and supply chains</li> <li><input type="checkbox"/> Risks are verified using self-assessment questionnaires and audits of own sites and labour providers</li> <li><input type="checkbox"/> Own operations are prioritised</li> <li><input type="checkbox"/> Steps to prevent or reduce risks start with your own operations; labour and service providers</li> <li><input type="checkbox"/> Positive attitude towards worker committees and trade unions promoted</li> <li><input type="checkbox"/> Informal grievance mechanisms and whistleblowing mechanisms in place in own operations</li> <li><input type="checkbox"/> Basic response plan developed for how you would deal with severe human rights violations in your own operations</li> <li><input type="checkbox"/> Basic steps for remedying situations of forced labour in your own operations written down and communicated to relevant staff</li> <li><input type="checkbox"/> Monitoring information collected about awareness raising, training and working practices in your own organisation</li> <li><input type="checkbox"/> Legal reporting requirements met and progress communicated to workers, managers and suppliers.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Public commitments made to human rights, referencing international standards</li> <li><input type="checkbox"/> Business has clear short- and medium-term human rights objectives</li> <li><input type="checkbox"/> Senior manager/s accountable for HRDD approach. Operational lead/s responsible for HRDD implementation</li> <li><input type="checkbox"/> Relevant staff including senior managers and operational leads receive human rights training</li> <li><input type="checkbox"/> Your Tier 1 suppliers' human rights approach is considered as part of procurement decisions</li> <li><input type="checkbox"/> Detailed risk assessment of own operations (including views of workers and their representatives) and of supply chain starting with Tier 1 and key raw materials</li> <li><input type="checkbox"/> Risks in supply chain are verified using third party audits and information gathered from workers</li> <li><input type="checkbox"/> Steps to prevent or reduce risks implemented with your high-risk Tier 1 suppliers</li> <li><input type="checkbox"/> Effective worker representation promoted in own operations and supply chains</li> <li><input type="checkbox"/> Formal grievance mechanisms and whistleblowing hotlines in place in own operations and your high-risk Tier 1 suppliers</li> <li><input type="checkbox"/> Tier 1 suppliers and labour providers encouraged to develop response plans for severe human rights violations</li> <li><input type="checkbox"/> Remediation plan for severe human rights violations in own operations developed</li> <li><input type="checkbox"/> Information monitored is expanded and broadened to include outputs and working practices in your high-risk Tier 1 supply chains</li> <li><input type="checkbox"/> Public facing report developed which summarises your work on human rights.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Board owns the development of business's human rights due diligence approach</li> <li><input type="checkbox"/> Board Champion in place for human rights</li> <li><input type="checkbox"/> High-risk suppliers HRDD approach considered as significant part of procurement decisions</li> <li><input type="checkbox"/> Procurement decisions factor in the true cost of labour</li> <li><input type="checkbox"/> Risk assessment covers all suppliers and takes into account views of key stakeholders and local and global risks including climate change</li> <li><input type="checkbox"/> Tier 1 suppliers encouraged to put together their own risk assessments and verify these risks</li> <li><input type="checkbox"/> Tools such as human rights impact assessments used to understand root causes of adverse human rights impacts</li> <li><input type="checkbox"/> Steps to prevent or reduce risks implemented with key raw material suppliers</li> <li><input type="checkbox"/> Your high-risk suppliers are supported to prevent or reduce human rights risks</li> <li><input type="checkbox"/> Meaningful participation and representation of women and minority groups promoted in worker committees and trade unions</li> <li><input type="checkbox"/> Effectiveness of grievance mechanisms with workers in your own operations and high-risk Tier 1 supply chains evaluated and any gaps addressed</li> <li><input type="checkbox"/> Commitment made to the Employer Pays Principle in own operations</li> <li><input type="checkbox"/> Feedback gathered from suppliers on impact of your company's sourcing decisions</li> <li><input type="checkbox"/> Tier 1 suppliers encouraged to develop remediation policies</li> <li><input type="checkbox"/> Key raw material suppliers encouraged to develop response plans for severe human rights violations</li> <li><input type="checkbox"/> Outcomes and impact of your human rights due diligence approach measured and evaluated</li> <li><input type="checkbox"/> Reporting and communication promotes best practice between suppliers.</li> </ul>

## SECTION A: Where should I start?

### 3 ASSESS HOW ADVANCED YOUR BUSINESS IS ALREADY AND WHAT STEPS YOU NEED TO TAKE TO DEVELOP OUR APPROACH TO HUMAN RIGHTS DUE DILIGENCE?

#### INCLUDING CROSS-CURRENT ISSUES IN YOUR HRDD APPROACH

Your company's HRDD approach needs to focus on the human rights risks most relevant to your business. However for Intermediate and Advanced businesses we would also encourage you to build diversity and inclusion, gender and climate change into your HRDD approach. Here are some practical steps of what to include and how:

##### Diversity and inclusion and gender

The people whose human rights are impacted by your company's activities are not a homogenous group. Intersecting and multiple forms of discrimination mean that women, migrant workers, disabled workers, indigenous and minority ethnic workers experience adverse impacts differently and disproportionately and may also face additional barriers in seeking to access effective remedies<sup>12</sup>. The UNGPs include a general principle of non-discrimination and emphasise the need for companies to:

- Bear in mind the different risks faced by women and men when identifying any adverse human rights risks
- Consider how the views of groups subject to discrimination can be captured through stakeholder mapping, when assessing adverse human rights risks and when drawing up action plans to address risks
- Track the effectiveness of companies' human rights due diligence approaches for groups who are subject to discrimination.

Throughout this guidance, we have aimed to identify tools and resources that will support you to integrate diversity and inclusion and gender into your human rights due diligence approach.



##### ENGAGEMENT

More guidance on diversity, inclusion and gender can be found here:

- [OECD Guidance on integrating gender into Human Rights Due Diligence](#) (Page 41)
- [UN Human Rights Council Gender dimensions of the Guiding Principles on Business and Human Rights](#)
- [BSR Making Women Workers Count A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains](#)
- [UN Women's Empowerment Principles Gender Gap Analysis Tool](#)

##### Climate change and links to human rights

There is growing recognition that climate change impacts will have a significant effect on communities across the globe<sup>13</sup>. The Paris Agreement acknowledged the human rights dimensions of climate change and emphasised the need to address inequalities as part of the response to climate change. Your approach to human rights due diligence should:

- Ensure your company's policies acknowledge the link between climate change and human rights
- Identify the countries and/or sectors in your supply chain where climate change will have the most significant impact e.g. through changes in production for farmers, reduced work opportunities or increases in migration leading to labour exploitation risks
- Identify the actions you are able to take with suppliers, farmers and growers who are more likely to be impacted by climate change to reduce that impact or to support them to adapt how or even what they produce
- Consider how actions your business is taking to move towards low- or zero-carbon production may have an impact on workers' jobs and livelihoods. For more information, see the [Just Transition Framework](#)
- Accept that your company's own operations may cause human rights impacts, e.g. through direct GHG emissions, which will require remedy.



##### ENGAGEMENT

You can read more on why climate change and human rights are a business issue [here](#).

#### NOTES

<sup>12</sup> A/HRC/41/43 (business-humanrights.org)

<sup>13</sup> [https://www.ihrb.org/uploads/briefings/IHRB%2C\\_Connecting\\_the\\_Climate\\_Change\\_and\\_BHR\\_Agendas%2C\\_Dec2020.pdf](https://www.ihrb.org/uploads/briefings/IHRB%2C_Connecting_the_Climate_Change_and_BHR_Agendas%2C_Dec2020.pdf)

## SECTION A: Where should I start?

### 4 WHAT DO I DO NEXT?

You should now have a list of human rights which your business is planning to focus on, a map of the stakeholders interests you need to address and a basic assessment of how advanced your current approach is and what gaps you have. The template below will support you to document this:

Which human rights could our business impact on?	Cause	Contribute	Linked to
Which stakeholders' interests do we need to prioritise?	High	Medium	Low
How advanced is our current human rights approach?	What areas do we need to focus on to move up to the next level?		
<b>Below Foundation/Foundation/Intermediate/Advanced</b>	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>		

Your next step should now be to work through the sections which follow to consider what your business needs to do to establish the Foundation steps for each of the following areas and/or move from Foundation to Intermediate and Advanced.

- Ensure your company has the right policies and governance in place to implement an effective human rights approach
- Understand in detail the impact your business has on human rights
- Prevent and manage adverse human rights impacts
- Track your performance
- Communicate that performance; and
- Remediate any adverse human rights.

#### **SMEs** Advice for smaller organisations on where to start

If your business is an SME, focus on the SME column in each of the following sections for the steps which are relevant to you. Companies which have assessed themselves as “Below Foundation” should focus on the actions required to reach Foundation level or above.

“Remember that developing an approach to human rights due diligence needs to be an ongoing process that recognises the changing world in which any company operates.”

# SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach



# SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

### 1 ESTABLISHING YOUR FOUNDATIONS: COMMITMENTS AND GOVERNANCE



#### A. WHAT IS IT?

Making a **commitment** to respect human rights generally starts with developing policies that are then turned into procedures. Your **governance** model for human rights will determine how those commitments are shared across the organisation – how senior leaders get involved with issues, what resources are in place to identify and manage human rights risks and how all staff in the organisation are involved in the company's approach.

##### This section covers:

- The commitments a company makes about human rights
- The specific policies a company has in place to address human rights issues
- How a company shows that human rights are important through the involvement of board members, senior managers and staff across the organisation
- What internal expertise you should have to manage your HRDD approach
- How staff should be trained and engaged
- How human rights should be factored into purchasing practices



#### B. WHY DO IT?

Commitments to human rights should start at board level in order to show that operating sustainably is important to your business and to make sure human rights are taken seriously by everyone in the business.

Putting your commitments down on paper makes it clear to everyone who works for, and with, the company what human rights the business is looking to respect and how it will work to identify and act upon any violations of human rights. These commitments can be made public via your website once you have enough confidence to do so and restated in your annual report if you have one.



##### ENGAGEMENT

You can WATCH a number of companies talking about how they have developed their human rights policy commitments [here](#).



#### LEARNING FROM OTHERS: Making the business case

Whether you are at the start of developing your HRDD approach or you've been working on this for years, you will face challenges in getting senior leaders or colleagues interested in human rights, especially when businesses have so many competing priorities many of which are easier to market than human rights.

What can you do to overcome this challenge? Consider going back to basics and sharing relevant stories about human rights violations from the media, for example cases of [forced labour in the UK](#), [workers who don't get paid the wages they have earned in Spain](#) or [the poor treatment of migrant workers in Thailand](#). Talk about the reputational risks that these human rights risks pose to your business and explain how expectations that you are operating ethically are increasing with governments, investors & customers. Share the positives as well – that could be the benefits of operating ethically and examples from your own business. Examples might be improvements that have been made in your own operations to working conditions or examples of suppliers who have invested in their workforce and seen financial benefits as well as benefits for workers. Share videos that show workers' experiences and ask senior leaders and colleagues to think about whether your business is currently equipped to manage human rights risks and promote good working conditions and, if not, what changes need to be made.

**Consider sharing positive and negative media stories**  
with senior leaders and colleagues







“Putting your commitments down on paper makes it clear to everyone who works for, and with, the company what human rights the business is looking to respect.”

SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

1 ESTABLISHING YOUR FOUNDATIONS: COMMITMENTS AND GOVERNANCE

**C. WHAT DO YOU NEED TO DO?**





	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Commitments</b>	<ul style="list-style-type: none"> <li>Board/senior managers have made a commitment to respect workers' rights and agreed to work to the <a href="#">ETI Base Code</a> or similar in your own operations and supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Business has defined your company's human rights objectives</li> <li>Commitment has been made to implement effective human rights due diligence</li> <li>Commitments extend to raw materials and high risk Goods Not for Resale including promotional items, packaging, waste and recycling, warehousing and logistics and services</li> </ul>	<ul style="list-style-type: none"> <li>Board owns your company's human rights due diligence approach</li> <li>Ethical trade/human rights approach is integrated into your company's sustainability plans</li> <li>Commitments extend to all products and services procured including IT, construction etc.</li> <li>A commitment has been made to measure and report the impact of your human rights due diligence approach on workers in your own operations and supply chain</li> </ul>	<ul style="list-style-type: none"> <li>Company has committed to meet the requirements of the <a href="#">ETI Base Code</a> or similar</li> </ul>
<b>Policies</b>	<ul style="list-style-type: none"> <li>Ethical trade/human rights policy in place which includes forced labour</li> <li>Supplier Code of Conduct sets out minimum expectations of suppliers</li> </ul>	<ul style="list-style-type: none"> <li>Policy commitments reference the UNCPs, <a href="#">Sustainable Development Goals</a> (in particular Goal 8) and other international best practice</li> <li>Policy commitment is made public</li> <li>Additional policies are introduced to reflect risks relevant to your operations and/or your supply chain e.g. migrant worker policy, child labour policy</li> <li>Remediation policy and procedure developed (see <a href="#">Section 4D</a> for more details)</li> <li>Encourage high-risk suppliers in your Tier 1 to develop human rights policies</li> </ul>	<ul style="list-style-type: none"> <li>Review whether your policies are directly or indirectly discriminatory towards particular groups and address any issues identified</li> <li>Consider transforming your Supplier Code of Conduct into a Supplier Charter that explains how your business will behave as a buyer, and what you expect from suppliers in return</li> <li>Help more of your suppliers, for example all of your Tier 1 suppliers and/or key raw material suppliers, to develop human rights policies</li> </ul>	<ul style="list-style-type: none"> <li>Company has a written ethical trade policy</li> </ul>
<b>Day to day responsibility for human rights</b>	<ul style="list-style-type: none"> <li>An individual leads your company's work on ethical trade/human rights</li> <li>Resource has been allocated to support your company to develop a human rights due diligence approach</li> <li>Human resource teams are responsible for putting in place operational processes and procedures to manage workers' rights on your own site/s, including checks for forced labour</li> </ul>	<ul style="list-style-type: none"> <li>A senior manager is accountable for your HRDD approach</li> <li>Operational lead/s are responsible for the implementation of your HRDD approach, ideally a cross-functional team</li> <li>A "<a href="#">Human rights Champion</a>" model has been considered to raise awareness with all staff about human rights</li> <li>Resources (people and budget) meet the scale of the human rights risks you have identified</li> </ul>	<ul style="list-style-type: none"> <li>Board champion for human rights in place</li> <li>Human rights are discussed regularly at board/senior manager level</li> <li>Respect for human rights is built into the culture of the organisation e.g. through performance reviews</li> <li>Operational leads and senior managers at individual sites are responsible for the implementation of your human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>Business owners and senior managers are responsible for ensuring national laws and the requirements of the ETI Base Code are met</li> </ul>
<b>Training and internal engagement</b>	<ul style="list-style-type: none"> <li>Relevant staff, including board members/senior managers, procurement, technical, operations and human resources understand your company's human rights policies, have been made aware of human rights risks and know what to do if they come across risks in your operations or supply chains</li> <li>Staff are encouraged to identify and report human rights risks</li> </ul>	<ul style="list-style-type: none"> <li>All staff are made aware of your company's human rights policies</li> <li>Relevant staff, including senior managers and operational leads, receive human rights training</li> <li>Relevant staff are involved in the process of defining the company's human rights risks and mitigating actions</li> <li>Progress on human rights commitments is reported regularly to relevant staff and managers</li> <li>Regular reports on human rights risks to board/senior managers</li> </ul>	<ul style="list-style-type: none"> <li>Regular reports to board/senior managers on specific human rights impacts and how they are being prevented or reduced in your supply chain</li> </ul>	<ul style="list-style-type: none"> <li>Relevant staff, including owners and senior managers have attended externally provided ethical trade/human rights training</li> </ul>

SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

1 ESTABLISHING YOUR FOUNDATIONS: COMMITMENTS AND GOVERNANCE

**C. WHAT DO YOU NEED TO DO? (continued)**

	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Purchasing practices</b>	<ul style="list-style-type: none"> <li>Ethical trade/human rights requirements referred to in your Terms and Conditions</li> <li>Ethical trade/human rights requirements are communicated to new and existing suppliers in your Tier 1</li> <li>New suppliers required to show compliance with human rights policies when tendering for business</li> <li>Existing suppliers required to show compliance with ETI Base Code or similar and continuous improvement in their approach to human rights</li> <li>Initial steps taken to improve transparency and reduce the complexity of high-risk supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Your Tier 1 suppliers' engagement and compliance with human rights standards are measured alongside commercial metrics</li> <li>The human rights due diligence approach of prospective and existing high-risk suppliers in your Tier 1 is considered as part of procurement decisions</li> <li>Ongoing plan in progress to avoid and/or reduce supply chain complexity</li> </ul>	<ul style="list-style-type: none"> <li>Your procurement decisions factor in the true cost of labour</li> <li>The HRDD approach of high-risk suppliers in your Tier 1 is considered a significant part of procurement decisions</li> <li>Encourage high-risk suppliers in your Tier 1 to include questions on human rights in their tendering documents</li> </ul>	<ul style="list-style-type: none"> <li>Ethical trade/human rights requirements are communicated to new and existing suppliers</li> <li>New suppliers required to show compliance with human rights policies when tendering for business</li> <li>Existing suppliers required to show compliance with ETI Base Code or similar rights</li> </ul>
<b>Governance</b>	<ul style="list-style-type: none"> <li>Senior managers are made aware of cases of severe human rights violations in your operations and supply chain</li> </ul>	<ul style="list-style-type: none"> <li>Most severe and systemic human rights issues are escalated to the board</li> <li>Regular reporting to the board on the effectiveness of your company's human rights due diligence</li> <li>Board periodically reviews human rights risks linked to the company's business model, business relationships and sourcing</li> <li>Human rights (on its own or as part of sustainability) is included in the objectives of all staff in organisation</li> </ul>	<ul style="list-style-type: none"> <li>Board periodically review the actions being taken to prevent and mitigate human rights risks</li> <li>Incentives for board and sourcing staff are aligned with your HRDD approach</li> </ul>	N/A
<b>External engagement</b>	<ul style="list-style-type: none"> <li>Local government and charity contacts identified for support on cases of forced labour in own operations</li> </ul>	<ul style="list-style-type: none"> <li>Regular contact made by operational lead/s for HRDD with government and civil society organisations who can support you to deal with severe human rights violations in your own operations and high-risk supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Senior managers discuss human rights risks publicly and at external meetings</li> <li>Board/senior managers periodically review and support company's approach for engaging with stakeholder groups on human rights including NGOs, trade unions and government</li> </ul>	N/A

 **LEARNING FROM OTHERS:**  
Policy development

Businesses developing human rights policies often struggle with where to start. Many have found that looking at other companies' approaches can be helpful – searching for policies online developed by companies in the same sector or working in the same regions can help to provide ideas on what a policy should contain and how it should be implemented. We have provided [tools and templates](#) in the resources below to help you with this.

Look at other companies' approaches 

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**D. HOW DO YOU DO IT?**

To support the implementation of your policies, you will need your board and/or senior managers to champion your human rights commitments and need them to ensure that there are people and budget allocated to support this work. Your resources and budget for human rights will need to be strengthened and maintained over time.

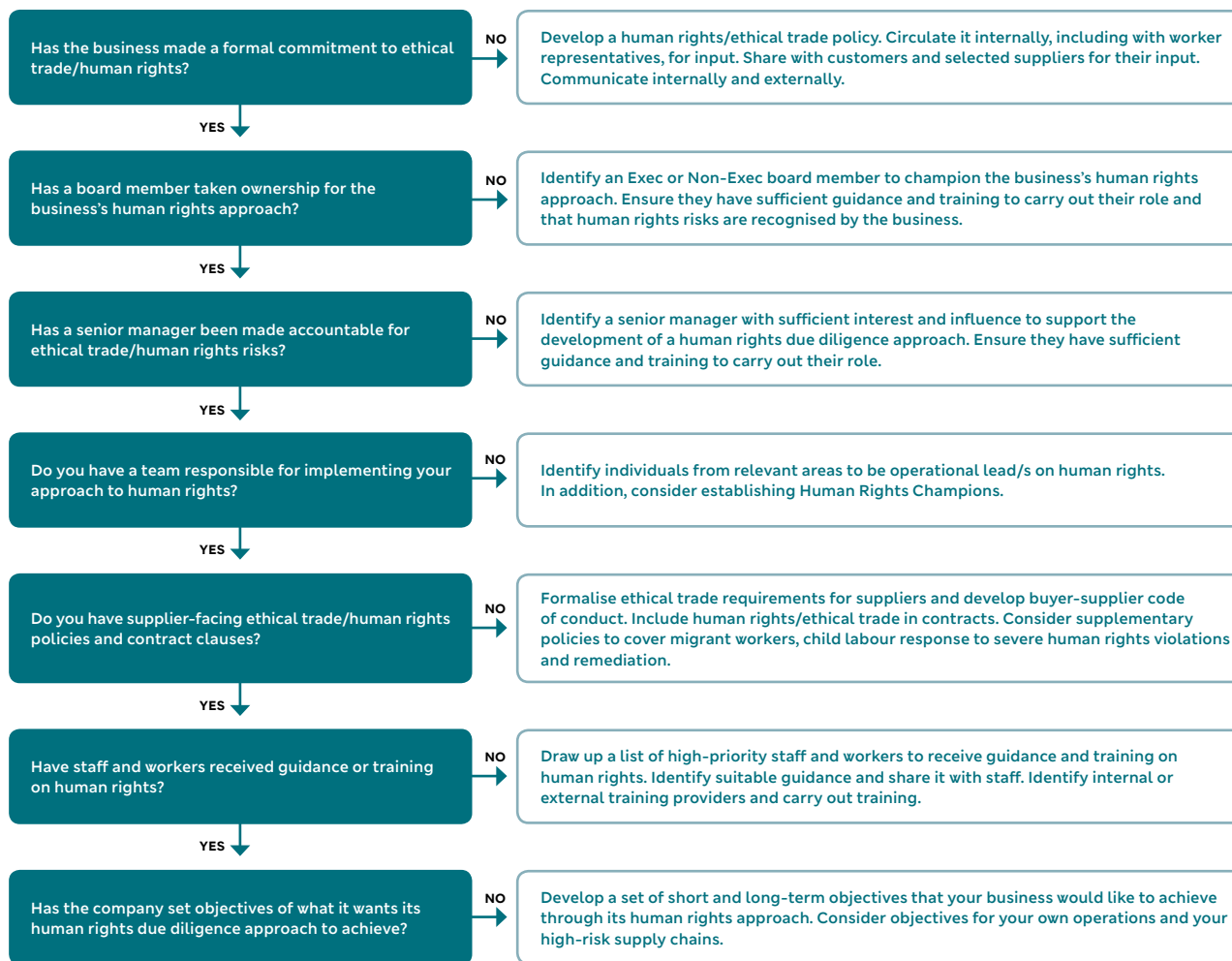
**ENGAGEMENT**

For [TOP TIPS for getting your board engaged on human rights](#), take a look at the Equality and Human Rights Commission's five step guide to engaging boards in human rights.

Initially, you may start with broad commitments to human rights which are explained in your policies. In time, you should look to make clear commitments to specific human rights issues you are going to tackle, how you are going to tackle them and what you want to achieve. This can be turned into a broader HRDD approach once you have more experience and expertise.

Think about how you can build human rights into your contracts and supplier selection. Take a look at resources from the [American Bar Counsel](#) on putting clauses into contracts to protect workers in international supply chains and from the International Bar Association on checks and screening which you can put in place when selecting suppliers.

**Process flow – establishing commitments to human rights**



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## D. HOW DO YOU DO IT? (continued)

LEARNING FROM OTHERS:  
Setting human rights due diligence objectives

Businesses developing their human rights objectives often struggle to know where to start. Many have found it easiest to start with their own operations and think about the workplace environment and culture that you want to create. These objectives can be phrased as a positive “We will provide decent work for all workers in our own operations by 20XX” or as avoidance of severe human rights risks “We will ensure there are no cases of forced labour in our sites by 20XX” or will focus on compliance with the law or customer Codes of Conduct

Many companies start by **tackling the most severe human rights risk** such as **forced labour**



“We will show compliance with all areas of the ETI Base Code in our own operations by 20XX”.

In the supply chain, objectives often become clear as companies put together their risk assessments and identify their highest risks. Many companies start with objectives that focus on providing guidance, raising awareness or training staff and suppliers or focus their objectives on their most severe human rights risk such as forced labour. Examples might include “We will aim to eradicate recruitment fees from our own operations and high-risk supply chains by 20XX” or “We will support our suppliers to implement their own approaches to identifying, preventing and mitigating adverse human rights impacts”.

SUPPLIER CASE STUDY:  
What does best practice look like?

In 2016, Bakkavor, a leading provider of fresh prepared food in the UK, began by securing board level commitment to the UN Guiding Principles Framework and developing strong policies and governance. The board received human rights training to enable them to make an informed formal commitment and to assigned responsibility for human rights both within its own operations and its supply chain.

The board agreed a governance structure, assigning overall responsibility for human rights to the Group CEO, and delegating responsibility for its own operations to the Chief People Officer and for supply chain human rights to the Chief Operating Officer UK.

An additional step to bring non-executives onto the board with an interest in human rights has also helped to raise the issue on the board’s agenda.

Below board level, the internal Ethical Trade Team takes responsibility for developing the Human Rights and Ethical Trade Programme for its own operations and reports directly into the Chief People Officer. The Responsible Sourcing Steering Group takes responsibility for implementing the

company’s approach to the supply chain including environmental risks, raw material integrity and human rights and develops its supplier code of practice. The Responsible Sourcing Steering Group is chaired by the Procurement Director and Technical Director and includes senior managers from technical, procurement, CSR and Human Resource teams and reports directly into the Chief Operating Officer UK.

Having clear responsibility at board level and enabling both the internal Ethical Trade Team and the Responsible Sourcing Steering Group to report directly to the board, has ensured investment has been made in areas such as compliance, systems, training and internal processes.

In 2018, the company undertook a Stronger Together Organisational Progress Assessment which identified gaps in the area of governance and processes, and they used this advice to strengthen their approach.

A key driver for undertaking the assessment

was to understand the current position from an independent assessor and agree action plans for both its own operations and its supply chain to drive improvements. This is an ongoing process, and it is key to have board level commitment and support.

Developing strong human rights policies and governance is an **ongoing process**, and it is key to have **board level commitment and support**



“Your resources and budget for human rights will need to be strengthened and maintained over time.”

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## E. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES	SME TOOLS AND TEMPLATES
<b>Governance structures</b>		<ul style="list-style-type: none"> <li>• <a href="#">EHRC Business and Human Rights: 5 Step Guide for Corporate Boards</a></li> <li>• <a href="#">Human Rights Corporate Accountability Guide</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Asda government structure (from MS statement)</a></li> </ul>	
<b>Human rights/ Ethical trade policies</b>	<ul style="list-style-type: none"> <li>• <a href="#">ST Template Ethical Trade policy</a></li> <li>• <a href="#">ST Template remediation policy</a></li> <li>• <a href="#">ST Template forced labour policy</a></li> <li>• <a href="#">ST Template Forced Labour Response Plan</a></li> <li>• <a href="#">ST Template Employer Pays Principle and Repayment of Recruitment Fees policy</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">UN Guide to developing a Human Rights policy</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">VIDEO – Global Business Initiative company case studies – making a policy commitment</a></li> <li>• <a href="#">UN Global Compact - Guide to Corporate Sustainability: Shaping a Sustainable Future</a></li> <li>• <a href="#">Unilever human rights policy statement</a></li> <li>• <a href="#">Coca Cola human rights policy</a></li> <li>• <a href="#">Princes ethical trade policies</a></li> <li>• <a href="#">Asos Migrant worker policies</a></li> <li>• <a href="#">Child labour policies</a></li> <li>• <a href="#">Adidas group policy on responsible recruitment and fair treatment of migrant workers</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Global Compact 5 Steps to Managing the Human Rights Impacts of your Business for SMEs</a></li> <li>• <a href="#">ST Template Forced Labour Response Plan</a></li> </ul>
<b>Supplier Code of Conduct</b>	<ul style="list-style-type: none"> <li>• <a href="#">ICS Template Codes of Conduct (in English, Arabic, French, Chinese, Hindi, Spanish and other languages)</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">EcoVadis guidance for developing a Supplier Code of Conduct</a></li> <li>• <a href="#">BSR Gender Equality in Codes of Conduct Guidance</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">UK Government Supplier Code of Conduct (2019)</a></li> <li>• <a href="#">United Nations Supplier Code of Conduct (2017)</a></li> <li>• <a href="#">Lidl Code of Conduct</a></li> <li>• <a href="#">Patagonia Supplier Workplace Code of Conduct</a></li> <li>• <a href="#">Cargill Supplier Code of Conduct</a></li> <li>• <a href="#">Riverford Supplier Charter</a></li> </ul>	
<b>Training and internal engagement</b>	<ul style="list-style-type: none"> <li>• <a href="#">ST Modern Slavery Worker Induction Template</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">UN Global Compact – Good Practice for Embedding Human Rights into company strategies</a></li> <li>• <a href="#">VIDEO – Global Business Initiative Driving change within a company</a></li> <li>• <a href="#">VIDEO – Global Business Initiative How to talk about human rights with your colleagues</a></li> <li>• <a href="#">ST Modern Slavery Champion pack</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">United Nations Global Compact Human Rights training course (online)</a></li> <li>• <a href="#">ETI Essentials of Ethical Trade</a></li> <li>• <a href="#">ETI Human Rights Due Diligence Training</a></li> <li>• <a href="#">Verité Forced Labour and Human Trafficking Training</a></li> <li>• <a href="#">Stronger Together Modern Slavery courses</a></li> <li>• <a href="#">Vinci Works Modern Slavery for Procurement training</a></li> <li>• <a href="#">Stronger Together Tackling Modern Slavery Through Purchasing Practices</a></li> <li>• <a href="#">ETI 1 day purchasing practices</a></li> <li>• <a href="#">Vinciworks free Anti-Bribery Training</a></li> <li>• <a href="#">Vinciworks free Equality and Diversity Training</a></li> <li>• <a href="#">Guardian film (2015) about forced labour in UK poultry sector</a></li> <li>• <a href="#">BBC film (2020) about migrant worker exploitation in the Spanish produce sector</a></li> <li>• <a href="#">CNA (2020) film about forced labour in Thai seafood supply chains</a></li> <li>• <a href="#">ILO report Business Case for ethical trade from the garment industry</a></li> </ul>	
<b>Purchasing practices</b>	<ul style="list-style-type: none"> <li>• <a href="#">CIPS Code of Ethics</a></li> <li>• <a href="#">Vinci Works – Modern Slavery Questions for Procurement</a></li> <li>• <a href="#">International Bar Association Pre-engagement checks and screening</a></li> <li>• <a href="#">International Bar Association contract checklists</a></li> <li>• <a href="#">American Bar Association Model Contract Clauses to Protect Workers in International Supply Chains</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">CIPS Ethical Business Practices in Purchasing and Supply Management</a></li> <li>• <a href="#">ETI Purchasing Practices Guidelines</a></li> </ul>		
<b>External engagement</b>		<ul style="list-style-type: none"> <li>• <a href="#">First responders contact list (England and Wales)</a></li> <li>• <a href="#">Global Compact Network Netherlands Stakeholder Inclusion Research</a></li> </ul>		

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## 1 ESTABLISHING YOUR FOUNDATIONS: COMMITMENTS AND GOVERNANCE

 **E. TOOLS AND TEMPLATES** (continued)**SUPPLIER CASE STUDY:**  
Training for Procurement teams

Princes is one of the UK's leading food and drink brands. Their Head of Ethical Trading and Human Rights comes from a Procurement background – a fact which makes him very aware of the need to support Procurement colleagues to understand human rights and ethical trade and build their knowledge of these issues into purchasing decisions.

At Princes, he has promoted the Chartered Institute of Procurement and Supply's Ethics Mark – a certification which requires companies to adopt the CIPS Code of Ethics, make a

public commitment to sourcing ethically and to train and test all staff responsible for sourcing and management of suppliers. Staff took a CIPS e-learning


**The opportunity to gain CIPS certification has helped to generate interest and engagement**

course last year at the end of which, if everyone successfully passed each of the three modules, the company could be included on the international CIPS Corporate Ethics Register.

The opportunity to gain certification has helped to generate interest and engagement from the buying team and the content of the training proved popular as it is in “buying language”. Princes hopes that the behaviours learnt from the CIPS course can be combined with a supplier scorecard to increase the number of purchasing and sourcing decisions which take into account ethical trade.

 **F. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?**

- Whether starting to develop policies or revising existing policies, take inspiration from other companies' publicly available policies – both competitors and companies who have been working on human rights issues for a long time
- Remember policies should be reviewed and updated at appropriate intervals to reflect changing human rights risks
- Do not develop policies in isolation from others in your organisation. Consult as widely as possible.

**SMEs****Advice for smaller organisations on where to start**

SMEs should focus on getting senior management commitment to the requirements in our M&S Global Sourcing Policy, putting together an ethical trade policy and communicating your commitments and policies to workers and suppliers. Use the templates and examples we have provided above to put together your policy and make sure managers working with workers and suppliers understand the policy and how it should be implemented.

**LEARNING FROM OTHERS:**  
Internal training and guidance

Raising your own staff's awareness of human rights does not have to be expensive or take up a lot of colleagues' time. Consider putting in discussion sessions twice a year to talk about human rights dilemmas based on real experiences that colleagues have experienced, for example seeing workers on supplier visits who look below legal minimum age or being offered workers on a UK farm from an unlicensed operator. Talk to colleagues about how they would handle the situation and who they would raise any concerns with in order to get more help.

More advanced companies may consider developing internal human rights guides for all colleagues dealing with suppliers which describe how the company approaches human rights and provide actual cases that staff have had to deal with. These guides can be built upon through quarterly newsletters which share updates on human rights risks and best practice from within the organisation and from external sources. Over time, these guides and newsletters can also be shared with suppliers.



**Internal training options do not have to be expensive or time-consuming**

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1 ESTABLISHING YOUR FOUNDATIONS: COMMITMENTS AND GOVERNANCE

**G. CRITICAL QUESTIONS TO ASK YOURSELF**

You may be a small business with a small number of suppliers or you may have a large, extensive supply chain but here is food for thought. There are key questions you can ask yourself having read this section:

**?** Have you done enough to make a commitment to human rights and for everyone in the organisation to understand that commitment?

**?** Have you written those commitments down somewhere that everyone working for or with you can access it?

**?** Does someone in your business own your human rights agenda and drive it forward?

**?** Do staff understand what impact your business can have on human rights?

**?** Have you provided staff with enough guidance and knowledge for them to include human rights concerns in their day-to-day jobs? If not, what more could you do?

**?** What more do you need to do to share your commitment with your suppliers and understand their commitments to human rights?

“ Do not develop policies in isolation from others in your organisation. Consult as widely as possible.”

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## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

**2** ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS**A. WHAT IS IT?**

The UNGPs emphasise that **a company's human rights risks are risks to people, not to business. Conducting a human rights risk assessment should help your company understand how their activities and business relationships impact upon the human rights of people affected by your operations and supply chains.**

This is separate from any risks that involvement in human rights risks may pose to the company, although the two may be related.

How you assess your human rights risks and impacts and the level of information collected will depend on the size and nature of your company.

Companies are expected to consult external sources to inform their risk assessment and, where possible, to consult with those whose rights may be affected such as workers, farmers, fishers, seasonal labourers, women and children.

**ENGAGEMENT**

You can read about how Electrolux have developed their approach to risk assessment to include input from employees, customers, investors and NGOs [here](#).

Companies are expected to review their human rights risks annually unless seasonal factors suggest doing this more frequently and to use their risk assessment in order to determine priorities for prevention and mitigation.

**This section covers:**

- How to create a high-level picture of the company's operations and supply chains and gather information about potential human rights risks
- How human rights risks feed into the company's decision making, including labour planning, new suppliers and sources
- How information raised through early warning systems, including hotlines and grievance mechanisms, feed into the risk assessment
- How a company understands which of its potential human rights impacts should be prioritised to address with the greatest urgency
- How to gather credible, detailed information about potential high-risk suppliers and/or supply chains.

**B. WHY DO IT?**

In order to respond appropriately, every company needs to understand where and how their organisation and their supply chain have an impact on people's human rights. These impacts could be positive, for example the creation of decent jobs or establishing contracts with smallholder farmers. However they can also be negative, for example the use of forced labour or sourcing from farms using the worst forms of child labour, defined by the ILO as slavery and similar issues such as the trafficking of children, debt bondage or serfdom<sup>14</sup>.

The purpose of the risk assessment is to identify your company's most severe potential human rights impacts in your operations and your supply chain. **Severity**<sup>15</sup> is determined by considering:

- **Scope** – number of people affected
- **Scale** – seriousness of the impact
- **Irremediability** – challenges in restoring the individual affected to at least the same as, or equivalent to, their situation before the adverse impact occurred.

The purpose of prioritisation is for your company to identify the order in which you are going to take action to prevent, mitigate and remediate those risks.

**C. SCOPE OF RISK ASSESSMENT AND PRIORITISING**

The UNGPs require companies to think about impacts that your business cause or contribute to and impact linked to your operations, products or services through business relationships.

The scope of your risk assessment therefore needs to include your own operations, all tiers of your supply chains and all products and services purchased by your company including:

- Human rights risks at your offices/sites/operations
- Risks associated with labour providers, service providers, contractors or sub-contractors on those sites
- Risks of direct suppliers
- Risks of indirect suppliers
- Risks associated with direct and indirect suppliers' labour providers, service providers or contractors.

**However, the UNGPs also suggest that you **START** the risk assessment process by focusing on the operations, products or services that are most important to your business. This should include your own sites, if you have them, and labour providers, cleaners and security on those sites. It should also include the most important products, ingredients, raw materials and/or services that you purchase. In time, your risk assessment may broaden out to include all your suppliers and services providers such as packaging, warehousing and logistics and IT.**

Once you have completed your risk assessment, you will need to use commercial information to prioritise which of your highest risks you will start by taking action on.

14 <https://www.ilo.org/ipecc/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang--en/index.htm>

15 [https://www.humanrights.dk/sites/humanrights.dk/files/media/document/HRIA%20Toolbox\\_Phase%203\\_ENC\\_2020.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/document/HRIA%20Toolbox_Phase%203_ENC_2020.pdf)

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2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS

**D. WHAT DO YOU NEED TO DO?**

WHEN DO RISK FACTORS END AND MITIGATING FACTORS BEGIN?

Many companies who put together risk assessments for their suppliers will look at common risk factors for example country, industry, labour type, vulnerable workers, previous audit findings and supplier type and relationship. Many companies also include factors which could potentially mitigate or reduce human rights risks such as suppliers' policies or supplier engagement in issues such as modern slavery. Including mitigating factors in your risk assessment is a valid approach. However, we would recommend clearly defining what are risk factors and what are mitigating factors and making sure that you have thought about how the mitigating factors you include, for example policies, procedures or audits, will reduce the risks you have identified.

	 FOUNDATION	 INTERMEDIATE In addition to FOUNDATION	 ADVANCED In addition to INTERMEDIATE	 SMALL TO MEDIUM SIZED ENTERPRISE
<b>Identifying risks in your own operations</b>	<ul style="list-style-type: none"> <li>Identify where in your own operations the most <b>severe</b> human rights risks are <b>likely</b> to occur – consider forced labour risks, vulnerable workers (labour type, contract type), high risk areas such as accommodation and service providers and sub-contractors</li> </ul>	<ul style="list-style-type: none"> <li>Build in the views of workers, worker representatives and trade unions into your risk assessment, for example by gathering worker survey data or information from interviews conducted as part of third-party audits</li> <li>Identify different risks faced by women and minority groups</li> </ul>	<ul style="list-style-type: none"> <li>Supplement the risk information you have about your own operations by building networks with industry, government and local organisations</li> </ul>	<ul style="list-style-type: none"> <li>Identify where in your own operations the most <b>severe</b> human rights risks are <b>likely</b> to occur – consider forced labour risks, vulnerable workers (labour type, contract type), high risk areas such as accommodation and service providers and sub-contractors</li> </ul>
<b>Identifying risks in your supply chains</b>	<ul style="list-style-type: none"> <li>Use external sources of data (referenced in <a href="#">Section 2E</a>) to identify where in your supply chain the most <b>severe</b> human rights risks are <b>likely</b> to occur</li> <li>Supplement external sources with input from colleagues about suppliers and supplier chains</li> </ul>	<ul style="list-style-type: none"> <li>Create a detailed risk assessment of your supply chain using internal and external sources of information that indicate the <b>severity</b> and <b>probability</b> of human rights risks in your supply chains. Start with your Tier 1 suppliers and key raw materials</li> <li>Identify different risks faced by women and minority groups</li> </ul>	<ul style="list-style-type: none"> <li>Expand your risk assessment to cover service providers, packaging, contractors etc.</li> <li>Update the internal and external data sources in your risk assessment on an annual basis</li> <li>Include new local and global risks for example climate change</li> <li>Start to build the views of key stakeholders into your risk assessment for example workers, women, minority groups, trade unions and NGOs</li> <li>Build networks with industry, government and local organisations to supplement risk information about supply chains</li> <li>Establish process for identifying exceptions to your risk assessment</li> <li>Encourage high-risk suppliers in your Tier 1 to conduct their own human rights risk assessment</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Include relevant mitigating factors</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Use available information from supplier questionnaires or audits to record mitigating factors at supplier level, for example existence of health and safety policies or grievance channels or supplier attendance of modern slavery courses</li> </ul> <p>NB: for your suppliers registered on Sedex mitigation information will already be available as part of the Sedex Radar risk assessment and Sedex Self Assessment Questionnaire</p>	<ul style="list-style-type: none"> <li>Include information about suppliers' human rights due diligence approach as mitigating factors in your risk assessment e.g. suppliers that have an individual to manage human rights, suppliers that have conducted their own risk assessment or suppliers involved in collaborations to tackle human rights impacts</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>





## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS



## D. WHAT DO YOU NEED TO DO? (continued)

	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Supply chain mapping</b>	<ul style="list-style-type: none"> <li>Start to map out each stage of your high risk Tier 1 supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Complete mapping of all high-risk suppliers and service providers in your Tier 1</li> <li>Gather names of Tier 1 suppliers and as many tiers of suppliers as you are able to collect down to raw material, farm or vessel level/Location of suppliers/Ownership of suppliers' businesses/Use of labour providers or service providers/Presence of sub-contracting/Use of warehousing and logistics</li> </ul>	<ul style="list-style-type: none"> <li>Map out each stage of your key raw materials supply chains</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Verify your highest risks using detailed assessments</b> NB: if your Tier 1 suppliers or key raw material suppliers are on Sedex a lot of the information outlined in this row will be available via the Sedex Radar tool	<ul style="list-style-type: none"> <li>Verify the risks you have identified for your own sites using self-assessment questionnaires and ethical audits</li> <li>Use audits of labour providers to your own sites to verify the risks you have identified</li> <li>Use self-assessment questionnaires of high-risk suppliers in your Tier 1 to verify the risks you have identified</li> </ul>	<ul style="list-style-type: none"> <li>Use tools, for example third-party and second-party audits, visits, worker voice technology and worker surveys, to verify your high risk suppliers</li> </ul>	<ul style="list-style-type: none"> <li>Use tools, for example third-party and second-party audits, worker voice technology, worker surveys, visits and human rights impact assessments, to verify the risks of your key raw materials</li> <li>Encourage suppliers in your Tier 1 to use a variety of tools to verify their human rights risk assessments</li> </ul>	<ul style="list-style-type: none"> <li>Self-assessment information for own operations is complete</li> <li>Ethical audit of own site is complete</li> <li>Audits of all labour providers complete</li> </ul>
<b>Prioritisation</b>	<ul style="list-style-type: none"> <li>Prioritise your own operations most significant human rights risks and the most significant risks linked to service providers to your own operations including labour providers</li> </ul>	<ul style="list-style-type: none"> <li>Add commercial information (for example volume and value of each supplier or service provider) to your risk assessment to help identify which of your high risk suppliers you prioritise for the next year/s (your business should decide a suitable timeframe)</li> <li>Go back to your stakeholder mapping work and make sure your priorities reflect the interests of your most important stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Review your priorities taking into account changes to risks and in commercial relationships</li> <li>Where resources allow, include more suppliers/supply chains/service providers in your list of priorities</li> </ul>	<ul style="list-style-type: none"> <li>Prioritise own operation human rights risks and risks linked to service providers to own operations including labour providers</li> </ul>
<b>Early warning systems</b>	<ul style="list-style-type: none"> <li>Use Google alerts or similar internet service to identify emerging human rights risks for own operations and key high-risk suppliers</li> </ul>	<ul style="list-style-type: none"> <li>Use industry networks, local authorities and expert partners to identify emerging human rights risks for own operations and key high-risk suppliers</li> </ul>	<ul style="list-style-type: none"> <li>Use an early warning system to identify human rights risks for own operations and key high-risk suppliers</li> </ul>	<ul style="list-style-type: none"> <li>Use Google alerts or similar internet service to identify human rights risks for own operations and key high-risk suppliers</li> </ul>



SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS

**D. WHAT DO YOU NEED TO DO? (continued)**



**LEARNING FROM OTHERS: Bringing in external expertise to put together a risk assessment<sup>16</sup>**

One company, a multinational food and beverage business, has partnered with an independent business and human rights expert in order to include workers and communities in the process of assessing their human rights risks and designing their approach to human rights due diligence.

Bringing in an expert meant they could get advice on risk factors and help prioritising the issues which required further investigation and response. It also allowed the business to



**Bring in a human rights expert to include workers and communities in the due diligence process**

engage with stakeholders early in the process so that the assessment of risks was a shared one.



**LEARNING FROM OTHERS: Collaboration to understand living wage gaps in the supply chain<sup>17</sup>**

Eosta, an international distributor of organic fruits and vegetables, has been working with IDH, the sustainable trade initiative, since 2018 to gather more information about



a specific area of risk identified by their risk assessment – living wages. A living wage or income offers workers or farmers a decent standard of living for them and their family which covers food, water, housing, education, health care, transport, clothing and other essential needs. Eosta's collaboration will help them understand the gaps between the earnings of organic avocado farmers and living income in Kenya and use the results to address those gaps.

The research has made use of existing living wage information from different regions in Kenya and has shown that only 21% of farmers who the exporter works with can earn a living income from organic avocados. The majority of that 21% are extra-large farmers, leaving small- or medium-sized farms with production levels between 1,000 and 10,000 pieces of fruit a year without a living income. Eosta are following up with Kenyan suppliers and farmers to address the results of the study.

NOTES

Horizontal lines for taking notes.

“No company’s risk assessment is ever going to be perfect.”

<sup>16</sup> Adapted from a case study on Page 13 of United Nations “A Structured Process to Prioritise Supply Chain Human Rights Risks” [https://d306pr3pise04h.cloudfront.net/docs/issues\\_doc%2Fhuman\\_rights%2FHuman\\_Rights\\_Working\\_Group%2FSupply\\_Chain\\_GPN.pdf](https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fhuman_rights%2FHuman_Rights_Working_Group%2FSupply_Chain_GPN.pdf)  
<sup>17</sup> <https://www.idhsustainabletrade.com/publication/living-wages-in-practice-eosta/>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS



## E. HOW DO YOU DO IT?

**Key concepts to consider in the development of a risk assessment are:**

- 1 Severity** – the most severe human rights risks are defined by the UNGPs as the human rights risks which will have the gravest impacts on people, affect the largest numbers of people and or that are the hardest to remedy.
- 2 Probability** – what information do you have that severe human rights risks are likely to be occurring in your operations or supply chain?

To measure the combined severity and probability of human rights risks most companies, look for sources of information that indicate:

- a** Are your operations in or are you sourcing from countries, regions or sectors where most severe forms of human rights abuses take place (e.g. forced labour or child labour)? Are you operating in or sourcing from countries where there are conflicts between national laws and human rights, where there is corruption or where there is conflict?
- b** In the countries, regions or sectors that you operate in or are sourcing from how many people are potentially affected by the most severe forms of human rights abuses e.g. what is the scale of reported forced labour in a sector/country/region/industry?
- c** What data do you have about the different risks faced by women, migrant workers, disabled workers, indigenous and minority ethnic groups? What additional data could you gather on this?
- d** Do you have control over the risk or are your operations/ your supply chain sufficiently removed from your company that it would be hard to remediate any cases of forced labour? What infrastructure is there in place at a local level to support remediation e.g. a court system, support organisations?
- e** Do you have evidence, either from external sources such as social audits, self-assessment questionnaires or visits or through policies and processes that your operations or supply chains are respecting human rights? To what extent does this balance out the risks of the country/sector/industry?

**ENGAGEMENT**

You can find a useful guide on how to weight scale, scope and irremediability of human rights impact in the [Danish Institute of Human Rights Impact Assessment Toolkit](#) Phase 3 supplement here.

**Sources of data to consult:**

If you are putting together your own risk assessment, consider consulting one or more of the following data sources:

**• Desk-based review of public sources of risk data including:**

- Global Slavery Index (2018)  
<https://www.globallslaveryindex.org/findings/>
- ITUC Global Rights Index (2020)  
<https://www.ituc-csi.org/ituc-global-rights-index-2020>
- US State Department Trafficking in Persons report (2017)  
<https://www.state.gov/trafficking-in-persons-report/>
- US State Department Country Reports on Human Rights Practices  
<https://www.state.gov/j/drl/rls/hrrpt/>
- US Department of Labour's List of Goods Produced by Child Labour and Forced Labour  
<https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>
- Transparency International Corruption Perceptions Index (2016)  
<https://www.transparency.org/en/>
- Verité Forced Labour Commodity Atlas  
<http://www.verite.org/Commodities>
- Responsible sourcing tool  
<https://www.responsiblesourcingtool.org/>
- Freedom in the World Index – Freedom House  
<https://freedomhouse.org/report/freedom-world>
- ILO database on labour laws  
<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0:NO>

- Trafficking Risks in Sub Saharan African Supply Chains  
<https://www.verite.org/africa/>
- World Justice Project Rule of Law Index  
<http://data.worldjusticeproject.org/>
- Gender Inequality Index – UNDP  
<http://hdr.undp.org/en/composite/GII>
- Data migration portal  
<https://migrationdataportal.org/themes/migrant-recruitment-costs>
- Human Rights Measurement Initiative  
<https://humanrightsmmeasurement.org/country-spotlights/>

**• Stakeholder engagement including:**

- Worker surveys in your own operations
- Worker interviews before and after recruitment
- Day-to-day conversations with workers
- Supplier surveys
- Worker surveys in your supply chain

**• Informal networks of intelligence – consider sources of information including:**

- Competitors and peers
- Industry bodies
- Non-specialists – for example technical or commercial colleagues visiting suppliers and sites
- Governments and local authorities
- Worker support organisations, charities and NGOs.

**LET US  
KNOW**

Let us know what data sources you have used to put together a risk assessment, which have worked and which have been challenging – contact: [food.ethicaltrade@marks-and-spencer.com](mailto:food.ethicaltrade@marks-and-spencer.com)



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## 2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS



## F. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES	SME TOOLS AND TEMPLATES
<b>Identifying risks in your own operations or supply chains</b>	<ul style="list-style-type: none"> <li>• <a href="#">Stronger Together risk assessment tool</a></li> <li>• <a href="#">ST Template risk scorecard for supply chains</a></li> <li>• <a href="#">ST Template Risk Screening Tool</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">ITUC Global Rights Index</a></li> <li>• <a href="#">Global Slavery Index</a></li> <li>• <a href="#">Verité Commodity Atlas</a></li> <li>• <a href="#">Sedex risk assessment tool</a></li> <li>• <a href="#">FNET Risk Assessment Tool (member only)</a></li> <li>• <a href="#">Seafish Social Risk Assessment Information and Social Risk Profiles by country</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">VIDEO – Global Business Initiative company case studies identifying human rights impacts</a></li> <li>• <a href="#">Electrolux risk assessment case study</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">ST Agri-business Risk Assessment Tool (South Africa)</a></li> <li>• <a href="#">Global Compact 5 Steps to Managing the Human Rights Impacts of your Business for SMEs</a></li> </ul>
<b>Supply chain mapping</b>		<ul style="list-style-type: none"> <li>• <a href="#">Fair Labor Association Supply Chain Mapping and Traceability Guidance</a></li> <li>• <a href="#">Fair Labor Association Collaborative Approach to Supply Chain Mapping</a></li> <li>• <a href="#">Sourcemap Supply Chain Visualisation</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Verite - Mapping the Seafood Supply Chain</a></li> <li>• <a href="#">ABN Amro Supply Chain Mapping Example</a></li> <li>• <a href="#">Guerlain Supply Chain Map</a></li> <li>• <a href="#">ComplyChain – Supply Chain Mapping examples (see Step 2 - Assess Risk) for cocoa, electronics, and seafood</a></li> </ul>	
<b>Supplier assessment</b>	<ul style="list-style-type: none"> <li>• <a href="#">Vinciworks Checklist for undertaking a site visit</a></li> <li>• <a href="#">ST Self-Assessment Questionnaire for Suppliers</a></li> <li>• <a href="#">ST Ethical Trade and Human Rights Self-Assessment Questionnaire for Suppliers</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Sedex Self-Assessment Questionnaire</a></li> <li>• <a href="#">ETI Vulnerable Workers toolkit</a></li> </ul>		
<b>Prioritisation</b>		<ul style="list-style-type: none"> <li>• <a href="#">UN Global Compact Human Rights Working Group Structured Process to Prioritising Supply Chain Risks</a></li> <li>• <a href="#">UN Global Compact Arc of Human Rights Priorities</a></li> <li>• <a href="#">OECD Guidance on prioritisation in Human Rights Due Diligence (Page 42-45 and Page 73)</a></li> </ul>		
<b>Early warning systems</b>		<ul style="list-style-type: none"> <li>• <a href="#">Google alerts</a></li> <li>• <a href="#">ILO Monitor the World of Work</a></li> <li>• <a href="#">International Labour Review (ILO Publication)</a></li> </ul>		<ul style="list-style-type: none"> <li>• <a href="#">Google alerts</a></li> <li>• <a href="#">ILO Monitor the World of Work</a></li> </ul>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS



## G. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?

- Consider using a pre-made risk assessment tool such as the Sedex Radar tool or the FNET Risk Assessment tool which will help you to identify where your most severe risks are likely to be taking place
- If you do not have access to a pre-made risk assessment tool use public data sources and develop your own version focused on where in your business severe human rights issues such as forced labour or child labour are likely to occur
- Do not invest too much time developing your risk assessment and do not be put off by wanting the risk assessment to be perfect. Sometimes you may need to make “educated guesses” early on and prioritise certain supply chains/parts of the supply chain for closer attention. Remember, a risk assessment can be updated on an annual basis and improved as you learn more about which sources are most useful, as more research becomes available into particular sectors or industries and how to include information from workers and suppliers
- Accept that things will change and suppliers who were not initially high risk may become high risk. This does not mean you need to completely revise your risk assessment – you may just have to manage those new risks as exceptions until the time to review your risk assessment is due
- Choosing particular products or functions as a starting point can help to focus attention and get internal engagement but should not be a substitute for considering all parts of the business over time
- Experts in human rights, child rights, particular countries or sectors can be extremely helpful in helping to identify risks that your own business have not identified
- The suppliers you are risk assessing may already be taking actions to mitigate human rights risks, e.g. developing policies, conducting audits or taking part in projects and this should be taken into account when assessing the likelihood of risk and severity
- Risk management is often primarily an internal exercise for companies. However, **when focusing on human rights impacts, it is really important to talk to the stakeholders you have identified in your stakeholder mapping, including workers.** Government sources, NGOs or trade unions can be important proxies where you have challenges getting direct feedback from workers, for example on fishing boats.

LEARNING FROM OTHERS:  
Using internal expertise to assess risk<sup>18</sup>

Many companies develop their risk assessments internally using publicly available data and the knowledge of ethical trade and human rights teams. Another good practice is to involve legal teams and to use their expertise to look at gaps between national and international definitions of human rights and to consider where the business could be “causing”, “contributing” or “linked” to human rights risks. Two companies that have involved legal teams, a multinational consumer goods company and a global resource company, said that it enabled

A good practice is to  
**involve legal teams  
and to use their expertise**



them to think about human rights as a vital compliance issue to the business, rather than a voluntary add-

on, and that legal teams played a critical role in developing corporate policies, training senior management and staff and designing due diligence processes.

“Consider using a pre-made risk assessment tool such as the Sedex Radar tool or the FNET Risk Assessment tool to identify the most severe risks.”

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## How to implement a Human Rights Due Diligence (HRDD) approach

## 2 ASSESSING AND PRIORITISING YOUR HUMAN RIGHTS RISKS

**H. HOW DO YOU BECOME AWARE OF, AND DEAL WITH, NEW INFORMATION?**

No company's risk assessment is ever going to be perfect. You will be made aware of new information through different routes and you will need to manage this information as and when it arrives. The principles below may help you to do this:

**How may you become aware of new risk information?** New information may be highlighted through:

- **The media** – new stories highlighting human rights violations in supply chains you had not identified as high risk in your risk assessment
- **Customers** – who have had concerns raised with them through third parties or who have identified particular products/supply chains/countries as areas of strategic focus
- **Whistleblowers** – issues raised by workers or NGOs
- **NGO or third-party reports or benchmarks** – for example, the Oxfam Behind the Barcodes campaign
- **Government actions** – for example import bans such as US Border and Customs Withhold Import Orders

**How do you deal with new information?** Once new information has been raised, you should:

- 1 Confirm presence in your supply chain – use supply chain data to confirm that the risks raised are relevant to your supply chain
- 2 Assess scale of the issues raised – gather information from internal and external sources about the scale of the issue identified
- 3 Discuss implications with ethical, sourcing and technical colleagues – based on the findings of the above two questions, determine what further information you need to gather about the supply chain and what implications there are for where you source from and which suppliers you have relationships with
- 4 Based on Steps 1-3 determine if the new risk should be prioritised.
- 5 Take steps to prevent or mitigate risks – based on the above, take steps to prevent or mitigate risks.

**SMEs****Advice for smaller organisations on where to start**

SMEs should focus on the human rights risks in their own operations, particularly risks of forced labour and risks linked to labour providers or other service providers. Try to use public sources such as the internet, local authorities, NGOs and charities to keep yourselves informed about emerging human rights risks and changes in labour laws.

**I. CRITICAL QUESTIONS TO ASK YOURSELF**

You may be a small business with a small number of suppliers or you may have a large, extensive supply chain but here is food for thought. There are key questions you can ask yourself having read this section:



**Do you have enough information to understand the human rights risks in your operations and supply chains? If not, what more information can you gather?**



**Have you spoken to workers to help you understand your risks?**



**Have you identified the risks you need to prioritise over the next year or two?**



**How do you gather ongoing information about emerging and changing risks?**



**What more do you need to do to support your suppliers to map their human rights risks?**

## NOTES

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SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

**3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?**

**A. WHAT ARE PREVENTION AND MITIGATION?**

**Prevention** refers to activities that are intended to avoid an adverse human rights impact occurring in the first place (e.g. which reduce the risk of an adverse impact occurring).

**Mitigation** refers to activities that reduce the impact when an adverse impact does occur.

As an example, you may choose to source from suppliers who have their own approach to human rights due diligence in order to **prevent** or reduce the risks of adverse human rights impacts occurring. Or you may choose to invest in grievance channels for workers in your own operations or your supply chains to ensure that you are able to **mitigate** or reduce the impact of any adverse human rights impacts which those channels identify.

**ENGAGEMENT**

WATCH this Danish Human Rights Institute video for an [overview of mitigation](#).

**This section covers:**

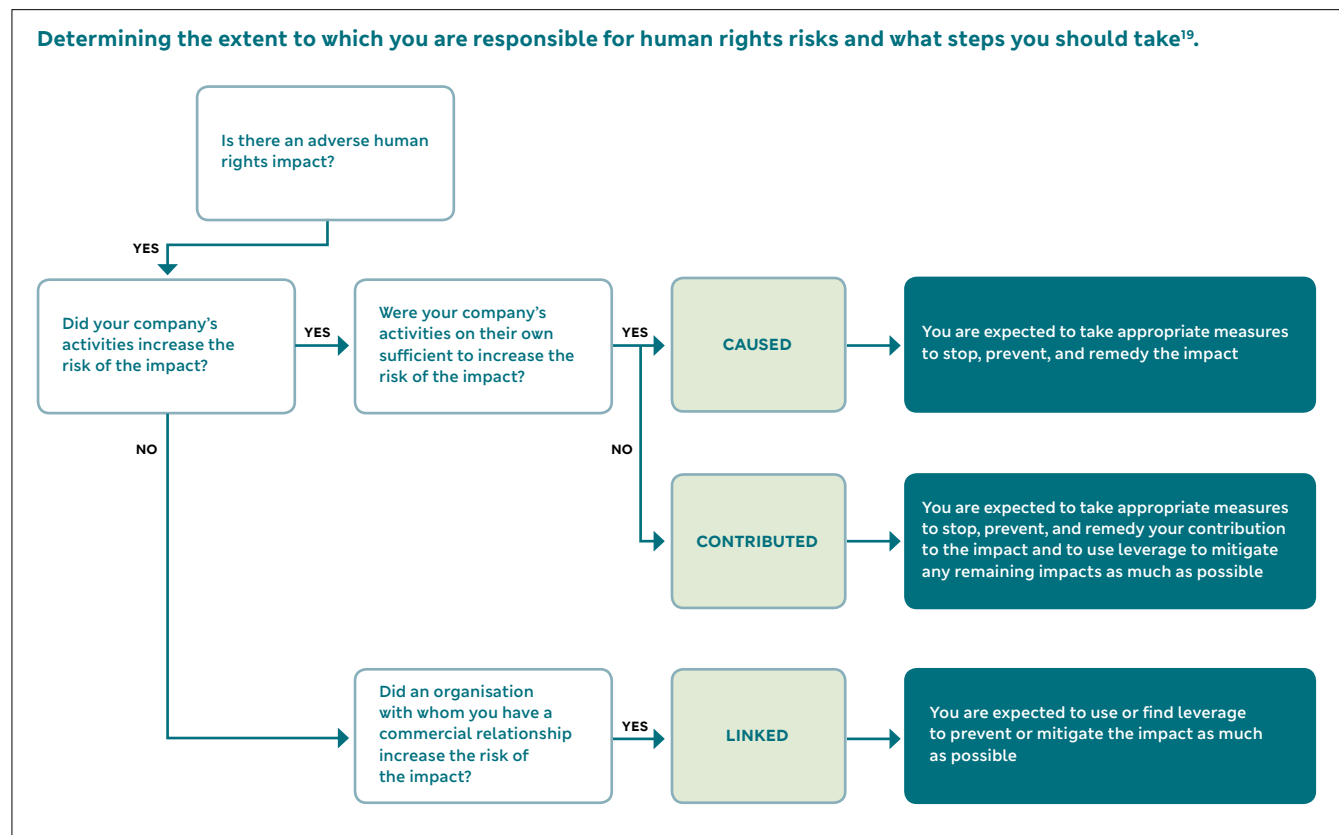
- How to determine what actions, levels of effort, investment and direct involvement your company will take to reduce or address your human rights impacts
- How to decide what actions you expect suppliers and supply chain partners to take
- How to decide where you can take actions on your own and where you need to collaborate.

**B. WHY DO YOU NEED TO PREVENT AND MITIGATE HUMAN RIGHTS RISKS?**

Having identified your human rights risks and priorities, companies are required by legislation, precedent, business case, brand reputation and the need to do the right thing to identify the actions they are going to take to prevent or mitigate these risks or to remediate actual risks which have been identified (See [Section 4](#)).

**C. HOW DO YOU DECIDE WHICH HUMAN RIGHTS RISKS YOU SHOULD AND CAN TACKLE?**

The actions taken by a company to prevent or mitigate human rights risks will vary depending on the risks that have been identified and the extent to which you are responsible for the risks identified. It may be unrealistic to think that you can resolve all the issues you identify. In order to avoid being overwhelmed, you should decide if you have caused, contributed or are linked to adverse human rights impacts. This will help you work out where you can and should take action:



<sup>19</sup> Adapted from <https://media.business-humanrights.org/media/documents/files/documents/Debevoise-Enodo-Practical-Meaning-of-Involvement-Draft-2017-02-09.pdf>

## SECTION B:

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## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



## D. WHAT DO YOU NEED TO DO NEXT?

- 1 **Identify for the human rights risks** you have prioritised whether you have caused, contributed or are linked to those risks
- 2 Analyse the **root causes** of the human rights risks and decide which of the root causes you can address
- 3 For risks that you have **caused**, consider one or more of the steps below to cease or prevent any potential impacts
- 4 For risks that you have **contributed** to, either consider one or more of the steps below to cease or prevent impacts or look at how you can use your leverage to encourage suppliers to take one or more of the steps below to reduce any remaining impacts
- 5 For risks you are **linked** to, look at how you can use your leverage to encourage suppliers to take one or more of the steps below and/or collaborate with others to prevent or reduce impacts.

WHAT ARE ROOT CAUSES AND  
WHAT IS ROOT CAUSE ANALYSIS?

Root causes are the highest-level causes of a particular adverse human rights impact. Root cause analysis is an iterative technique used to explore cause and effect relationships underlying those impacts. It involves questioning why particular human rights impacts are occurring and, by asking why? repeatedly, being able to get to root cause of a particular issue. In some cases there may be multiple root causes to a particular issue, for example excessive working hours caused by an increase in orders from a particular customer and an inability of a supplier to access more workers but also caused by a desire of existing workers to earn more money because wages are below the cost of living. Policies, processes, people, legislation and social and cultural norms can be root causes as well as the solutions to root causes.

**ENGAGEMENT**

WATCH this [short film](#) to understand how to use the 5 Whys to conduct root cause analysis.

**ENGAGEMENT**

Follow this [link](#) for guidance on cause and effect (fishbone) root cause analysis.

**Human rights impact assessments** are one tool which businesses can use to understand the root causes of their adverse human rights impacts. Guidance on undertaking a human rights impact assessment from the Danish Institute of Business and Human Rights can be found [here](#).

Having assessed your root causes, you should then draw up an action plan to address those root causes and prevent or mitigate your human rights impacts. Your plan should be a guide for management and should clarify the roles and responsibilities of everyone involved in prevention and mitigation, monitoring and reporting procedures and provide estimates of timing, frequency, duration and cost of mitigation steps.

The risks that your business have caused or contributed to should be your starting point to take action on as they will be easier to tackle than those where you need to identify leverage in order to influence direct or indirect suppliers or service providers.

**A template for your action plan** is provided on the following page.

**ENGAGEMENT**

You can READ examples of Human Rights Impact assessments here:

- 1 [2019 HRIA conducted by Oxfam and SOK on the Italian tomato supply chain](#)
- 2 [Unilever's Human Rights Impact Assessments in Thailand, Guatemala and Turkey](#)
- 3 [2020 HRIA conducted by Lidl with trade unions, civil society, multi-stakeholder initiatives and NGOs in the Kenyan tea supply chain](#)
- 4 [Nestle summary of 7 country HRIAs and how these have been used to build their HRDD approach](#)





## SECTION B:

### How to implement a Human Rights Due Diligence (HRDD) approach

#### 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



### E. HOW DO YOU DO IT?

Actions that your business has caused or contributed to should be easier to resolve than those you are linked to. Work to:

- a** Identify actions that will enable you to prevent or reduce the impact of any risks identified – if you have a multi-departmental working group these actions should be agreed with this group. You should also get input into your action plan from those impacted if you are able to, for example by running a workshop with workers or the community
- b** Secure internal support and funding for taking these actions – ensure that staff from all departments involved in the root causes of the issues you have identified are involved
- c** Implement your agreed actions
- d** Monitor the effectiveness of those actions, learn from your successes and challenges and feedback to your multi-departmental working group and senior leaders.

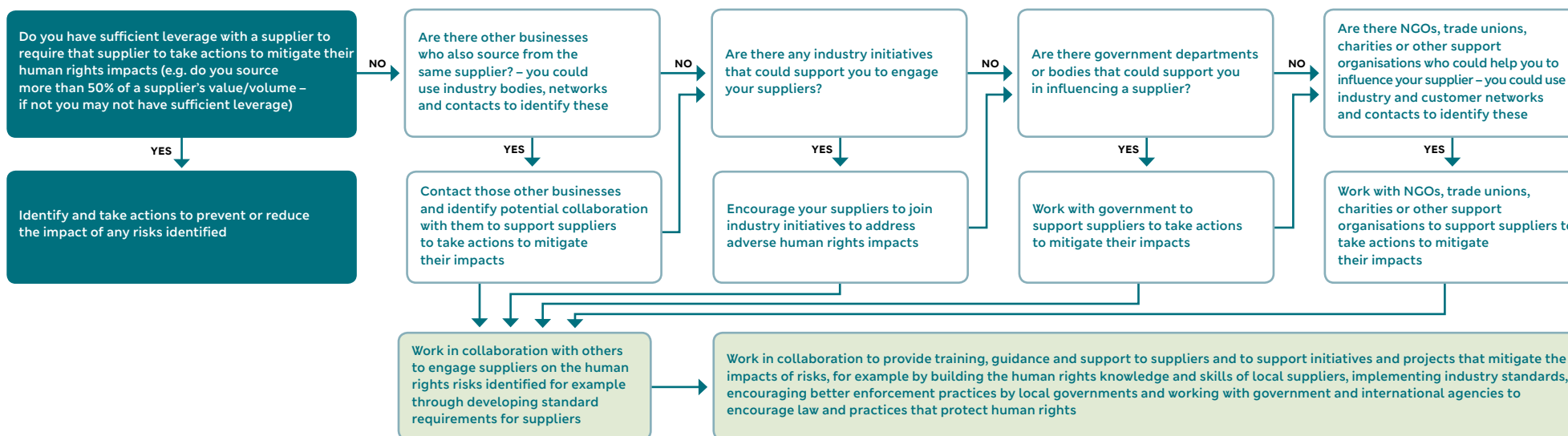
You may also need to use **influence** and **leverage** to mitigate impacts that you have contributed to or are linked to through your business relationships. Steps that your company can take to exert leverage include<sup>20</sup>:

- **Commercial influence** – using terms of tenders, contracts or joint venture agreements to set human rights standards, using audits and other assessments to ensure standards are implemented and using purchasing decisions to encourage suppliers to meet human rights standards
- **Business influence** – improving standards and business practices of suppliers through training, integrating international or industry standards into negotiations and ensuring a consistent message about human rights to supply chain partners from everyone in the company.

Steps that your company can take with others to exert leverage include<sup>21</sup>:

- **Leverage together with business partners** – working with industry peers to establish common requirements for suppliers, engaging with industry peers who may face similar supply chain issues to share lessons learned and identify possible solutions
- **Leverage through working with government, NGOs, civil society and trade unions** – working with civil society to gather information on human rights risks, working with government, NGOs, civil society and trade unions to resolve human rights impacts
- **Leverage through multistakeholder collaboration** – developing shared standards for suppliers through multi-stakeholder initiatives, working with multiple stakeholders to address systemic issues.

#### Where you do not have sufficient leverage, you will need to work to the following principles:



<sup>20</sup> Business and human rights: A five-step guide for company boards | Equality and Human Rights Commission (equalityhumanrights.com)

<sup>21</sup> [https://www.humanrights.dk/sites/humanrights.dk/files/media/document/HRIA%20Toolbox\\_Phase%204\\_ENC\\_2020.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/document/HRIA%20Toolbox_Phase%204_ENC_2020.pdf)

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**F. WHAT ACTIONS COULD YOU TAKE?**

**There is no single path to prevent or mitigate human rights issues. The actions that you take will be determined by the risks that you are trying to reduce and the root causes you have identified. This makes it difficult to provide guidance on the exact steps your company should take so be aware that you may need to take one or a combination of the actions listed below and in some cases you may identify other actions which are more appropriate:**

- |   |                                     |   |
|---|-------------------------------------|---|
| <b>1 Worker engagement and representation</b> | <b>4 Responsible recruitment</b>    | <b>7 Proactive checks of suppliers and labour providers</b> |
| <b>2 Grievance mechanisms</b>                 | <b>5 Labour provider management</b> | <b>8 Sourcing decisions</b>                                 |
| <b>3 Supplier engagement and support</b>      | <b>6 Collaborations</b>             | <b>9 Managing raw materials in supply chains</b>            |

In most cases you will not need to take all of the actions listed to address the risks which have been prioritised for action. We have not split up the actions below into Foundation, Intermediate and Advanced but instead have shown the potential actions that can be taken in your own operations and/or your supply chains as a process which starts with the simplest steps and progresses to more advanced steps.

**1 Worker engagement and representation**

(adapted from [M&S Systems for Success Ethical Page 31](#)) – whether in your own operations and/or your supply chain/s:

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that inductions of all new workers explain their legal rights and responsibilities, company overview, site rules and regulations, policies and procedures, modern slavery resources, introduction to worker/trade union representatives, grievance mechanisms, hotlines and contacts for further information</li> <li><input type="checkbox"/> Gather feedback from workers on an annual/seasonal basis on their experience of working on site</li> <li><input type="checkbox"/> Implement a performance and development review system for all workers</li> <li><input type="checkbox"/> Communicate regularly with workers on changes to labour laws</li> <li><input type="checkbox"/> Gather feedback from workers through multiple channels, analyse the feedback and use it to drive change</li> <li><input type="checkbox"/> Regularly measure employee engagement through absenteeism/turnover/sickness rates</li> <li><input type="checkbox"/> Promote a positive attitude towards worker committees and trade unions</li> <li><input type="checkbox"/> Ensure union meetings take place without opposition or obstruction and where possible provide support e.g. through private facilities/location</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Support the establishment of a trade union, worker committee or, for suppliers with less than 50 workers, a more informal worker group</li> <li><input type="checkbox"/> If a union is recognised, ensure the union representatives and employee representatives sit on the worker committee together</li> <li><input type="checkbox"/> If a union is recognised, the role and legal responsibilities of the union should be understood and supported</li> <li><input type="checkbox"/> Worker committee functions according to the following rules: <ul style="list-style-type: none"> <li>• Process in place for the election of representatives</li> <li>• More worker representatives than management representatives</li> <li>• Role of the committee and representatives is defined and understood</li> <li>• All workers know who their representative is and how to contact them</li> <li>• Worker committee meets regularly and outcomes are shared with all workers on site</li> <li>• Worker committee performance is reviewed annually and annual objectives are set</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Worker representatives and trade union representatives should: <ul style="list-style-type: none"> <li>• Be paid for their time performing these duties at their normal hourly rate</li> <li>• Have a clear job description</li> <li>• Receive training and support</li> <li>• Get the time and resources to do a good job</li> </ul> </li> <li><input type="checkbox"/> Promote meaningful participation and representation of women and minority groups in worker committees and trade unions</li> <li><input type="checkbox"/> Train all staff on diversity and inclusion</li> <li><input type="checkbox"/> Ask workers for feedback on how effective and representative their worker committee is</li> <li><input type="checkbox"/> Invest in training to make the worker committee effective</li> <li><input type="checkbox"/> Support collective bargaining and/or consultative processes by trade unions/worker committees to ensure at least two changes are made to pay structures and/or working conditions</li> <li><input type="checkbox"/> Introduce worker wellbeing campaigns including mental health in the workplace.</li> </ul> |
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SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach


3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**F. WHAT ACTIONS COULD YOU TAKE? (continued)**

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Worker engagement</b>	<ul style="list-style-type: none"> <li>• Training for workers (in own operations or supply chains) on their labour rights</li> </ul>	<ul style="list-style-type: none"> <li>• Information gathering from workers before, during and after recruitment to understand where recruitment fees/ related costs have been paid</li> </ul>

**ENGAGEMENT**  
 You can READ M&S's guidelines on Workplace Communication [here](#).

**LEARNING FROM OTHERS: Using worker engagement to tackle forced overtime<sup>22</sup>**



Female workers in a garment factory in Tirupur in the state of Tamil Nadu in India received peer educator training through the ETI's Nalam (wellbeing) programme<sup>23</sup>. As a result of the training, one worker Ms Bhuvaneshwari learned about Indian labour laws relating to overtime and discovered that forced overtime was illegal and overtime should not exceed 12 hours a week, or 50 hours a quarter. Ms Bhuvaneshwari talked to fellow workers about these issues and together they raised concerns that they were being asked to work forced overtime with senior managers. Senior managers held a meeting with middle management and a decision was made to put an end to all forced overtime in the factory which was incorporated into the factory policy book.

**LEARNING FROM OTHERS: Trade union engagement to improve working conditions<sup>24</sup>**



Oxfam's 2018 report "Sweet and Sour" identified good practice in the São Francisco Valley of North East Brazil with fruit growers sitting down with trade unions to agree a sector-wide collective agreement that provides better pay and conditions for workers and removes barriers to permanent employment for seasonal women workers. The agreement covers issues ranging from the provision of weather shelters, eating facilities, toilets and drinking water to transport and accommodation. It details first aid and health and safety measures and provisions for women workers including crèches, breastfeeding breaks and time off for taking children to the doctor. It also increases protections for temporary workers through minimum and maximum contract periods for short-term seasonal contracts, giving them equal rights to permanent workers after five months.

NOTES

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<sup>22</sup> <https://www.ethicaltrade.org/resources/case-studies/calling-time-forced-overtime-tiripur-garment-factory>  
<sup>23</sup> <https://www.ethicaltrade.org/resources/case-studies/peer-to-peer-education-nalam-programme>  
<sup>24</sup> <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620875/bp-investigation-conditions-tropical-fruit-supply-chains-north-east-brazil-101019-en.pdf>





## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



## F. WHAT ACTIONS COULD YOU TAKE? (continued)

**4 Responsible recruitment** – (adapted from [M&S Systems for Success Ethical Page 7-10](#))  
– whether in your own operations and/or your supply chain/s:

- Ensure recruitment processes meet local and national legislation
  - Make sure all workers have a written contract in a form they can understand (in line with current employment legislation, and GDPR or local law equivalent)
  - Wherever possible, ensure workers have a signed contract on file and a copy of their contract
  - Establish basic recruitment process including interviews and job descriptions
  - Give all workers the opportunity to apply for job vacancies
  - Put in place effective Human Resource processes to manage “right to work” checks
  - Implement a fair probationary process with clearly documented policy, support, training and a clear and transparency review at the end of the probationary period
  - Provide support so that workers understand their Terms and Conditions of employment prior to joining and, if employed abroad, understand their job role before traveling to the place of work
  - Match workforce planning with recruitment plans
  - Develop a recruitment policy which states that workers should not pay recruitment fees to third parties/agencies or down the labour supply chain
  - Detailed manpower plans support recruitment plans
  - [Responsible Recruitment Toolkit Risk Assessment](#) completed
- Talk to workers to understand what recruitment fees and related costs are being paid by workers. Note this process may require a mix of worker interviews/conversations/surveys and other tools
  - Recruitment process is well established, well understood, highly transparent and communicated to workers for example through company website or Facebook page, spokesperson talking to potential recruits or virtual factory tours
  - Put in place a Responsible Recruitment Policy that includes the [Employer Pays Principle](#)
  - Embedded Responsible Recruitment Risk Assessment carried out on an annual basis
  - Innovative and creative solutions sought for resourcing challenges.

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Responsible recruitment</b>	<ul style="list-style-type: none"> <li>• Putting in place effective systems for HR and payroll checks to prevent cases of forced labour</li> </ul>	<ul style="list-style-type: none"> <li>• Providing access to independent interpreting for operations teams to support with worker interviews</li> </ul>

**ENGAGEMENT**

For Responsible Recruitment standards, guidance and templates VISIT the [Responsible Recruitment Toolkit](#).

**SUPPLIER CASE STUDY:**  
**Responsible recruitment**

British Pepper and Spice (part of the SHS Holdings Group) is the leading manufacturer of herbs and spices in the UK. In a highly competitive job market they introduced a new Sourcing Model to improve their recruitment, with diverse methods including a new Partnership Agreement with recruitment agencies, a direct online method as well as utilising their own website, recommend a friend scheme and a partnership with the job centre ‘Working Together’. Their site at Chandlers Ford has a long history of working with agency suppliers and moving people from temporary to permanent positions. As the (expected) impact of Brexit was



**The company formed a relationship with the local Job Centre. As a result, they filled all their available positions.**

publicised they found the available pool of temporary labour that was willing/able to move to permanent positions was diminishing. So they formed a relationship with the local Job Centre, inviting Job Coaches to the site and Factory Managers giving presentations to local Job Centre Plus groups. As a result, they filled all their available positions and their Time to Fill vacancies was reduced by 36%, with a cost saving of over 17% through utilising direct recruitment methods. They successfully recruited 35% of their employees at the site through this route, with two employees going on to become Team Leaders over a 3-month time period.

SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**F. WHAT ACTIONS COULD YOU TAKE? (continued)**

**5 Labour provider management** (adapted from [M&S Systems for Success Ethical](#) Page 11-14) – whether in your own operations and/or your supply chain/s:

- Meet local and national legislation and act as a responsible user of labour
- Protect the Health and Safety of agency workers
- Compliance with Agency Worker Regulations (AWR) or equivalent in local law
- All agency workers provided with Terms of Employment before work starts
- Labour providers fully understand and comply with ETI Base Code or similar
- All labour providers have a contract, service legal agreement and performance based KPIs
- Terms of Business and Service Legal Agreements agreed and signed with each LP
- LP/s have effective HR systems and formal procedures to check right to work where necessary LP/s map what recruitment fees and related costs are being paid by workers for example using worker questionnaires and/or interviews before and during employment
- Effective induction and training for all agency and temporary workers
- Regular on-site checks and audits conducted of labour providers
- Agency workers views are known and acted upon
- Commercial team supports labour providers to operate in a legal and ethical way
- Detailed labour forecasting in place
- Effective management of working hours with support of labour providers
- Proactive temporary to permanent management
- Provision of accommodation and transport meet required standards
- Labour providers have policies to deal with bullying and harassment
- Encourage labour providers to attend externally provided training on human rights and/or tackling forced labour
- Form a business case for using accredited labour provider/s
- Develop clear manpower plan to enable the majority of workers to benefit from permanent secure jobs
- Develop a clear business case for adopting the [Employer Pays Principle](#) in your operations and your supply chain
- Labour provider/s and any third-party sourcing agencies adopt the Employer Pays Principle



**ENGAGEMENT**

For an overview of how the Employer Pays Principles is being adopted by companies, read Ergon's blog [here](#).

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Agency Labour Management</b>	<ul style="list-style-type: none"> <li>• Provide agency workers with Terms and Conditions before starting work and provide induction and training for all agency workers</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure agency workers on site have access to grievance mechanisms including worker committees, human resource teams and whistleblowing lines</li> </ul>



**SUPPLIER CASE STUDY: Proactive checks of labour providers**

Wholebake Limited, a gluten free snack contract manufacturer based in Wales, has always prided itself on successful relationships with suppliers and labour providers. The business recently adopted a labour provider audit model based on Fast Forward and Stronger Together methods. This has allowed for much more detailed audits and more informed activity relating to labour providers. It has also resulted in working much more closely with labour providers in reducing any risks of exploitation.



**Working much more closely with labour providers has resulted in agency workers on their sites feeling safe and valued**

Wholebake does not just rely on audits to gain information. Worker interviews are carried out regularly in workers' native languages using the Stronger Together Worker questionnaire. Independent translators are used to assist in these interviews. All interviews are followed up, and issues are referred to labour providers where appropriate to resolve. The interviews are then used when auditing labour providers as an initial check on processes. Additional internal and external training has also been conducted to raise ethical trade awareness within the organisation. All Managers, Commercial Teams and NPD Teams have undergone Stronger Together Training and all Team Leaders and Lead Operational staff have attended a module on spotting the signs of exploitation. Wholebake also invited Business Partners to the training sessions so they could also be made aware of the programme. The investment made by Wholebake has resulted in agency workers on their sites feeling safe and valued. This has been especially important during a period when Covid-19 and Brexit have made workers feel more vulnerable.



SECTION B:

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3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**F. WHAT ACTIONS COULD YOU TAKE? (continued)**

**6 Collaborations**

- Identify risks that you cannot resolve individually and determine if existing collaborations exist to prevent or mitigate those risks
- Where collaborations do exist, assess their credibility (see box to right), determine you have the resources to actively participate and engage with industry/civil society/government as relevant in collaboration
- Where no collaboration exists, approach industry/civil society/government to establish a collaboration
- Identify any key gaps in national laws or regulations that need addressing to resolve human rights risks and collaborate with industry/civil society/government to address these.

**ENGAGEMENT**

WATCH these [videos](#) of company case studies of collaboration from the Global Business Initiative.

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Collaboration</b>	<ul style="list-style-type: none"> <li>• Cross-industry collaborations on human rights guidance/codes of conduct/workers' rights training</li> </ul>	<ul style="list-style-type: none"> <li>• Identify industry or multi-stakeholder initiatives to address human rights issues that cannot be resolved by one company on their own</li> </ul>

**Good governance to assess credibility of collaborative initiatives – OECD Guidance**

The following list includes examples of good governance that may help an enterprise in determining whether the collaborative initiative that it is engaged with is credible.

The initiative:

- has established a functioning, accessible and effective grievance mechanism that enables stakeholders to raise concerns relating to the activities of the initiative itself, without fear of retribution\*
- has a process for enabling stakeholder and expert consultation on the objectives and activities of the initiative.
- has an effective process for communication details of actual or potential adverse impacts to participating enterprises in a timely manner in order to support enterprises in performing their own due diligence activities.
- has a process for regular review, including monitoring and evaluating whether the initiative itself is meeting its own aims and objectives, including, as necessary, updating of its policies, activities and any guidance provided to participating enterprises.
- has given consideration to where there could be actual or potential conflicts of interest between the management personnel of the initiative and companies, and has established processes to manage potential conflicts of interest.
- publicly provides details of its own internal governance structure, staffing, resources and oversight mechanisms.
- reports on its evaluations of whether it is meeting its own aims and objectives in relation to responsible sourcing practices.
- allows for mutual recognition, subject to appropriate quality control, of other due diligence initiatives.

\*This refers to grievance mechanisms pertaining to the initiative's activities and not to grievance mechanisms that initiatives may establish to facilitate the provision of remedy between impacted stakeholders or rightsholders and the members of the initiative.



**SUPPLIER CASE STUDY: Collaborations to address gender inequality**

Honduras is a country with the third highest rate of femicide in the world. Women in Honduras, especially the most undereducated women who work in farming are more vulnerable to exploitation and to failing to achieve income equality. Furthermore, in Central America, there is a machismo culture which assigns more traditional roles to women.

In 2018, the supplier decided to take concrete action to address women's issues in its melon farm in Honduras. In addition, the supplier's motivation for the program, came from an awareness of segmentation in roles and lack of females in positions of seniority. As a result, the company decided to run pilot projects on two of their owned farms to promote gender equality, one in Honduras and the other in Costa Rica. The aim was to promote the participation of women as equal partners with men and create a more inclusive workplace and communities.

The supplier partnered with [IDH](#), the sustainable trade initiative based in the Netherlands and contracted [BSR](#) (Business for Social Responsibility) to tailor program content for the agricultural sector based on their well-known HERProject. The program emphasized peer-to-peer learning for greater communication across the workforce. It also provided a framework for women to help them develop the skills they need to become more active decision-makers and leaders in their job, at home and with their communities. A worker led committee made up of male and female worker representatives was established and representatives received training on subjects such as; gender equality, human rights, and communication – how to build harmonious relationships – and were also trained on financial management and family planning. The supplier worked with local partners to facilitate the program on site ([AED in Costa Rica](#) and [FUNDAHRSE in Honduras](#)).

Early 2020 saw substantial progress being made, however, due to Covid-19 the supplier had to reconsider its delivery methods. The supplier again contracted BSR to adapt their HERessential

continued

SECTION B:

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3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**F. WHAT ACTIONS COULD YOU TAKE? (continued)**

**SUPPLIER CASE STUDY:**  
Collaborations to address gender inequality

➔ package to the Latin American context, which will provide a condensed program designed to be used to prevent and mitigate the impacts of crisis such as Covid-19, particularly its social and economic impact on women workers, built on key modules of HERhealth, HERfinance, HERrespect, to all workers on site via tablets.

The supplier's focus and efforts in advancing gender equality, were further justified by the Human Rights Impact Assessment they undertook in 2020. The Assessment confirmed that gender discrimination and gender-based violence is a priority risk area in Central America and particularly in agriculture. Gender equality therefore remains an important focus area.

**The program provided a framework for women to help them develop the skills they need to become more active decision-makers and leaders**



Many in the company did not understand how or why the suppliers should try to tackle an endemic social issue, not of the company's

making. This approach and subject were new to the company and initial reservations were expressed. However, these were quickly overcome once the training started and the workers were engaged. Workers expressed their gratitude for their involvement and the company's interest in them and the topic. Confidence increased, especially among those who may not have had the opportunity to receive a formal education as children.

In the longer term, the supplier aims to have a positive impact on the various gender-related challenges that their workers face, by supporting improvements to both women and men's workplace experience. This is being achieved by improving policies, changes to workplace practices, or community projects, in addition to the non-tangible improvements gained through increased confidence and improved communication skills.

**7 Proactive checks of suppliers and labour providers**

- Use Self-Assessment Questionnaires, second- or third-party audits to conduct regular checks of high-risk suppliers in your Tier 1
- Require labour providers to your own operations to have regular second or third-party audits
- Ensure questionnaires and audits are read, analysed and followed up on
- Encourage high-risk suppliers in your Tier 1 to audit their labour providers
- Establish an ethical trade checklist for all supplier visits and feedback mechanism for any issues identified
- Use information gathered from tools, including questionnaires, audits and visits, about high-risk suppliers in your Tier 1 to analyse trends for example by country, industry or supplier
- Ensure all assessments, audits and visits look for evidence of discrimination against any individual on the basis of age, disability, gender, status, race, religion or belief or sexual orientation.
- Broaden proactive check approach further down your supply chains for example focusing on key raw materials or encouraging Tier 1 suppliers to conduct proactive checks of their suppliers and their suppliers' labour providers

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Proactive checks of suppliers and labour providers</b>	<ul style="list-style-type: none"> <li>• Require Tier 1 suppliers and higher risk suppliers at lower tiers to undertake ethical audits</li> <li>• Require all labour providers to undertake second- or third-party audits</li> </ul>	<ul style="list-style-type: none"> <li>• Work with suppliers and labour providers to resolve non-conformances raised through audits</li> </ul>

**SUPPLIER CASE STUDY:**  
Rolling out supplier due diligence packs

MM Flowers, a cut flowers specialist in the UK and Europe, has recently updated its Due Diligence pack to have a sustainability overview and to collect environmental and social compliance information from their growers as well as starting to map their 'beyond audit/compliance' programmes. The pack covers MM's due diligence requirements as well as those of their retailers and provides MM's Code of Conduct and guidance on certification, ETI's base code, pesticide use, Sedex and audits. MM plans to include guidance on additional sustainability issues such as gender equality and biodiversity as support for growers in the future.

The pack has, to date, been shared with around 300 growers with good return rates particularly from more engaged growers who are in regular supply. Growers have fed back that the due diligence pack does increase administration; however, it has improved their understanding and implementation of due diligence requirements.



MM plans to include guidance on **additional sustainability issues such as gender equality and biodiversity** as support for growers in the future

## SECTION B:

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## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



## F. WHAT ACTIONS COULD YOU TAKE? (continued)

## 8 Sourcing decisions

- Train sourcing teams to understand the impact of sourcing decisions on workers in supply chain
- Put clauses into your contracts with suppliers that protect workers
- Include an assessment of human rights compliance and engagement in all vendor assessments and tendering processes
- Improve transparency and reduce complexity, initially of high-risk supply chains, in order to improve your ability to identify, manage and remediate issues
- Gather feedback, for example via a survey, from strategic suppliers on the impact of your company's sourcing decisions including forecasting, contracts, cost negotiations, tendering process, support provided on ethical trade and new product development
- Address immediate actions identified by the survey with sourcing teams
- Investigate whether it is feasible to broaden out your survey and gather feedback from more or even all of your suppliers
- Address root causes of the issues identified by your survey with relevant teams e.g. legal, forecasting, commercial
- Encourage high-risk suppliers in your Tier 1 to include an assessment of human rights compliance and engagement in all their vendor assessments and tendering processes for your Tier 2 suppliers.

**ENGAGEMENT**

READ the ETI's [Guide to Buying Responsibly](#) for in-depth research on how your purchasing decisions can have an impact on workers.

**SUPPLIER CASE STUDY:**  
Purchasing practices surveys

Princes, one of the UK's leading food and drink brands, has worked hard over the last two years to embed ethical trade within their company. Whilst this work includes regular conversations with suppliers, Princes recognised last year that there were gaps in their understanding about the impact of their purchasing practices on working conditions in the supply chain. In order to address this, Prince's Head of Ethical Trading decided to conduct a purchasing practices survey that gathered feedback on Prince's communication and engagement with suppliers, forecasting and planning, new product development, commercial negotiations and responsible sourcing and purchasing practices including payment terms.

The idea of conducting a supplier purchasing practices survey was presented to Princes' monthly Ethical Steering Group and endorsed by Princes' Board. There were some initial concerns from buying teams about the impact of responses from suppliers however these were addressed through reassurance that, whilst the survey would provide consistent and honest feedback from suppliers, there would be plenty of time for the business to address any issues raised.

The survey was shaped by reviewing questions asked by Better Buying, the Advantage survey and GSCOP forecasting. It was kept as short as possible and suppliers' responses were allowed to remain anonymous with the hope of encouraging as many to feedback as possible even if that meant the data could not be separated out by supplier type. Suppliers were contacted first by the Managing Director and then by the Head of Ethical Trading and Human Rights to let them know why Princes was doing the survey and how they would be contacted for their feedback.

The survey was then circulated to suppliers by an independent consultant in order to ensure that suppliers felt their anonymity would be protected and to provide a third party to respond to any questions or concerns. Suppliers were given a month to reply to the survey and anonymised results were then shared with Princes. A two-page summary of all responses and the key messages from the survey were shared internally and with suppliers.

85% of suppliers responded to the survey and a positive surprise for Princes was the number who understood what they needed to do to meet the company's ethical trade requirements. The main challenge presented by the results was that only 55% of suppliers said that the price paid by Princes covered the cost of production including labour requirements.

Princes' Monthly Ethical Steering group is addressing the issues raised by the survey by working with the legal team to address contractual issues and providing online resources and video guidance for the forecasting and purchasing teams.

Princes plans to repeat the survey two years after it was originally sent out in part due to the impact of the pandemic but also to ensure that any changes identified by the survey have been addressed and in the hope that the suppliers' responses will reflect these changes in practices.



The company recognised that there were **gaps in their understanding** about the **impact of their purchasing practices on working conditions in the supply chain**

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



## F. WHAT ACTIONS COULD YOU TAKE? (continued)

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Sourcing decisions</b>	<ul style="list-style-type: none"> <li>Choose to source from suppliers who have their own approach to human rights due diligence</li> <li>Ensure price paid covers true cost of labour</li> <li>Cease sourcing from countries/industries where human rights issues cannot be addressed</li> </ul>	<ul style="list-style-type: none"> <li>Forecasting and timing of orders</li> <li>Long term contracts with suppliers</li> </ul>

## NOTES

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## 9 Managing raw materials in supply chains

- Use your risk assessment process to identify your high-risk raw material supply chains
- Prioritise your key raw material suppliers based on volumes and value purchased and/or importance to the business
- Formalise ethical trade requirements for key raw material suppliers through a Supplier Code of Conduct or similar. Do not work with suppliers who won't work to your Code of Conduct
- If you are buying key raw materials in whole form discuss human rights requirements with your direct suppliers and explain the need for transparency of your key raw material supply chains
- Agree commercial terms that include a price which covers the cost of production
- Explain the need for information from your key raw material suppliers to verify the risks identified by your risk assessment and explain how they provide this information e.g. through certification, third-party ethical audits, questionnaires, worker surveys or human rights impact assessments
- Use the information provided to work with your key raw material suppliers to reduce their human rights impacts. Support them, for example to gain certification of the raw materials, train their suppliers or help their suppliers implement good human resource management
- Identify collaborative initiatives working on key raw materials which you and/or your suppliers can join to address human rights impacts where your leverage or that of your suppliers is insufficient for example the [Roundtable on Sustainable Palm Oil \(RSPO\)](#) or [Bonsucro](#).

	Examples of actions to prevent adverse human rights impacts	Examples of steps to mitigate or reduce adverse impacts
<b>Managing raw materials in supply chains</b>	<ul style="list-style-type: none"> <li>Require raw material suppliers in supply chains to adhere to ethical trade/human rights standards</li> </ul>	<ul style="list-style-type: none"> <li>Identify high risk raw material suppliers as part of risk assessment process and engage with suppliers</li> </ul>

LEARNING FROM OTHERS:  
Working with palm oil suppliers<sup>25</sup>

In 2013, Mars moved to 100% responsibly sourced palm oil. Four years later, they commissioned a consultancy firm called Verité to work with their supplier Wilmar in Malaysia to investigate claims of forced labour in their supply chains. Verité conducted desk-based research and investigations in Malaysia which identified good practice in Wilmar's HRDD including a risk-based approach, procedures and guidelines for suppliers, work with communities and stakeholders including NGOs, workshops to raise awareness with medium and smaller suppliers on issues including wages, employment contracts and the prevention of child labour and grievance mechanisms. Verité also identified areas for improvement including the need for clearer standards for suppliers, analysis of root causes and the need for preventative measures such as employers taking full control of recruitment processes.

Wilmar have subsequently run formal training for suppliers in Malaysia on human rights and invested in more staff in Malaysia to work with mills on corrective actions. They've also developed and published a [Human Rights Framework](#) to lay out their requirements clearly to suppliers focused on forced labour, freedom of association, child protection, health and safety, discrimination and sexual harassment.

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?



## G. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES	SME TOOLS AND TEMPLATES
<b>Mitigation</b>		<ul style="list-style-type: none"> <li>VIDEO – <a href="#">Danish Institute of Human Rights overview of mitigation</a></li> <li><a href="#">FNET Mitigation Guidance (member only)</a></li> <li><a href="#">FNET Supplier Mitigation Guidance (member only)</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Global Tuna Alliance Tuna 2020 Traceability Declaration Social Responsibility Toolkit (see Page 26 for mitigation steps)</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">EU SME Guidance on HRDD – Step 3</a></li> </ul>
<b>Worker Engagement and Representation</b>	<ul style="list-style-type: none"> <li><a href="#">ST Modern Slavery Worker Induction Template</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">M&amp;S guidelines on Workplace Communication Programme (WPC) for managers, project managers and workers</a></li> <li><a href="#">ACAS e-learning Discipline and Grievance training</a></li> <li><a href="#">ACAS guidance for workers starting with an agency</a></li> <li><a href="#">ACAS guidance for workers on zero-hour contracts</a></li> <li><a href="#">Effective communication for multi-language workforce</a></li> <li>VIDEO – <a href="#">Worker Engagement – Who’s sinking your boat?</a></li> <li><a href="#">ETI Entry Points to worker representation</a></li> <li><a href="#">ETI 5 Steps to implementing Freedom of Association</a></li> <li><a href="#">RISE - Understanding and verifying supply chain conditions through worker voice</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Oxfam – Thai seafood supply chain worker voice and representation case studies</a></li> <li><a href="#">Just Good Work App</a></li> <li><a href="#">Farm Work Welfare App</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">ACAS e-learning Discipline and Grievance training</a></li> <li><a href="#">ACAS guidance for workers starting with an agency</a></li> <li><a href="#">ACAS guidance for workers on zero-hour contracts</a></li> <li><a href="#">Just Good Work App</a></li> <li><a href="#">Farm Work Welfare App</a></li> </ul>
<b>Grievance mechanisms</b>	<ul style="list-style-type: none"> <li><a href="#">Vinciworks Whistleblowing policy template</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">ST tool for evaluating Supplier Grievance Mechanisms</a></li> <li><a href="#">Verite Fair Hiring Toolkit – Introduction to Grievance Mechanisms and What Makes a Grievance Mechanism Effective</a></li> </ul>	<ul style="list-style-type: none"> <li>VIDEO – <a href="#">Global Business Initiative company case studies on implementing and using grievance mechanisms</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">ACAS Step by Step grievance guidance</a></li> <li><a href="#">UK Modern Slavery Helpline</a></li> <li><a href="#">Just Good Work App (UK)</a></li> <li><a href="#">Farm Work Welfare App (UK)</a></li> </ul>
<b>Supplier engagement and support</b>		<ul style="list-style-type: none"> <li><a href="#">Food Network for Ethical Trade resources (member only)</a></li> <li><a href="#">United Nations Global Compact Human Rights training course (online)</a></li> <li><a href="#">ETI Essentials of Ethical Trade</a></li> <li><a href="#">ETI Human Rights Due Diligence Training</a></li> <li><a href="#">Verité Forced Labour and Human Trafficking Training</a></li> <li><a href="#">Stronger Together Modern Slavery courses</a></li> <li><a href="#">Stronger Together Tackling Modern Slavery Through Purchasing Practices</a></li> <li><a href="#">Vinci Works Modern Slavery for Procurement training</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">M&amp;S Modern Slavery Toolkit for Suppliers and Partners</a></li> <li><a href="#">M&amp;S Forced Labour Toolkit for International Suppliers and Partners</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">ACAS written terms of employment template</a></li> <li><a href="#">ACAS checklist for induction of new staff</a></li> <li><a href="#">ACAS absences and lateness record template</a></li> <li><a href="#">ACAS disciplinary and grievance plan and report templates</a></li> <li><a href="#">ACAS example disciplinary and grievance procedures</a></li> </ul>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**G. TOOLS AND TEMPLATES** (continued)

	TEMPLATES	TOOLS	EXAMPLES	SME TOOLS AND TEMPLATES
<b>Responsible recruitment and Agency Labour Management</b>	<ul style="list-style-type: none"> <li>• <a href="#">ST Template Employer Pays Principle Policy</a></li> <li>• <a href="#">ST Template Employer Pays Principle and Repayment of Recruitment Fees Policy for Brands/Retailer</a></li> <li>• <a href="#">Responsible Recruitment Toolkit (RRT) template Responsible Recruitment Policy</a></li> <li>• <a href="#">RRT Template Legal Eligibility to Work Policy and Procedure</a></li> <li>• <a href="#">RRT Template Freedom of Association Policy and Procedure</a></li> <li>• <a href="#">RRT Template Working Time Policy &amp; Procedure</a></li> <li>• <a href="#">RRT Template No Child Labour Policy and Procedure</a></li> <li>• <a href="#">RRT Template Assignment Details Form</a></li> <li>• <a href="#">RRT Template Deduction Payment Consent Form</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs</a></li> <li>• <a href="#">ILO training toolkit on establishing fair recruitment processes</a></li> <li>• <a href="#">ILO Global Database on recruitment national laws, policies and regulations (policies) that have defined recruitment fees and related costs</a></li> <li>• <a href="#">RRT Guide to Eliminating Worker-Paid Recruitment Fees and Related Costs (3rd Edition)</a></li> <li>• <a href="#">Electronics Watch Guidance for Remediation and Prevention of Migrant Worker Recruitment Fees and Related Costs</a></li> <li>• <a href="#">RRT Guide to Eliminating Worker-Paid Recruitment Fees and Related Costs – Third Edition</a></li> <li>• <a href="#">RRT Accommodation Due Diligence Guide and Checklist</a></li> <li>• <a href="#">RRT Internal Investigation Checklist</a></li> <li>• <a href="#">RRT Risk Assessment Template and Guide</a></li> <li>• <a href="#">RRT Root Cause Analysis Guide</a></li> <li>• <a href="#">RRT Training Needs Assessment Guide</a></li> <li>• <a href="#">RRT Policy Communication Guide</a></li> <li>• <a href="#">RRT Standard on No Recruitment Fees (note additional standards are available on RRT)</a></li> <li>• <a href="#">RRT Guidance on Effective Management systems</a></li> <li>• <a href="#">CIPD Workforce Planning Top Tips</a></li> </ul>		
<b>Collaborations</b>		<ul style="list-style-type: none"> <li>• <a href="#">OECD Guidance on human rights collaborations (Page 51-54)</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">VIDEO – Global Business Initiative company case studies of collaborations</a></li> <li>• <a href="#">Report – Multi-stakeholder Engagement on HRDD including tea and tomatoes</a></li> </ul>	
<b>Proactive checks of suppliers and labour providers</b>	<ul style="list-style-type: none"> <li>• <a href="#">Vinci Works Supplier Checklist</a></li> <li>• <a href="#">ST Template for Supplier Visits</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Sedex Self-Assessment Questionnaire</a></li> <li>• <a href="#">SMETA Social Audits</a></li> <li>• <a href="#">Gender Equality in Social Auditing Guidance</a></li> <li>• <a href="#">ILO – Eliminating and Preventing Forced Labour, Checkpoints App</a></li> <li>• <a href="#">ILO – Eliminating and Preventing Child Labour, Checkpoints App</a></li> </ul>		
<b>Sourcing decisions</b>	<ul style="list-style-type: none"> <li>• <a href="#">ST Questions for use in tendering process</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">ETI Guide to Buying Responsibly</a></li> <li>• <a href="#">CIPS Ethical Business Practices in Purchasing and Supply Management</a></li> </ul>		
<b>Managing raw materials in supply chains</b>		<ul style="list-style-type: none"> <li>• <a href="#">BSR Three Steps for tackling raw material risks in supply chains</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Unilever raw material supply chain approach</a></li> <li>• <a href="#">Bosch Group Policy for Conflict Raw Materials</a></li> <li>• <a href="#">Mars and Wilmar raw material work on palm oil</a></li> </ul>	

SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?

**G. TOOLS AND TEMPLATES** (continued)

	TEMPLATES	TOOLS	EXAMPLES	SME TOOLS AND TEMPLATES
<b>Issue specific guidance to mitigation</b>		<ul style="list-style-type: none"> <li>• <a href="#">ILO/IOE Child Labour in Business Guidance</a></li> <li>• <a href="#">ETI Base Code Guidance – Modern Slavery</a></li> <li>• <a href="#">ETI Base Code Guidance – Child Labour</a></li> <li>• <a href="#">ETI Base Code Guidance – Working Hours</a></li> <li>• <a href="#">ETI Base Code Guidance – Living Wages</a></li> <li>• <a href="#">ETI Base Code Guidance – Gender</a></li> <li>• <a href="#">ETI Base Code Guidance – Disability</a></li> <li>• <a href="#">Verité Help Wanted Fair Hiring Toolkit</a></li> <li>• <a href="#">Equality and Human Rights Commission Sexual Harassment in the Workplace guidance for employers</a></li> <li>• <a href="#">ILO/IOE Child Labour Platform</a></li> <li>• <a href="#">Child Labour Platform Good Practice for Companies</a></li> </ul>		



**LEARNING FROM OTHERS:**  
Tackling discrimination in the workplace<sup>26</sup>

In May 2010, A Novartis AG pharmaceuticals unit in the United States was ordered to pay a group of 5,600 female employees punitive damages of \$250 million, the largest employment discrimination verdict to date according to data compiled by Bloomberg. In the landmark case, jurors found that Novartis had systematically discriminated against women over pay and promotion and because of pregnancy.

Five years later, Novartis Pharmaceuticals became the first company to rank number 1 on the DiversityInc Top 50 Companies for Diversity<sup>27</sup> for the second year in a row. The survey demonstrated huge improvement for Novartis since its 2010 gender bias lawsuit. This was accomplished through a disciplined Diversity and Inclusion plan in the US to create a diverse and equitable workplace by supporting and retaining diverse talent, strengthening and empowering Employee Committees, providing one-on-one coaching, training and executive mentoring, establishing new hiring guidelines that require ethical/racial diversity and hiring a Diversity and Inclusion talent team to help identify and attract diverse applicants to the company.

**Huge improvement was accomplished through a disciplined Diversity and Inclusion plan in the US to create a diverse and equitable workplace**



The company is making progress towards our United Nations (UN) Equal Pay International Coalition pledge to achieve gender balance in management and further improve pay equity and transparency processes by 2023. The percentage of women managers in their US business rose to 47.5% in 2020, and by February 2021 they will have introduced pay transparency in 16 countries, including the US<sup>28</sup>.

<sup>26</sup> <https://www.bloomberg.com/news/articles/2010-05-19/novartis-must-pay-250-million-in-punitive-damages-after-losing-bias-case>

<sup>27</sup> <https://www.diversityinc.com/the-diversityinc-top-50-companies-for-diversity-2015/>

<sup>28</sup> <https://www.diversityinc.com/novartis-novartis-in-society-report-highlights-diversity-inclusion-efforts/>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 3 WHAT YOU CAN DO TO PREVENT OR REDUCE THE IMPACT OF HUMAN RIGHTS IMPACTS?


**H. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?**

- Understanding the nature of business relationships in the value chain (e.g. by mapping them) can help the company understand what leverage it has with the different entities involved.
- Using and building leverage requires creativity because it is highly contextual. Leverage does not require a contractual or other direct relationship; simply having a conversation can create its own leverage.
- Building internal leverage – for example, with colleagues in operations or senior management – can be as critical as creating external leverage.
- Taking action alone is typically harder – effective action requires collaboration both with internal stakeholders and external stakeholders, who can provide expert knowledge and enhance creative thinking.
- Do not develop policies in isolation from others in your organisation. Consult as widely as possible.


**I. WHAT TO DO WHERE YOU DO NOT HAVE LEVERAGE?**

As you progress in developing your HRDD approach, you may find that your business has human rights risks where you simply do not have the leverage to either prevent or mitigate those risks. Examples of this would be sourcing raw materials from countries and industries where state-imposed forced labour is used or sourcing from suppliers who despite your attempts will not engage on the need to improve working conditions. In these cases, you should do everything you can to prevent or mitigate risks but you may then need to look at disengaging from those suppliers and seeking alternative sources. Further guidance and company case studies on using leverage is available from the [Global Business Initiative](#).

**SMEs** **Advice for smaller organisations on where to start**  
SMEs should focus on preventing human rights risks occurring in their own operations, by introducing policies and procedures to reduce the risks of potential cases of forced labour particularly risks of forced labour and by formalising relationships with labour providers and auditing them on a regular basis. You should also focus on ensuring that all workers on your site can raise issues and concerns about their own working conditions or those of colleagues with managers.


**SUPPLIER CASE STUDY:**  
**Looking for leverage to tackle human rights risks**

MM Flowers, a cut flowers specialist in the UK and Europe, has identified a potential human rights risk to their business from smaller or niche suppliers of wild foliage in a range of countries from Europe to the US, Mexico to South Africa. The suppliers may rely on migrant labour with gangs of workers often moving around sites resulting in poor visibility and minimal oversight of workers. This part of the horticultural sector does not currently fall under any certification or audit schemes, as these tend to be aimed at the cultivated sector.



The supplier has recently **engaged with a researcher with a view to driving industry collaboration** to look for common solutions

Wild foliage represents a very small percentage of MM's sales and therefore the company has minimal leverage with its wild foliage suppliers. As a result, the supplier has been trying to organise an industry collaboration with other European flower suppliers. The supplier has recently engaged with a researcher employed by the Floriculture Sustainability Initiative, who is focused on understanding risks such as labour rights and environmental degradation in the sector segment more clearly, with a view to driving industry collaboration to clarify the challenges and look for common solutions.

“Understanding the nature of business relationships in the value chain can help the company understand what leverage it has with the different entities involved.”





## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 4 MAKING SURE WORKERS CAN RAISE ISSUES AND REMEDIATING ANY NEGATIVE HUMAN RIGHTS IMPACTS



## A. WHAT IS IT?

**Remediation** is the process of putting right negative human rights impacts as a result of a company's actions. Remedy is the outcome of making good negative human rights impacts. Remediation is a separate, critical process that human rights due diligence should enable and support.

**Grievance mechanisms** are formal, legal or non-legal complaint processes that can be used by individuals, workers, communities and/or civil society organisations whose human rights are being negatively affected by certain business activities and operations<sup>29</sup>.

Grievance mechanisms can help provide remedy where a company has caused or contributed to a negative impact and can also be important early warning systems. Grievance, whistleblowing and remediation processes interact with each other and support due diligence by providing methods through which companies can become aware of and respond to human rights impacts.

The process of remediation and the type of remedy or combination of remedies that are appropriate will depend on the nature and the extent of the negative human rights impact, where it occurs in the supply chain, legal implications and how those impacted want adverse human rights impacts to be remediated.

Appropriate remediation processes can include:

- **Existing standards** – companies may have an obligation to comply with domestic or international laws or standards that may exist for what constitutes appropriate forms of remedy. Companies own grievance mechanisms may also be an effective means of providing remediation
- **Existing processes** – many issues faced by workers are day-to-day problems that can be handled to the worker's satisfaction through effective human resources (HR) systems
- **Precedent** – looking for examples from recent cases or industry best practice
- **Preference of those affected** – seeking the perspective of those affected, or their representatives for example trade unions or NGOs, about what is appropriate remedy.

Appropriate forms of remedy should always be informed by what workers want and can include<sup>30</sup>:

- **Apologies** – both to the worker and publicly where the company has caused or contributed to the adverse human rights impact
- **Rehabilitation** – includes medical and psychological care as well as legal and social services
- **Restitution** – seeks to restore workers to their original situation before adverse human rights impact occurred. Includes, as appropriate, restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property
- **Compensation** – should be provided for any economically assessable damage as appropriate and proportional to the gravity of the violation and the circumstances of each case
- **Punitive sanctions** for perpetrators of severe human rights abuses
- **Taking measures to prevent future impacts** – including an assessment of internal policies, processes and decisions which may have led to an adverse human rights impact.

**This section covers:**

- How to make sure you have effective grievance mechanisms in place for workers to raise concerns
- How to determine your response plan when potential negative human rights impacts are identified in your operations and your supply chains
- How to investigate allegations of severe human rights impacts
- How to establish a plan to remediate severe human rights impacts
- How to implement a plan to remediate severe human rights impacts
- How to support your suppliers and supply chain partners to develop response plans and remediation plans
- How to decide where you can take actions on your own and where you need to collaborate.



## B. WHY DO IT?

Companies are required to provide remedy where they determine that they have caused or contributed to negative human rights impacts. If a company is only linked to a negative human rights impact through a business relationship, they can also take a role in ensuring that workers can access remedy but may not need to provide for the remedy itself. In these cases, the company may use its leverage, individually or by working with others, to make suppliers or service providers participate in the remediation process or to facilitate investigations or dialogue. If suppliers or service providers refuse to do this or if the supplier or service provider responsible can not be identified, your company may still decide to provide remedy for workers.

**WHY SEPARATE OUT THE REMEDIATION OF SEVERE HUMAN RIGHTS VIOLATIONS AND OTHER ADVERSE HUMAN RIGHTS IMPACTS?**

Remedy is required for any negative human rights impact that a company has caused or contributed to. This will include issues raised directly by the workforce through grievance mechanisms and issues raised through proactive checks on your own operations and supply chain, for example through third-party audits. Most human rights impacts should be resolved at the site level, promoting worker wellbeing while maintaining productivity<sup>31</sup>.

However, you will need to ensure that you are prepared to respond swiftly to severe human rights violations and that, when implementing remediation, these are the impacts you prioritise. Severe human rights violations may require the involvement of multiple stakeholders including local criminal and civil justice systems.

29 <https://www.somo.nl/hrgm/what-are-grievance-mechanisms/>; Status 13.04.2020





30 For further information see pages 55-57 of Stronger Together Tackling Modern Slavery in UK Business <https://www.stronger2gether.org/resources/>

31 [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/Access%20to%20remedy\\_0.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/Access%20to%20remedy_0.pdf)

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How to implement a Human Rights Due Diligence (HRDD) approach

4 MAKING SURE WORKERS CAN RAISE ISSUES AND REMEDIATING ANY NEGATIVE HUMAN RIGHTS IMPACTS

**C. WHAT DO YOU NEED TO DO?**

	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Establish grievance mechanisms for workers in your own operations and supply chains</b>	<ul style="list-style-type: none"> <li>See <a href="#">Section 3F/2</a> above and the <a href="#">How do you do it?</a> section below</li> </ul>	<ul style="list-style-type: none"> <li>See <a href="#">Section 3F/2</a> above and the <a href="#">How do you do it?</a> section below</li> </ul>	<ul style="list-style-type: none"> <li>See <a href="#">Section 3F/2</a> above and the <a href="#">How do you do it?</a> section below</li> </ul>	<ul style="list-style-type: none"> <li>See <a href="#">Section 3F/2</a> above and the <a href="#">How do you do it?</a> section below</li> </ul>
<b>Investigate allegations of human rights issues</b>	<ul style="list-style-type: none"> <li>Conduct internal investigations into any allegations of human rights issues in relation to your own operations</li> <li>Handover investigation to relevant authorities where required, for example where there are signs of forced labour</li> </ul>	<ul style="list-style-type: none"> <li>Conduct internal investigations into any allegations of human rights issues in your supply chain</li> <li>Consult authorities or contract third parties to investigate allegations where required</li> <li>Support Tier 1 suppliers to investigate any allegations of human rights issues in their operations</li> </ul>	<ul style="list-style-type: none"> <li>Support high-risk Tier 1 suppliers to investigate any allegations of human rights issues in their supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Consult authorities where required, for example where there are signs of forced labour</li> </ul>
<b>Plan how you will remediate human rights issues</b>	<ul style="list-style-type: none"> <li>Identify in what situations you would have no ability to deliver remedy, e.g. in a case of forced labour, and identify relevant authorities/organisations who could then provide remedy directly</li> <li>Document what steps your business would take to remedy human rights issues, how these would be implemented and by whom e.g. provision of temporary accommodation for forced labour victims, financial compensation for victims of forced labour</li> </ul>	<ul style="list-style-type: none"> <li>Formalise your approach into a Remediation Policy with sign-off at senior management level</li> <li>Identify what funding and resource is required to implement your Remediation Policy – this could vary from investing in health and safety or improved worker accommodation to providing overnight accommodation for victims of forced labour or remediating recruitment fees</li> <li>Work with your high-risk Tier 1 suppliers and labour providers to ensure that they have made a commitment to remediation</li> </ul>	<ul style="list-style-type: none"> <li>Encourage your high-risk Tier 1 suppliers to have a Remediation Policy with sign-off at senior management level</li> <li>Secure board-level funding for potential remediation of adverse human rights impacts</li> </ul>	<ul style="list-style-type: none"> <li>Document what steps your business would take to remedy severe human rights issues, how these would be implemented and by whom e.g. provision of temporary accommodation for forced labour victims, financial compensation for victims of forced labour</li> </ul>
<b>Remedy human rights issues</b>	<ul style="list-style-type: none"> <li>Agree corrective actions to resolve issues in own operations raised by workers or third parties e.g. audits</li> <li>Implement corrective actions within the timeframes agreed with workforce</li> <li>Identify any corrective actions which require capital expenditure and determine appropriate funding and timescales</li> <li>Share corrective actions with workforce and customers</li> <li>Gather feedback from workers involved that issues have been satisfactorily resolved</li> </ul>	<ul style="list-style-type: none"> <li>Work with your high-risk Tier 1 suppliers to make sure issues raised by workers or third parties e.g. through surveys or audits are remedied within agreed timeframes</li> <li>Encourage your high-risk Tier 1 suppliers to share the resolution of issues with workers</li> <li>Encourage your high-risk Tier 1 suppliers to talk to workers to make sure that remedy has been delivered effectively</li> </ul>	<ul style="list-style-type: none"> <li>Encourage your high-risk raw material suppliers to make sure issues raised by workers or third parties, for example through audits, are remedied within agreed timeframes</li> <li>Encourage your high-risk raw material suppliers to talk to workers to make sure that the remediation of issues is successful</li> </ul>	<ul style="list-style-type: none"> <li>Agree corrective actions to resolve issues in own operations raised by workers or third parties e.g. audits</li> <li>Implement corrective actions within the timeframes agreed with workforce</li> <li>Gather feedback from workers involved that that issues have been satisfactorily resolved</li> </ul>





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## How to implement a Human Rights Due Diligence (HRDD) approach

## 4 MAKING SURE WORKERS CAN RAISE ISSUES AND REMEDIATING ANY NEGATIVE HUMAN RIGHTS IMPACTS



## C. WHAT DO YOU NEED TO DO? (continued)

	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Plan your response to allegations severe of human rights issues</b>	<ul style="list-style-type: none"> <li>Develop a Response Plan for dealing with severe human rights issues including forced labour</li> <li>Include in your Response Plan the contact details of local authorities and support organisations</li> <li>Make sure you have access to trusted interpreters where necessary</li> <li>Ensure all relevant staff are aware of the Response Plan and know their roles and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>Review your Response Plan on an annual basis and build in lessons learned from cases of severe human rights issues/industry/media stories</li> <li>Establish and train an Incident Management Team including relevant members of technical, operational and HR teams to implement the company's Response Plan for severe human rights issues in your supply chain</li> <li>Ensure all staff dealing with suppliers understand how to report concerns or suspicions about adverse human rights impacts</li> <li>Work with Tier 1 suppliers and labour providers to ensure that they have a Response Plan for severe human rights issues</li> </ul>	<ul style="list-style-type: none"> <li>Work with Tier 1 suppliers to ensure that high-risk suppliers and labour providers in lower tiers of the supply chains have a Response Plan for severe human rights issues</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Response Plan for dealing with severe human rights issues including forced labour</li> <li>Include in your response plan the contact details of local authorities and support organisations and trusted interpretation arrangements where necessary</li> <li>Ensure all staff are aware of the Response Plan and know their roles and responsibilities</li> </ul>
<b>Remediation of severe human rights issues</b>	<ul style="list-style-type: none"> <li>Where safe and authorised to do so, talk to impacted workers and their representatives in your own operations to determine appropriate remedy. Companies should not undermine investigations by the authorities</li> <li>Comply with the law and look for national guidelines or international guidelines on remediation where available</li> </ul>	<ul style="list-style-type: none"> <li>Engage with organisations who work with women and minority ethnic groups to identify appropriate remedies</li> <li>Work with Tier 1 suppliers and labour providers to remedy any severe human rights issues which occur in your immediate supply chain</li> </ul>	<ul style="list-style-type: none"> <li>Identify remediation which addresses discriminatory power structures and institutional discrimination</li> <li>Work with Tier 1 suppliers to remedy any severe human rights issues which occur in your extended supply chain</li> </ul>	<ul style="list-style-type: none"> <li>Remedy any severe human rights issues which occur in your own operations</li> </ul>
<b>Measure the effectiveness of your response and remediation</b>	<ul style="list-style-type: none"> <li>Measure how often workers raise grievances with your business and what channels they use to raise these grievances</li> <li>Speak to workers on a regular basis to ensure they know how to raise concerns about working conditions with the company</li> <li>Where feasible and relevant, gather feedback from victims of severe human rights violations in your own operations about how their issues have been resolved</li> </ul>	<ul style="list-style-type: none"> <li>Report internally on the frequency by which workers use your operational grievance mechanisms, nature of issues raised and how they are resolved</li> <li>Use annual worker surveys to understand workers' views on the effectiveness of grievance resolution in your own operations</li> <li>Where feasible and relevant, gather feedback from victims of severe human rights violations in your own operations about your grievance and remediation processes</li> <li>Support Tier 1 suppliers to measure and report internally on the frequency by which workers use their operational grievance mechanisms, nature of issues raised and how they are resolved</li> </ul>	<ul style="list-style-type: none"> <li>Support Tier 1 suppliers to work with their high-risk suppliers to implement effective grievance mechanisms</li> <li>Support Tier 1 suppliers to implement communication channels to understand workers' views on the effectiveness of grievance resolution and remediation processes</li> </ul>	<ul style="list-style-type: none"> <li>Speak to workers on a regular basis to ensure they know how to raise concerns about working conditions with the company</li> </ul>

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## 4 MAKING SURE WORKERS CAN RAISE ISSUES AND REMEDIATING ANY NEGATIVE HUMAN RIGHTS IMPACTS



## D. HOW DO YOU DO IT?

Effective grievance mechanisms are crucial for identifying adverse human rights impacts. An Operational Grievance Mechanism (OGM) is a complaint process that workers can use to raise concerns about negative impacts they may have suffered as a result of certain business practices. Workers should be made aware of effective and accessible grievance mechanisms which can be provided by businesses, trade unions or multiple stakeholders working together through third parties.



The role of the state in OGMs is to address cases of labour law violations and criminal and civil offences. The role of trade unions is to represent workers views and support the resolution of issues.

The UNGP's effectiveness criteria for grievance mechanisms states they should be legitimate, accessible, predictable, equitable, transparent, respectful of internationally recognised human rights and sources of continuous learning.

In practical terms this means you should<sup>32</sup>:

- Create a defined process for addressing grievances with clear lines of accountability
- Talk to important stakeholders about the design, implementation and monitoring of the mechanism
- Make sure all workers understand how to raise a grievance, for example by providing guidance in workers' native language
- Provide multiple methods through which workers can raise grievances, for example face-to-face with line managers or using technology
- Provide additional support to workers and groups who might face particular barriers in raising grievances, such as women
- Define the types of complaints that will be covered by the grievance mechanism and the outcomes which will be available
- Establish clear roles, responsibilities, procedures and processes for managing and monitoring grievances
- Make sure personal and other crucial details of those raising grievances are kept confidential
- Display information about the grievance mechanism on noticeboards seen by workers and in common areas. Include on your company's website where possible
- Make sure that all workers have access to information, advice and expertise to help them raise grievances, including new hires and vulnerable workers such as migrant workers
- Translate grievance mechanism into different languages or use visuals to ensure workers can access the mechanism
- Train leaders from key functions and departments to understand the grievance process, particularly those whose actions can lead to complaints

- Ensure at least one person in charge of receiving grievances is trained in conflict management in the workplace, conciliation and mediation or that you can access these skills outside of the company
- Test the grievance mechanism by running fictitious complaints through it, testing for different types of grievances raised through different routes
- Keep users of the grievance mechanism informed throughout the process
- Assess any complaints raised through the mechanism to make sure that no internationally recognised human rights have been violated
- Stick to the agreed upon grievance procedure to ensure that the process and outcomes are legitimate
- Address and resolve grievances raised. Focus initially on talking to and engaging with workers
- Keep records of complaints
- Publish information about the date of complaints, description of complaints, investigation and conciliation measures taken, the final resolution and the date of resolution
- Create a system for collecting feedback from users
- Monitor the performance of the mechanism on a regular basis
- Report internally and externally on how effective the mechanism is and lessons learnt from dealing with grievances

**ENGAGEMENT**

For more guidance, take a LOOK at the amfori BSCI resource on [how to set up a grievance mechanism](#).





## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

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## D. HOW DO YOU DO IT? (continued)



## LEARNING FROM OTHERS:

How do you fund the remediation of severe human rights violations?<sup>33</sup>

Companies in the UK have provided remedy for violations of workers human rights in different scenarios in the UK and in supply chains. In some cases, remedy has been provided even where the company has not caused or contributed to the violations but is only linked through a business relationship.

In some but not all cases the remedy has required funding. In these cases, the remedy requested by workers has often been secure work, help in finding safe accommodation and not to be identified as a victim with their peers.

In one case, workers on a UK farm who were supplied through a labour provider had not been paid for a week. The farm could not get hold of the labour provider so agreed to pay the workers directly for the hours due. They then shortened the payment terms with the labour provider to ensure that workers could get paid for subsequent weeks.

In another instance, a supplier identified that agency workers on a UK farm were forced to live in and pay for accommodation provided by the labour provider. The supplier worked with the Gangmasters and Labour Abuse Authority to ensure that workers got paid, were able to move to different accommodation and were taken on full-time by the farm. The labour providers' license was subsequently revoked.

In 2017-18, a group of ETI member brands sourcing from Zimbabwe took action to provide compensation to 1,650 farm labourers for unpaid wages. Brands were alerted through an anonymous tip-off alleging modern slavery, and commissioned an on-site investigation through a local NGO, [Partner Africa](#), which sought to understand the root cause of the issue, determine the scale of the issue, determine whether all workers were being paid and quantify the number of workers impacted by unpaid wages and the amounts owed to the workers. The ETI and Partner Africa subsequently established a good will fund, to which brands contributed and prepared a detailed repayment plan. As of July 2018, 96% of workers had received reimbursement of wages through financial compensation. Partner Africa also conducted on-site visits to verify payment of wages and to interview workers about the collection process. Together with retailers and importers, it also took action to prevent and manage future wage payment delays and non-payment of wages.

In other cases of remediation, support networks have been crucial for financing remedial actions. NGOs, faith groups and charities have been able to pay for workers to get home where they have been exploited.



## LEARNING FROM OTHERS:

Responding to a potential case of forced labour<sup>34</sup>

A UK-based business made a large-scale discovery of labour exploitation in the early days after the UK Modern Slavery act was brought in. The business's new Supplier Standards required much more forensic auditing of labour providers as this is where the biggest risk was deemed to be. The discovery was made as a result of an in-depth audit of a labour provider using the new guidelines. The labour provider hired workers for a specialist skill which mainly attracted Eastern European workers. The labour provider was loaning money to workers to cover costs, including transport and accommodation, for the first couple of weeks until they got paid. This left workers with very little to live on in the early weeks of employment as large deductions were taken from their wages to cover their debts. During the audit, it was discovered that pre-signed blank loan agreements were being kept on file, should workers decide to take a loan, and worker allowances were being used illegally.

Accommodation checks were also part of the new Supplier Standards so, although the accommodation was not supplied by the UK business, follow up visits to worker accommodation were arranged. These visits revealed that workers were being exploited by their landlords with workers living four to a room and being charged up to £100 per week for poor accommodation with some workers sharing beds between day and night shifts.

Workers were initially unwilling to talk to the business however, once they were reassured and knew they were being offered a full-time contract by the business, they opened up about their circumstances. The majority did not initially understand that there was anything wrong

with the way they had been treated by the labour provider or about their accommodation standards. They had accepted that this was the "way things were".

As a result of the audit findings, the contract with the labour provider was terminated and all of the agency workers were put on permanent contracts with the UK business. The business compensated the workers for lost earnings and holiday pay and also severed ties with the labour provider at considerable financial cost. The business also arranged for a new letting agent to meet with the workers and ensured all the workers moved into better accommodation with tenancy agreements. The original landlord was reported to the local authorities who planned to pursue prosecution.

As a result of the experience, the UK business strengthened considerably the checks they conducted of labour providers building in "forensic" auditing techniques which support labour providers who may need additional assistance, as well as identifying those who are complicit in cases of exploitation or forced labour. It also worked to help non-UK workers understand their rights via Stronger Together and internal training.

Key lessons learned from the case were the need to ensure labour providers were trained in ethical practices and understand the proactive checks in place and why they were being carried out. Clear expectations should be set in any new relationship with a labour provider and the labour user and labour provider should work collaboratively from the start. Support should always be sought from the authorities where criminal activity is suspected.



33 [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/Access%20to%20remedy\\_0.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/Access%20to%20remedy_0.pdf)

34 Anonymised supplier case study



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**D. HOW DO YOU DO IT?** (continued)

**Putting together a remediation plan** – the following principles should be used to develop your company's remediation plan for adverse human rights impacts, including severe human rights issues such as forced labour<sup>35</sup>:

- Identify the individual/team in your company who will be responsible for remediating any adverse human rights impacts in your supply chain. For larger organisations, a team should include representatives from ethical trade teams, technical, commercial, legal and Human Resource teams
- Define the scope of what adverse human rights impacts the company will remediate, for example any impacts that the company has caused or contributed to will be remediated however any impacts that the company is directly linked to will be primarily remediated by suppliers
- Define the scope of responsibility of this team which may include the following:
  - Reviewing the effectiveness of actions to prevent adverse human rights risks in supply chains
  - Reviewing channels by which adverse human rights risks can be raised by workers in your supply chain and worker representative organisations including trade unions and NGOs
  - Designing the company's remediation policy and procedures if none exist
  - Establishing funding and documenting how, to what extent and who will provide funds for different types of remediation
  - Remediation policy and procedure
- Implement corrective and preventative measures with suppliers, unions and others
- Evaluate outcomes including worker satisfaction, document and report to stakeholders
- Provide ongoing support to workers/s where necessary

**WHAT SHOULD REMEDIATION POLICIES AND PROCEDURES INCLUDE:**

- **Policy statement** – why has the company put together a remediation policy?
- **Coverage** – which parts of your operations and what supply chains and types of suppliers does the policy apply to? Which workers are covered by the policy?
- **Responsibility** – who has responsibility for implementing the policy and who is accountable for the policy?
- **Policy and procedure design** – the policy and procedure should be developed with input from staff, suppliers, worker representative organisations and workers
- **Remediation procedures:**
  - **Defining a complaint** – what adverse human rights impacts does your policy cover? You may initially restrict your remediation policy to severe human rights violations, for example forced labour
  - **Information required** – what information should complainants provide to establish relevance and severity of complaint? (basic details would include supplier name/location of violation/nature of violation/numbers of workers affected/any issues already raised internally and how the company has responded)
- **Channels for making a complaint** – what channels should be available to workers and third parties?
- **Remedy offered** – what remedy the business will offer for human rights violations?
- **Support from external organisations** – what support will be available from government and/or civil society?
- **Links to state-based judicial and non-judicial remedy** – how workers will be able to access other forms of remedy outside of the company's remediation
- **Formal procedures** required by suppliers, contractors and labour providers to remediate adverse human rights impacts
- **Non-repetition steps** – steps taken to ensure adverse human rights impacts will not be repeated including information shared with the business, industry and with authorities to improve industry best practice
- **Communication of remediation** – how remediation will be communicated internally and externally?
- **Review steps** – to ensure that policy is effective, that remediation procedures are effective and that root causes are being addressed.

**ENGAGEMENT**

READ the [ETI's guidance](#) on remedy for more information on grievance mechanisms and developing a remediation plan.



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## E. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES
<b>Investigate allegations of severe human rights issues</b>		<ul style="list-style-type: none"> <li>• <a href="#">Human Trafficking and Modern Slavery Expert Directory</a></li> <li>• <a href="#">Global Modern Slavery Directory</a></li> </ul>	
<b>Plan how you will remediate human rights issues</b>		<ul style="list-style-type: none"> <li>• <a href="#">FNET Guidance for Developing Grievance Mechanisms (members only)</a></li> <li>• <a href="#">FNET Guidance for Developing Whistleblowing Mechanisms (members only)</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Clarks Child Labour Remediation Policy</a></li> <li>• <a href="#">Patagonia Forced Labour and Human Trafficking Remediation Approach</a></li> </ul>
<b>Remedy human rights issues</b>		<ul style="list-style-type: none"> <li>• <a href="#">ETI Practical Guidance – providing access to remedy 2019</a></li> <li>• <a href="#">Walkfree Foundation - Guidance on Remedial Action (see Tool 10)</a></li> <li>• <a href="#">ILO – Combating Forced Labor: A Handbook for Employers and Business – Chapter 6. Tips for Taking Action</a></li> <li>• <a href="#">Evaluating Multi-stakeholder Initiative Potential to Combat Trafficking in Persons</a></li> <li>• <a href="#">Electronics Watch Guidance for Remediation and Prevention of Migrant Worker Recruitment Fees and Related Costs</a></li> <li>• <a href="#">Accountability Framework Operational Guidance on Remediation and Access to Remedy</a></li> <li>• <a href="#">EU SME Guidance on HRDD - Step 4</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Report – collaborations to provide remedy - UN</a></li> </ul>
<b>Plan your response to allegations severe of human rights issues</b>		<ul style="list-style-type: none"> <li>• <a href="#">ST Workplace Incident Investigation Checklist</a></li> <li>• <a href="#">ST Sample Worker Interview Questions</a></li> <li>• <a href="#">ST Workplace Critical Issues Report</a></li> </ul>	
<b>Measure the effectiveness of your response and remediation</b>		<ul style="list-style-type: none"> <li>• <a href="#">Evaluating the Effectiveness of Grievance Mechanisms</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Amader Kotha, Bangladesh case study for effectiveness criteria (ETI Remedy paper)</a></li> </ul>

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#### **F. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?**

- There is no single path to remediate human rights issues. The actions that you take will be determined by the issues that you are trying to reduce. For example, you may be providing remedy for victims of forced labour who may require accommodation and financial support in the short-term and physical or emotional support in the longer-term. Alternatively, you may be providing remedy for workers in your supply chain who have not been paid the wages they are due which requires investigation and financial compensation.
- Do not develop your remediation policy and response plan in isolation. Talk to colleagues so you can get a consensus on how remedy and response should be managed.
- Establishing an effective remediation approach takes time, requires research, work with sites and communities and firm commitments from internal and external stakeholders<sup>37</sup>.

**SMEs** **Advice for smaller organisations on where to start**  
 SMEs should focus on making sure they can respond to any severe human rights violations in their business, speaking to workers on a regular basis to check on issues and ensuring they have good contacts with local authorities who can support them if any severe human rights violations are found.

#### **G. CRITICAL QUESTIONS TO ASK YOURSELF**

You may be a small business with a small number of suppliers or you may have a large, extensive supply chain but here is food for thought. There are key questions you can ask yourself having read this section:

**?** **Do workers in your own operations have routes through which they can raise concerns? Do workers in your supply chain have routes to raise concerns?**

**?** **Do you have ways of measuring whether grievances are being raised by workers, how they are dealt with and if they are satisfactorily resolved? If not, what more do you need to do? What about for your supply chain?**

**?** **Do all the relevant people in your organisation know how they would respond if adverse human rights impacts were identified in your own operations or your supply chains?**

**?** **Have you discussed at a senior level what steps you would take to remedy adverse human rights impacts and how you would fund and resource remediation?**

#### NOTES

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37 [https://www.ethicaltrade.org/sites/default/files/shared\\_resources/Access%20to%20remedy\\_0.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/Access%20to%20remedy_0.pdf)

## SECTION B:

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**5** HOW TO MONITOR THE IMPACT OF YOUR HUMAN RIGHTS DUE DILIGENCE APPROACH**A. WHAT IS IT?**

**Monitoring** is the regular, ongoing collection of information to assess the performance of your company's human rights due diligence approach by those directly involved in the work.

**Evaluation** refers to assessments of your human rights due diligence which tend to be conducted by external organisations at specific intervals to assess whether your approach is achieving what you want it to do and having an impact on your company, your workers and workers in your supply chain.

**Monitoring and evaluation are one of the areas of HRDD where there has been the least traction amongst companies, hence sources of good practice, tools and templates are less well developed than in other areas.**

**This section covers:**

- How to establish key performance indicators (KPIs) for your human rights due diligence approach
- What best practice KPIs look like
- How to conduct monitoring and evaluation
- How to build reports on your indicators internally and feed information into management decisions
- How to conduct evaluations of your human rights due diligence approach
- How to build in findings from project monitoring and evaluation
- How to build in compliance information with human resource information.

**B. WHY DO IT?**

Monitoring will help your organisation to control human rights risks, comply with the law and operate effectively.

Measurement is a key step in any management process and forms the basis of continual improvement. The goal of monitoring and evaluation is to improve the current and future management of human rights due diligence in your company. Monitoring and evaluation help you to measure if and how effectively your ethical trade/human rights activities are having an **impact on workers and communities**. The information you collect should support the **business case** for putting future resources into ethical trade/human rights and build an **evidence base for engaging suppliers, labour providers, sub-contractors** in human rights.

**Monitoring and evaluation will also provide evidence for customers, investors, consumers, government** about the efficacy of your approach.

**C. WHAT DO YOU MEASURE THROUGH MONITORING?**

Your monitoring should support you to measure whether you are achieving your human rights objectives and the impact of your human rights due diligence approach. Think about what you are trying to achieve through your human rights due diligence and how you can determine whether you have achieved that.

Monitoring should aim to measure areas that include:

- **Management systems** – how human rights are reflected in company policies, due diligence mechanisms and grievance mechanisms
- **Progress against action plans** – whether you have achieved the actions you planned to take in identifying, preventing and mitigating your human rights risks
- **Impact on suppliers** – the inclusion of human rights and HRDD when engaging with suppliers and contractors
- **Impact on workers** – it is critical that your indicators tell you whether the steps you are taking have had a positive impact on workers in your own operations and supply chains. Measuring impact on workers in your supply chains may be difficult initially but should be included in your longer-term plans. Remember that workers are not a single homogenous group and you should aim to understand the different impacts that your actions have on women workers, migrant workers, disabled workers, indigenous and minority ethnic groups.
- **Projects** – the impact of projects you are involved in in specific countries or industries.

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**C. WHAT DO YOU MEASURE THROUGH MONITORING?** (continued)

Examples of the types of information to measure include:

- **Activities** – what are the things you have done to identify and to address adverse human rights impacts
- **Outputs** – what have been the tangible outputs from your activities e.g. training courses, guidance developed, posters or communication materials
- **Outcomes** – what immediate and direct results have been achieved when your outputs have been used e.g. how have staff, suppliers and workers' knowledge improved as a result of a training course, how have the number of grievances raised changed as a result of more awareness of grievance channels
- **Impact** – what is the final impact you have had on your company, on workers in your own operations or workers in your supply chain e.g. increased ability of workers to negotiate on pay and conditions resulting in improved working conditions.

The easy place to start is by focusing on metrics which measure inputs, activities and outputs. These indicators will tell you that you are making progress and may act as leading indicators of future impact. Human rights due diligence inputs, activities and outputs which can be measured include:

- The number of people trained on human rights
- The number of suppliers that have been audited
- The ratio of grievances processed to grievances received
- A checklist of policies and processes that have put in place.

An example of these types of indicators would be those recommended by the GRI approach below which focuses very much on the inputs, activities and outputs described above.

**Global Reporting Initiative (GRI) human rights assessment –**

the GRI Standard GRI 412 is an international standard that establishes the expectations of businesses with respect the UNGPs. The indicators which the GRI suggest businesses monitor are<sup>38</sup>:

- Total number and percentage of operations that have been subject to human rights reviews or human rights impact assessments, by country
- Percentage of employees trained during the reporting period in human rights policies or procedures relevant to the business
- Total number and percentage of significant investment agreements and contracts that include human rights clauses or that underwent human rights screening.

The next crucial step however is to turn these indicators into outcome indicators by asking **“SO WHAT”** and thinking about the impact you want those actions to have. We can look at the inputs, outcomes and activities listed above and turn them into the following outcomes:

- What have staff/workers/suppliers trained learnt from the training conducted? – measurable via surveys at the end of the training and follow up surveys
- What have the findings of audits been? What trends are there in audit non-compliances?
- The severity of grievances raised and how these have been resolved
- Staff understanding and implementation of policies and processes.

Companies should be looking for indicators which help them to measure:

- Positive and negative effects on workers that result from your human rights due diligence approach
- Positive and negative effects on the business for example cost saving, reputational improvements or new business opportunities.

In contrast, with the GRI approach the BSR approach below is firmly focused on understanding your impact on workers. BSR's framework suggests businesses monitor workforce profile indicators and workforce impact indicators and recommends looking at differences between men and women in all the indicators you measure<sup>39</sup>:

**Workforce performance and profile indicators:**

- Workforce performance indicators including percentage turnover, percentage absenteeism, productivity ratios
- Workforce profile indicators – percentage of employees by contract type (permanent, fixed-term, seasonal, agency, management), percentage of suppliers by role (supervisors, administrative staff, workers, migrant workers, workers on piece rate)

38 gri-412-human-rights-assessment-2016.pdf (globalreporting.org)







39 [https://www.bsr.org/reports/BSR\\_Gender\\_Data\\_Impact\\_Framework\\_Report.pdf](https://www.bsr.org/reports/BSR_Gender_Data_Impact_Framework_Report.pdf)

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**C. WHAT DO YOU MEASURE THROUGH MONITORING?** (continued)**Workforce impact indicators – example from BSR<sup>40</sup>**

Sub-category	 Agency	 Health and Safety	 Economic Opportunity	 Leadership	 Violence and Harassment	 SRHR and Unpaid Care
<b>Workforce outcomes</b>	Percentage of workers in trade unions	Percentage of workers who have been injured in the workplace	Percentage of new recruits	Percentage of promoted workers	Percentage of grievances related to sexual harassment (out of all recorded grievances)	Percentage of eligible workers taking parental leave
	Percentage of workers on worker committees	Percentage of workers regularly working over-time	Percentage of workers receiving their salaries in digital payments	Percentage of workers enrolled in professional training and development	Percentage of addressed sexual harassment grievances	Percentage of women workers returning to work after having a child
<b>Worker perceptions and behaviours</b>	Percentage of workers who say they are comfortable reporting grievances/complaints	Percentage of workers who say they can access health services as needed	Percentage of workers who have an individual bank account	Percentage of workers who say women have the same opportunities as men in the workplace	Percentage of workers who understand what constitutes sexual harassment	Percentage of workers who are aware of modern family planning products/types of contraceptives
	Percentage of workers who say they are confident to speak up to supervisors and/or management	Percentage of workers who say toilets are accessible, safe and hygienic	Percentage of workers who say they earn enough to cover their family's basic needs and save for emergency situations	Percentage of workers who say they have the right abilities and skills to advance	Percentage of workers who are aware of the policy addressing violence and harassment in the workplace	Percentage of workers who are comfortable taking parental leave
	Percentage of workers who say they can move freely in and out of the workplace	Percentage of workers who say they take paid leave when they are sick	Percentage of workers who say they have control over their earnings	Percentage of workers who say women are able to occupy leadership roles in the workplace	Percentage of workers who are aware they have access to whistleblower/ethics hotlines and/or worker ombudsman/HR complaints process	Percentage of workers who say their working hours allow them to perform their unpaid care duties and domestic work
	Percentage of workers who are aware of the existence of worker committees and/or trade unions	Percentage of workers who say their employer adjusts tasks and/or provides adequate protective equipment for pregnant workers			Percentage of workers who trust the factory's grievance mechanism/complaints procedure	Percentage of workers who are satisfied with the on-site child care facilities (if available)
	Percentage of workers who say their voices are heard and taken into account by management	Percentage of workers who say it is safe for women to commute to and from the workplace				Percentage of women workers who say they come to work when menstruating
	Percentage of workers who have access to mobile phones and digital technologies					
<b>Social norms</b>	Percentage of workers who say women and men should have an equal role to play in community decision making		Percentage of workers who say women and men should have equal rights to employment and economic participation	Percentage of workers who say women should occupy leadership roles in the community	Percentage of workers who say harassment against women is unacceptable	Percentage of workers who say women and men should share an equal responsibility for unpaid care duties and domestic work
	Percentage of workers who say women and men should have equal responsibility for making major household decisions				Percentage of workers who do not stigmatize survivors of violence against women	Percentage of workers who say women should be able to negotiate their own sexual and reproductive decisions

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## C. WHAT DO YOU MEASURE THROUGH MONITORING? (continued)

**ENGAGEMENT**

Take a LOOK at the [Human Rights Indicators for Business](#) open-source database of 1,000 indicators that enable companies and other stakeholders to assess corporate policies, procedures and practices on human rights.

The indicators you measure can either be quantitative or qualitative<sup>41</sup>:

- **Quantitative** indicators measured as numbers such as the number of contract workers or the percentage of women in the workforce
- **Qualitative** indicators are based on judgements, perceptions and other subjective information. They can be translated into numeric forms, for example percentage increase in perceptions of safety in the workplace or staff satisfaction.

Indicators may also be leading or lagging:

- **Lagging** indicators look for evidence that something has happened, for example the number of injuries or the number of allegations of sexual harassment
- **Leading** indicators look for evidence of the likelihood that something will occur in the future, for example an increase or reduction in the rate at which workers use PPE as an indicator of behaviours/practices that act as a leading indicator of injuries.

Good leading indicators help a company effectively and consistently prevent or mitigate negative impacts, as against just reacting to the lagging indicator. But companies need both together to build a full picture. Research shows that while good lagging indicators are often the same across companies and even industries, leading indicators typically need to be more specific to the individual company and the maturity of its own systems.

Indicators should also be SMARTER:

- **Specific** – the more specific your indicators are, the more likely you are to be able to measure progress
- **Measurable** – your indicators should be meaningful, preferably quantifiable and objectively verifiable
- **Achievable** – you should only choose indicators which can actually be collected
- **Relevant** – your indicators should be relevant to achieving the changes you want to see in working practices or human rights
- **Time-bound** – your should be clear when you will measure each indicator
- **Evaluate** – your indicators should be understood by everyone in the organisation
- **Revisable** – your indicators should be re-evaluated on a regular basis once you have assessed progress made.

**LEARNING FROM OTHERS:**  
**What is the industry measuring at the moment?**

Typical compliance indicators measure the number of audits conducted, the non-compliances raised by those audits and whether those non-compliances have been closed off. Typical HR indicators measure workforce profile indicators and some workforce impact indicators but only generally for the company's own operations. Modern slavery statements often include indicators around numbers of staff and/or suppliers trained in human rights.

Many of these indicators have emerged because of where most businesses have focused their human rights activities, particularly those linked to social audits. However, they provide little information about the positive or negative impact that businesses are having on workers. Increasingly companies are focusing on gathering information about workers' experience in their own operations and their supply chains. This information can be collected through ethical audits but needs to be supplemented by director worker feedback from worker committees, trade unions, grievance mechanisms, worker surveys and worker voice technology.



**Companies are increasingly  
focused on gathering  
information directly  
from workers**



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**C. WHAT DO YOU MEASURE THROUGH MONITORING?** (continued)**LEARNING FROM OTHERS:**  
Fairtrade measuring impact<sup>42</sup>

Fairtrade's Monitoring, Evaluation and Learning programme collects regular data from all producer organisations globally holding Fairtrade certification. Household and community-level data collection has also been integrated into this regular monitoring. Fairtrade has developed their [Theory of Change](#) which provides the organisation's framework for identifying indicators for measuring progress. The monitoring process measures how Fairtrade certification is developing as well as how the benefits of Fairtrade are distributed between producer organisations in different countries.

In addition, Fairtrade commission one or two outcome/impact evaluations annually which are usually focused on major products and programmes and are conducted by external organisations with significant expertise in assessing the sustainable effects of Fairtrade.

An example of Fairtrade's impact reports can be found [here](#).



**The monitoring process measures how Fairtrade certification is developing**

**D. WHEN DO YOU MEASURE AND WHO SHOULD DO THE MEASURING?**

Monitoring, like any activity, should be efficient and effective so you need to plan the frequency with which it takes place. Consider the following factors:

- **Monitoring at suitable intervals to ensure specific milestones are achieved** – your objectives should be SMARTER and will therefore include specific milestones. Your monitoring should be aligned with these milestones. An example could be running a particular training course, audit dates of particular suppliers or the dates when worker surveys are conducted in the supply chain
- **Measuring changes before, during and after activities** – when implementing your human rights due diligence approach, you may want to measure the impact of the steps you have taken. An example would be measuring supplier's awareness of human rights prior to a training course, immediately after the training course and the changes they have made as a result of conducting a training course
- **Monitoring intervals prescribed by legislation** – some legislation, for example the UK Modern Slavery Act, requires monitoring to take place at specific intervals
- **Monitoring remedial actions** – where remedial action has been taken to address non-compliances, it may be appropriate to introduce more frequent monitoring to check that the remediation has been successful
- **Reduced monitoring where there is evidence of compliance** – where monitoring has provided evidence of regular compliance it may be appropriate to consider reducing the frequency of monitoring and targeting resources elsewhere.

In most organisations, gathering data used to monitor human rights due diligence in your own operations will be the responsibility of the individuals/teams who manage Human Resources, Operations and the management of labour providers. Gathering data to monitor human rights due diligence in the supply chain will usually be the responsibility of either a Human Resource or an Ethical Trade/ Human Rights or Sustainability team. Those responsible for your own operations and your supply chain should come together to discuss and agree the indicators which are used to monitor progress, the frequency of monitoring and how the results of your monitoring should be shared. Expertise may also be sought from other functions in the business, for example legal or commercial colleagues to ensure that the indicators being measured are meaningful and will support them to make decisions about supply chain relationships.

Senior managers within your business should take responsibility for regularly reviewing the KPIs that are being monitored to ensure the indicators are providing information which tells them whether the company's HRDD approach is producing results.





## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 5 HOW TO MONITOR THE IMPACT OF YOUR HUMAN RIGHTS DUE DILIGENCE APPROACH



## E. WHAT DO YOU NEED TO DO?

	 FOUNDATION	 INTERMEDIATE In addition to FOUNDATION	 ADVANCED In addition to INTERMEDIATE	 SMALL TO MEDIUM SIZED ENTERPRISE
<b>Determine what information is already being collected and what is not</b>	<ul style="list-style-type: none"> <li>Identify what information you are collecting about workers in your own operations including audit findings, health and safety and human resource indicators for example absenteeism, worker turnover, worker satisfaction, number of reported health and safety incidents and accidents, overtime hours</li> <li>Identify what information you are collecting about your ethical trade activities, for example awareness raising, training or communication</li> <li>Identify how often you are collecting that information, where it is stored and who it is reported to</li> </ul>	<ul style="list-style-type: none"> <li>Identify the information you are collecting about workers in your high-risk Tier 1 supply chains for example audit findings and indicators through the Sedex Self-Assessment Questionnaire (SAQ) or your company's SAQ</li> <li>Identify existing tools used to measure your HRDD activities, for example the Stronger Together Progress Reporting Tool</li> <li>Identify gaps in the information you have, for example data broken down by gender or outcomes of training activities or action plans to address audit findings</li> </ul>	<ul style="list-style-type: none"> <li>Identify the information you are collecting about other suppliers, for example all Tier 1 suppliers or key raw material suppliers. Information may cover working practices and/or HRDD activities</li> </ul>	<ul style="list-style-type: none"> <li>Identify the information you are collecting about human resource and health and safety indicators for example worker absenteeism, worker turnover, worker satisfaction, number of reported health and safety incidents and accidents, overtime hours</li> </ul>
<b>Design key performance indicators for your HRDD approach</b>	<ul style="list-style-type: none"> <li>Look at trends in the information you are collecting and ask yourselves what that information is telling you about working practices in your own operations and your ethical trade activities</li> <li>Identify any gaps in the information and what other information you need in order to know that you are achieving your objectives, for example providing <u>decent work</u> in your own operations and not having any adverse human rights impacts or raising awareness of human rights issues</li> </ul>	<ul style="list-style-type: none"> <li>Use a database (Excel or similar) to look at trends in the information you are collecting from high-risk suppliers in your Tier 1</li> <li>Ask yourselves what that information is telling you about working practices in your supply chains</li> <li>Identify the indicators which will help you to measure your HRDD approach for example activities, outputs, and outcomes</li> <li>Support high-risk suppliers to your Tier 1 to measure audit non-conformances and workplace indicators such as absenteeism, worker turnover, worker satisfaction, number of reported health and safety incidents and accidents, overtime hours</li> </ul>	<ul style="list-style-type: none"> <li>Identify indicators which will enable you to measure the impact of your HRDD</li> <li>Support your high-risk Tier 1 suppliers to gather data to measure the impact of their HRDD approach</li> </ul>	<ul style="list-style-type: none"> <li>Use tools which you already use in workplace for example health and safety assessments, staff performance reviews, or staff surveys to gather regular information about human resources and health and safety</li> </ul>
<b>Develop systems for collecting information and gather data</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Use existing systems and standard Office programmes to collect key performance indicators</li> <li>Identify systems and information sources to help you fill the information gaps you have identified</li> <li>Identify how frequently you need to measure each of your indicators</li> <li>Gather data according to the frequencies identified</li> </ul>	<ul style="list-style-type: none"> <li>Invest in systems and software which support the collection and analysis of your human rights indicators</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Analyse data, and report internally</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Analyse trends in your KPIs on a monthly, quarterly or six-monthly basis and report to senior management for example number and type of audit non-conformances</li> </ul>	<ul style="list-style-type: none"> <li>Analyse which of your HRDD activities are having the greatest impact on workers and use this analysis to inform future activities</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Evaluate HRDD approach</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Plan for an external evaluation of your human rights due diligence approach every two years e.g. through a human rights impact assessment</li> <li>Identify an organisation to evaluate your human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>Conduct a third-party evaluation of your human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 5 HOW TO MONITOR THE IMPACT OF YOUR HUMAN RIGHTS DUE DILIGENCE APPROACH

**E. WHAT DO YOU NEED TO DO?** (continued)**SUPPLIER CASE STUDY:**  
Monitoring your supply chain

In 2019, AM Fresh, part of the AM Fresh Group a leading, global fresh food company, created a new role within the Sustainability Team with a specific focus on ethical trade. Historically at AM Fresh UK, data gathering and monitoring was heavily compliance driven and led by industry requirements. However, the Sustainability Team decided to conduct a review on the supply chain data they were collecting and asked whether it was telling them enough about their approach to HRDD. They concluded that it wasn't and decided to re-define their data collection, analysis and reporting processes, as well as taking more ownership over their supply-chain requirements.

The team's starting point was to talk about the information they needed across the supply-chain and why they needed it. It was agreed that transparency of all supply-chain tiers was required to be able to identify and begin monitoring the human rights risks of their Tier 1 and high-risk Tier 2 and 3 suppliers. To achieve this, they needed to pull together data they had about suppliers' sites, ethical compliance performance against requirements and human rights risks.

The team then created an extensive database in Excel, using a range of existing internal and external data sources to pull together the most relevant information for the AM Fresh Team. The database

The team's starting point was to talk about the information they needed across the supply-chain and why they needed it



contains elements of measuring compliance performance, analysis of Self-Assessment Questionnaire (SAQ) and audit findings, as well as risk information from the Sedex Radar tool for over 1,000 suppliers. Microsoft Power BI has been used to

visually display and summarize information, as well as building relationships between the data to provide deeper context at site level across a range of measures. The next stage is for each supplier to access their own profile, giving those with less robust monitoring systems visibility of where gaps and issues lie. From an internal

perspective, AM Fresh can compare suppliers within the same country to understand how their audits and management systems are mitigating the inherent risks of their country and industry. This approach contributes to collaborating more effectively with other departments such as procurement in making sourcing decisions. The overall infrastructure for the M&E process follows a continuous improvement model and data is automatically updated at regular weekly intervals, enabling more time to be spent on mitigation, remediation, and forward planning.

To measure, track and review progress, AM Fresh UK share cross-functional weekly KPIs, where suppliers' seasonal performance across different areas then contributes to an end of season review. Microsoft Power BI also offers the function to trend KPIs over time. An end of season survey was also created as one new source of data to better understand suppliers' abilities to manage potential adverse human rights impacts, as well as gathering feedback on the process, to ensure regular development and reviews of the HRDD programme.

As a result of monitoring their suppliers' management systems, audit results and SAQs more closely, AM Fresh have been able to target interventions directly with suppliers on the issues identified by the audits in their highest risk areas. An example of this is Health and Safety standards in South America. AM Fresh were able to provide support to suppliers where which has resulted in suppliers investing in resource and capability, as well as utilizing the tools available. The outcome of this has been a drop in the number of issues being raised through audits and the time in which these issues are resolved, in a historically difficult area.

By having transparency, continuous and automated monitoring, it has enabled AM Fresh UK to move away from being reactive to having a proactive approach to their due diligence and increased visibility of human rights issues. From 2021, the business plans to produce a quarterly report on trends in the numbers and findings of ethical audits, particular issues being raised in each country, measuring impacts of engagement and case studies for both the internal stakeholders and across the supply-chain to move towards evaluation.

**F. HOW DO YOU DO IT?**

Suppliers will often have in place management systems for their own operations and their supply chains which help them to monitor their chosen indicators. This data can be collected through:

- Supplier Self-Assessment Questionnaires
- Social audits
- Worker surveys
- Worker interviews.

Particular elements of gathering data should be considered including:

- **Representation** – how do you ensure that your sampling techniques and the data you are gathering capture the different types of workers in your own operations and supply chains? How do you make sure you are capturing information from all relevant types of suppliers?
- **Information gathering techniques** – what techniques and tools can you use to gather your indicators? Think about the role of technology as well as the value of collecting face-to-face quantitative data
- **Data confidentiality** – how do you ensure that the data you gather does not compromise confidentiality or worker safety?

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 5 HOW TO MONITOR THE IMPACT OF YOUR HUMAN RIGHTS DUE DILIGENCE APPROACH



## G. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES
<b>Design key performance indicators for your HRDD approach</b>		<ul style="list-style-type: none"> <li>• <a href="#">Human Rights Indicators for Business – BSR site</a></li> <li>• <a href="#">Health and Safety Executive (UK). Measuring Health and Safety 2001</a></li> <li>• <a href="#">BSR Gender Data and Impact Framework 2019</a></li> <li>• <a href="#">Women's Empowerment Principles indicators 2014</a></li> <li>• <a href="#">UN Human Rights - Human Rights Indicators A Guide to Measurement</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Company Case Studies - Human Rights Indicators for Business – BSR site</a></li> </ul>
<b>Develop systems for collecting information and gather data</b>		<ul style="list-style-type: none"> <li>• <a href="#">Stronger Together Progress Reporting Tool (modern slavery)</a></li> <li>• <a href="#">Equal Access Participatory Monitoring and Evaluation toolkit</a></li> <li>• <a href="#">EU SME Guidance on HRDD – Step 5</a></li> </ul>	
<b>Evaluate HRDD approach and projects</b>		<ul style="list-style-type: none"> <li>• <a href="#">Shift Paper on Evaluating Human Rights Impacts</a></li> <li>• <a href="#">BSR Human Rights Impact Assessment Guidance</a></li> <li>• <a href="#">Stronger Together Organisational Performance Assessment (modern slavery)</a></li> <li>• <a href="#">Global Compact Self-Assessment Tool</a></li> </ul>	



## H. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?

- Invest in technology. Tools such as Tableau can help you to report and make your data visually appealing
- Do not focus too much on compliance indicators – think about the change you want to bring about for workers and your business and how you will be able to measure that
- Do not get put off by the monitoring and evaluation “lingo” and jargon. Start by thinking about what information you need to know if your HRDD approach is working. Identify who you need to gather information from, how you are going to do that and get started.

**SMEs**

**Advice for smaller organisations on where to start**  
SMEs should collect basic information about human resource and health and safety indicators and work to make progress for example in reducing worker turnover and absenteeism.



## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

**6** COMMUNICATING WHAT YOU HAVE ACHIEVED**A. WHAT IS IT?**

Communication is about your company **showing** the effectiveness of its efforts to respect human rights. Communication should meet legal requirements in countries where companies are required by law to report on their human rights due diligence approach and remediation processes. Communication should also be a proactive process with internal stakeholders, affected stakeholders including workers and their representative organisations, suppliers and with other relevant external groups including NGOs, trade unions and industry bodies. Over time as you develop your approach, companies should report formally and publicly on their efforts to prevent and address severe human rights impacts.

You may also decide to communicate directly to consumers via your products about the steps that you are taking to prevent adverse human rights violations in your operations and/or supply chains and/or about the positive steps you are taking to support workers to realise their rights.

**This section covers:**

- The information you should be communicating
- Who you should be communicating to
- What communication channels you should use
- What channels should be opened for two-way communication with key stakeholders.

**B. WHY DO IT?**

Show and tell is a central premise of the UN Guiding Principles which has been widely adopted in human rights and modern slavery legislation including the UK's Modern Slavery Act, the French Corporate Duty of Vigilance law and the forthcoming EU Human Rights Due Diligence Directive. Companies must meet legal requirements where they exist to report on their approach to human rights due diligence. Communicating your approach to human rights is also important to meet the expectations of stakeholders including workers, communities, customers, consumers, investors, trade unions, academia and civil society (NGOs and charities).

**ENGAGEMENT**

SEE an example from [Princes](#) of communicating with consumers about human rights and sustainability using on-product QR Codes.

**ENGAGEMENT**

SEE [M&S interactive supply chain map](#) sharing information on where products are made, by who and whether workers on those sites are members of trade unions.

**C. WHAT ARE YOU GOING TO COMMUNICATE?**

Think about sharing with people in your own business what you are trying to achieve through your HRDD and what your challenges and successes have been. Internally and externally, many companies communicate the human rights risks they have identified and the actions they have taken to prevent or reduce those risks. Historically, companies have often focused their communications on compliance activities such as ethical audits and the closure of non-conformances.

More advanced companies may feel sufficiently confident in their HRDD approach to be braver in what they communicate publicly, for example to stakeholders including investors, consumers and civil societies. Consider the option of focusing on “hope not fear”, of communicating about the improvements you have made to working conditions or workplace culture and the workers who you have been able to support whether through investment in worker representation or direct support in cases of forced labour. Also consider the approach recently taken by M&S through its partnership with Oxfam to [communicate publicly the challenges which still exist in their supply chains](#) and the steps they need to take to address them.







## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 6 COMMUNICATING WHAT YOU HAVE ACHIEVED



## D. WHAT DO YOU NEED TO DO?

	 <b>FOUNDATION</b>	 <b>INTERMEDIATE</b> In addition to FOUNDATION	 <b>ADVANCED</b> In addition to INTERMEDIATE	 <b>SMALL TO MEDIUM SIZED ENTERPRISE</b>
<b>Determine the information you want to communicate</b>	<ul style="list-style-type: none"> <li>Gather information on how your operations have performed against the indicators developed in previous section – this could include running training, developing policies, grievances raised and resolved, worker survey results etc.</li> </ul>	<ul style="list-style-type: none"> <li>Gather information on your management systems and from your supply chain on progress against the indicators developed in previous section</li> <li>Information must include worker feedback in your own operations</li> <li>Gather information on any severe human rights issues in your supply chain in last year and how they have been dealt with</li> </ul>	<ul style="list-style-type: none"> <li>Gather feedback from external stakeholders on your human rights due diligence approach and performance</li> <li>Work with your Tier 1 suppliers to gather feedback from workers in key high-risk supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Put together information on any worker grievances raised during the year, any severe human rights violations identified within your own operations, any training run, policies developed etc.</li> </ul>
<b>Meet legal reporting requirements and share findings from reporting</b>	<ul style="list-style-type: none"> <li>If required by UK law, submit Modern Slavery Statement</li> <li>If required by national law, submit legally required reports on modern slavery and/or human rights due diligence</li> </ul>	<ul style="list-style-type: none"> <li>Help high-risk suppliers in your Tier 1 to meet the requirements of UK Modern Slavery Act or other countries' legal requirements</li> <li>Gather information from your high-risk Tier 1 suppliers public reports on their challenges and successes in human rights due diligence</li> </ul>	<ul style="list-style-type: none"> <li>Hold meetings with your Tier 1 suppliers to share feedback from public reports on challenges and successes in human rights due diligence</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<b>Communicate your progress to workers on your own site</b>	<ul style="list-style-type: none"> <li>Communicate the information you think your workers will be most interested in hearing about</li> <li>Use existing communication channels in your own operations e.g. worker briefings, noticeboards, worker committees</li> </ul>	<ul style="list-style-type: none"> <li>Add additional communication channels for communicating progress to workers e.g. training sessions, inductions, social media</li> <li>Ask workers for feedback on your internal communications and build in their feedback to future communications</li> </ul>	<ul style="list-style-type: none"> <li>Hold meetings with your workers to share annual progress and gather input</li> <li>Gather feedback from workers on the future direction of your human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>Communicate the information you think your workers will be most interested in hearing about</li> <li>Use existing communication channels in your own operations e.g. worker briefings, noticeboards, worker committees</li> </ul>
<b>Communicate your progress internally and to suppliers</b>	<ul style="list-style-type: none"> <li>Communicate progress in identifying and tackling human rights issues to senior managers.</li> <li>Include progress against each area of human rights due diligence and talk about how your work has had an impact on workers in your own operations</li> </ul>	<ul style="list-style-type: none"> <li>Communicate progress in identifying and tackling human rights issues to colleagues, including technical, procurement, supply chain, legal and human resource colleagues</li> <li>Gather feedback from colleagues on the challenges they face supporting the business's human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>Communicate with suppliers on progress in identifying and tackling human rights issues</li> <li>Gather feedback from suppliers on the challenges they face supporting the business's human rights due diligence approach</li> </ul>	<ul style="list-style-type: none"> <li>Share a verbal summary of your work on human rights in your own operations over the last year, what risks you have identified, how you have managed those risks and ongoing challenges</li> </ul>
<b>Communicate your progress to customers</b>	<ul style="list-style-type: none"> <li>Develop one page document which summarises your work on human rights in your own operations over the last year, what risks you have identified, how you have managed those risks and ongoing challenges and share with customers</li> </ul>	<ul style="list-style-type: none"> <li>Ask customers what information they would like you to report on about progress</li> <li>Develop presentations that summarise your approach to human rights due diligence and progress made</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Share a verbal summary of your work on human rights in your own operations over the last year, what risks you have identified, how you have managed those risks and ongoing challenges</li> </ul>
<b>Communicate your progress publicly for stakeholders including investors, consumers and civil society</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Develop public facing report which summarises your work on human rights in your own operations and your supply chain over the last year, what risks you have identified, how you have managed those risks and ongoing challenges</li> </ul>	<ul style="list-style-type: none"> <li>Report annually on human rights due diligence progress either separately or as part of your business's sustainability report</li> <li>Communicate on progress externally through industry forums and events</li> <li>Communicate to the media on success stories</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

## SECTION B:

## How to implement a Human Rights Due Diligence (HRDD) approach

## 6 COMMUNICATING WHAT YOU HAVE ACHIEVED



## E. TOOLS AND TEMPLATES

	TEMPLATES	TOOLS	EXAMPLES
<b>Determine the information you want to communicate</b>		<ul style="list-style-type: none"> <li>• <a href="#">4 steps to communicating positive stories about human rights (blog)</a></li> <li>• <a href="#">EU 10 Key steps for communicating human rights</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">VIDEO – Global Business Initiative company case studies on reporting human rights progress and performance</a></li> </ul>
<b>Meet legal reporting requirements and share findings from reporting</b>	<ul style="list-style-type: none"> <li>• <a href="#">Vinci Works Modern Slavery Statement Template</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">UK Modern Slavery Act Transparency in Supply Chains: A practical guide</a></li> <li>• <a href="#">French Corporate Duty of Vigilance Reporting Requirements</a></li> <li>• <a href="#">ETI Modern Slavery Statements evaluation framework 2019</a></li> </ul>	
<b>Communicate your progress to workers on your own site</b>		<ul style="list-style-type: none"> <li>• <a href="#">Global Compact Guidance on communicating human rights progress</a></li> </ul>	
<b>Communicate your progress internally and to suppliers</b>		<ul style="list-style-type: none"> <li>• <a href="#">Global Compact Guidance on communicating human rights progress</a></li> <li>• <a href="#">Walkfree Foundation - Framework for Implementing A (Internal) Communication Strategy (see Tool 2)</a></li> </ul>	
<b>Communicate your progress publicly for stakeholders including investors, consumers and civil society</b>		<ul style="list-style-type: none"> <li>• <a href="#">Webinar: Introduction to the UN Guiding Principles Reporting Framework</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">M&amp;S Plan A Report 2020</a></li> <li>• <a href="#">Unilever progress report 2020</a></li> <li>• <a href="#">Worldwise Foods Responsible Sourcing Plan</a></li> <li>• <a href="#">HP Human Rights Progress Report 2019</a></li> </ul>



SECTION B:

How to implement a Human Rights Due Diligence (HRDD) approach

6 COMMUNICATING WHAT YOU HAVE ACHIEVED

**F. HOW DO YOU MAKE IT PRACTICAL AND WHAT SHOULD YOU AVOID?**

- Be brave about communicating challenges. Many companies, including M&S, have shared public information about supply chains where adverse human rights impacts occur. These reports serve to inform internal decisions about sourcing and to influence suppliers to address issues in their own supply chains

**SMEs** Advice for smaller organisations on where to start  
 SMEs should focus on meeting any legal requirements to communicate their approach to human rights due diligence and making sure that staff are aware of any progress made against their human rights indicators.

**G. CRITICAL QUESTIONS TO ASK YOURSELF**

You may be a small business with a small number of suppliers or you may have a large, extensive supply chain but here is food for thought. There are key questions you can ask yourself having read this section:

**?** Do you know who you need to provide information on your HRDD approach to and do you know what information they need?

**?** Are you clear on your legal requirements to report on your HRDD and are you meeting those legal requirements?

**?** Have you communicated your HRDD approach and progress in implementing this to staff and workers in your own operations? If not, how could you do this?

**?** Do you share your successes and lessons learned with suppliers? Do you encourage them to share their successes and challenges with you?

**?** What do your customers want you to report on and how can you fit these requirements into your company's own internal reporting processes?

NOTES

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# SECTION C:


## Reporting on progress





# SECTION C:


## Reporting on progress



 We hope you have found this guidance useful and that your head is now full of ideas of what to do next.

 We would encourage you to look at the [Maturity Framework](#) on Page 18 and assess where your company is at the moment and where you would like to get to. This should form the heart of your HRDD approach and drive your actions.

 If you are at the early stages of developing your HRDD approach, start by looking at the [Foundation guidance](#) in each section – what does your business still need to do and what is going to be most challenging?

 Remember that if you are open to the ideas in the guidance and patient about the time it will take to implement your HRDD approach, you will see the benefits of using this guidance and the tools and templates it contains.

Nominated suppliers will be asked to present their human rights due diligence process and plan on an annual basis to M&S category teams and the ethical team for review. We will ask you to use the format on the next page and share:

- Evidence of the progress you have made over the last 12 months implementing your approach to human rights due diligence, including performance against your KPIs – this can include existing company reports for example sustainability reports and Modern Slavery Statements
- Your assessment of how advanced your human rights due diligence approach is in each of the 6 UNGP HRDD areas: Policy & Governance, Risk Assessment, Prevention & Mitigation, Tracking Performance, Remedy and Communication.
- Challenges faced in the last 12 months (and resolution where applicable)
- Your human rights due diligence plans for following 12 months, including KPIs
- Questions for and support required from M&S.

The M&S Human Rights Due Diligence Reporting Template on the next page is provided for guidance when reporting on your plans and progress to M&S. You are encouraged to provide supplementary information in a variety of formats to provide evidence of the HRDD approach you have taken.

“Nominated suppliers will be asked to present their human rights due diligence process and plan on an annual basis to M&S category teams and the ethical team for review.”

## SECTION C: Reporting on progress



### M&S – Human Rights Due Diligence Reporting Template

<b>Name:</b>		<b>Organisation:</b>	
<b>Name &amp; role of most senior organisational lead for Human Rights/Ethical Trade:</b>		<b>Sustainability Reports/Modern Slavery Statement Links:</b>	
<b>Which human rights could our business impact on?</b>	<b>Cause</b>	<b>Contribute</b>	<b>Linked to</b>
<b>Which stakeholders' interests do we need to prioritise?</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>
<b>How advanced overall is our current human rights approach?</b>	<b>Below Foundation/Foundation/Intermediate/Advanced</b>		
<b>What are our human rights priority areas of focus? (by country/region/theme or combination)</b>			
<b>Progress made in last 12 months implementing HRDD approach, including KPIs</b>			
<b>Assessment of HRDD approach</b>	<ul style="list-style-type: none"> <li>• <b>Policy and Governance</b> - Foundation/Intermediate/Advanced</li> <li>• <b>Risk Assessment</b> - Foundation/Intermediate/Advanced</li> <li>• <b>Prevention &amp; Mitigation</b> - Foundation/Intermediate/Advanced</li> <li>• <b>Tracking Performance</b> - Foundation/Intermediate/Advanced</li> <li>• <b>Remedy</b> - Foundation/Intermediate/Advanced</li> <li>• <b>Communication</b> - Foundation/Intermediate/Advanced</li> </ul>		
<b>Why have you rated yourself as Foundation/Intermediate/Advanced for each area?</b>	• Policy and Governance		
	• Risk Assessment		
	• Prevention & Mitigation		
	• Tracking Performance		
	• Remedy		
• Communication			
<b>Challenges faced over last 12 months (and resolution where applicable)</b>			
<b>Human rights due diligence plans for following 12 months, including KPIs</b>			
<b>Questions for/support required from M&amp;S</b>			

# SECTION D: Appendices



# SECTION D:

## Appendices

### APPENDIX **I**: INTERNATIONALLY AGREED HUMAN RIGHTS

#### INTERNATIONAL BILL OF HUMAN RIGHTS

Article 1:	Right of self-determination
Articles 2 to 5:	Overarching principles
Article 6:	Right to life
Article 7:	Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment
Article 8:	Right not to be subjected to slavery, servitude or forced labour
Article 9:	Rights to liberty and security of the person
Article 10:	Right of detained persons to humane treatment
Article 11:	Right not to be subjected to imprisonment for inability to fulfil a contract
Article 12:	Right to freedom of movement
Article 13:	Right of aliens to due process when facing expulsion
Article 14:	Right to a fair trial
Article 15:	Right to be free from retroactive criminal law
Article 16:	Right to recognition as a person before the law
Article 17:	Right to privacy
Article 18:	Rights to freedom of thought, conscience and religion
Article 19:	Rights to freedom of opinion and expression
Article 20:	Rights to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred
Article 21:	Right to freedom of assembly
Article 22:	Right to freedom of association
Article 23:	Rights of protection of the family and the right to marry
Article 24:	Rights of protection for the child
Article 25:	Right to participate in public life
Article 26:	Right to equality before the law, equal protection of the law, and rights of non-discrimination
Article 27:	Rights of minorities

#### INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 1:	Right of self-determination
Articles 2–5:	Overarching principles
Article 6:	Right to work
Article 7:	Right to enjoy just and favourable conditions of work
Article 8:	Right to form and join trade unions, and the right to strike
Article 9:	Right to social security, including social insurance
Article 10:	Right to a family life
Article 11:	Right to an adequate standard of living. (This includes the right to adequate food, the right to adequate housing, and the prohibition of forced evictions. This right has also been interpreted to comprise the right to safe drinking water and sanitation.)
Article 12:	Right to health
Articles 13 and 14:	Right to education
Article 15:	Rights to take part in cultural life, to benefit from scientific progress, and of the material and moral rights of authors and inventors.

#### ILO CORE CONVENTIONS

Labour rights are the rights of workers, as enshrined in international labour standards drawn up by the International Labour Organization (ILO). In particular, its Declaration on Fundamental Principles and Rights at Work commits all its member States to four categories of principles and rights: freedom of association and the right to collective bargaining; the elimination of forced labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These rights are covered by its eight core conventions.

In 1998, ILO adopted the Declaration on Fundamental Principles and Rights at Work. The Declaration committed members to respect four fundamental principles and rights at work: freedom of association and collective bargaining; elimination of forced and compulsory labour; elimination of discrimination in employment and occupation; and abolition of child labour. Each of these is supported by two ILO conventions, which together make up the eight ILO core labour standards.

- 1 Freedom of Association and Protection of the Right to Organise Convention, 1949 (No 87)
- 2 Right to Organise and Collective Bargaining Convention, 1949 (No 98)
- 3 Forced Labour Convention, 1930 (No 29)
- 4 Abolition of Forced Labour Convention, 1957 (No 105)
- 5 Equal Remuneration Convention, 1951 (No 100)
- 6 Discrimination (Employment and Occupation) Convention, 1958 (No 111)
- 7 Minimum Age Convention, 1973 (No 138)
- 8 Worst Forms of Child Labour Convention, 1999 (No 182)

SECTION D:  
AppendicesAPPENDIX  : GLOSSARY OF TERMS<sup>43</sup>

Term	Description
<b>Adverse impact on human rights</b>	An adverse human rights impact occurs when an action removes or reduces the ability of an individual to enjoy their human rights.
<b>Affected stakeholder(s)</b>	An individual/organisation whose human rights have been or may be affected by a company's operations, products or services.
<b>Business relationships</b>	Relationships a company has with business partners, entities in its value chain and any other State or non-State entity directly linked to its operations, products or services. They include indirect relationships in its value chain, beyond the first tier, and minority as well as majority shareholding positions in joint ventures.
<b>Civil Society Organisations (CSOs)</b>	Non-State, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the State and the market. CSOs represent a wide range of interests and ties.
<b>Human rights</b>	Basic international standards aimed at securing dignity and equality for all.
<b>Human rights due diligence (HRDD)</b>	An ongoing 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 adverse human rights impacts.
<b>Grievance mechanism</b>	A non-judicial procedure that offers a formal means through which individuals and groups can raise concerns about the affect a business has on them.
<b>Irremediability</b>	Ease of impact mitigation/remediation.
<b>Leverage</b>	The ability of a business enterprise to influence another party that is causing or contributing to an adverse human rights impact.
<b>Mitigation</b>	Actions taken to reduce the extent of a negative human rights impact.
<b>Probability</b>	Likelihood or probability.
<b>Remediation</b>	The act or process of providing remedy to the victim/s of an adverse human rights impact.
<b>Scale/intensity</b>	Seriousness of the impact.
<b>Scope</b>	Number of people affected.
<b>Severity</b>	Comprehensive assessment of the impact.
<b>Severe human rights violation</b>	A negative human rights impact that is severe by virtue of one or more of the following: its scale, scope or irremediability.
<b>Stakeholder</b>	Any individual or organisation that may affect, or be affected by a company's actions and decisions.

SECTION D:  
AppendicesAPPENDIX  : DOCUMENTS REVIEWED TO DEVELOP GUIDANCE

**UNGP Human Rights Due Diligence Reporting Framework Guidance (2017)** The Reporting Framework helps companies report on their human rights performance in line with the UN Guiding Principles.  
<https://www.ungpreporting.org/>

**United Nations The Corporate Responsibility to Protect Human Rights: An interpretive guide (2012)** The purpose of this document is to provide additional background explanation to the UN Guiding Principles to support a full understanding of their meaning and intent.  
[RtRInterpretativeGuide.pdf \(ohchr.org\)](https://www.unhcr.org/refugees/pdf/interpretativeguide.pdf)

**OECD Human Rights Due Diligence Guidance (2018)** The objective of the OECD Due Diligence Guidance for Responsible Business Conduct (Guidance) is to provide practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises by providing plain language explanations of its due diligence recommendations and associated provisions.  
<https://www.oecd.org/corporate/mne/du-diligence-guidance-for-responsible-business-conduct.htm>

**Ethical Trading Initiative Human Rights Due Diligence Framework(2016)** A guide for companies to help them prevent and manage labour rights risks, and understand why engagement, negotiation and collaboration is the only way to succeed.  
[https://www.ethicaltrade.org/sites/default/files/shared\\_resources/eti\\_human\\_rights\\_due\\_diligence\\_framework.pdf](https://www.ethicaltrade.org/sites/default/files/shared_resources/eti_human_rights_due_diligence_framework.pdf)

**Doing Business with Respect for Human Rights (2016)** Shift, Global Compact Netherlands, Oxfam This guidance is for company staff who want to understand what “doing business with respect for human rights” means. It is for anyone who faces – or could face – scenarios in which their function, department or company could be connected to harm to people, or what this guidance calls “negative impacts on human rights”.  
[https://www.businessrespecthumanrights.org/image/2016/10/24/business\\_respect\\_human\\_rights\\_full.pdf](https://www.businessrespecthumanrights.org/image/2016/10/24/business_respect_human_rights_full.pdf)

**Business & Human Rights Initiative (2010), “How to Do Business with Respect for Human Rights: A Guidance Tool for Companies,” The Hague: Global Compact Network Netherlands** Collective guidance points and lessons learned from ten companies of the Global Compact Network Netherlands. The publication aims to be a background document for companies by elaborating some of the main topics in the discussion on business and human rights.  
[PDF] [How to do Business with Respect for Human Rights: A Guidance Tool for Companies – Business & Human Rights Resource Centre.](https://www.business-humanrights.org/en/how-to-do-business-with-respect-for-human-rights)  
[business-humanrights.org](https://www.business-humanrights.org)

**Equality and Human Rights Commission Business and Human Rights: A five-step guide for company boards (2016)** In this short guide we set out the simple steps board directors need to follow to ensure their companies fulfil their human rights responsibilities. The guide also provides advice on how business can meet the UN Guiding Principles on Business and Human Rights.  
[Business and human rights: A five-step guide for company boards | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/business-and-human-rights)

**BSR Making Women Workers Count: A Framework for Conducting Gender-Responsive Due Diligence in Supply Chains (2019)** This paper, prepared by BSR, offers guidance to brands and suppliers on how to conduct gender-responsive due diligence in supply chains  
[Making Women Workers Count | Reports | BSR](https://www.bsr.com/en/resources/publications/making-women-workers-count-reports)

**Stronger Together Tackling Modern Slavery in UK Business Toolkit (2020)** A toolkit for UK employers and labour providers to inform, equip and resource them to tackle modern slavery. Includes practical advice on the specific steps to take across different areas of the businesses to effectively deter, detect and deal with modern slavery.  
<https://www.stronger2gether.org/resources/>

**Stronger Together Tackling Modern Slavery in Global Supply Chains Toolkit (2019)** This toolkit provides guidance and good practice for responsible businesses to develop a robust strategy to prevent, uncover and report modern slavery, particularly forced labour and human trafficking, which may be occurring within their supply chains.  
<https://www.stronger2gether.org/resources/>

**Stronger Together Tackling Modern Slavery through Purchasing Practices Toolkit (2019)** This toolkit provides guidance on: identifying those unintentional purchasing practices which may contribute to the root causes of exploitation/developing a robust strategy to address modern slavery through the purchasing process/taking practical steps to tackle modern slavery through purchasing practices in supply chains.  
<https://www.stronger2gether.org/resources/>

**International Labour Organisation Combating forced labour: A Handbook for Employers and Business (2015)** This handbook is addressed to employers’ organisations and a broad spectrum of business actors that include small and medium sized enterprises, multinational enterprises, export-oriented companies and those operating within global supply chains.  
[http://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_101171/lang--en/index.htm](http://www.ilo.org/global/topics/forced-labour/publications/WCMS_101171/lang--en/index.htm)

**Global Tuna Alliance – Social Responsibility Toolkit (2020)** The aim of these toolkits is to provide support to Tuna 2020 Traceability Declaration signatories in meeting their commitments.  
<https://www.globaltunaalliance.com/wp-content/uploads/2020/10/Social-Responsibility-FINAL.pdf>

**Consumer Goods Forum Human Rights Due Diligence focused on Forced Labour in Own Operations, Maturity Journey Framework (2020)** This document provides a program maturity journey to address forced labour through human rights due diligence in an organisation’s own operations.  
<https://www.theconsumergoodsforum.com/wp-content/uploads/2021/03/2021-HRC-HRDD-Framework.pdf>

**The Mars CARE (Commit, Assess, Respond, Engage) Framework (2020)** A straightforward tool to create practical strategies based on the UNGPs.  
[CARE Framework 2020.pdf \(mars.com\)](https://www.mars.com/en/our-approach/care-framework)

**Danish Institute of Business and Human Rights: Human Rights Impact Assessment Toolbox (2020)** Guidance and practical tools for conducting, commissioning, reviewing and monitoring human rights impact assessments of business projects  
[Human rights impact assessment guidance and toolbox | The Danish Institute for Human Rights](https://www.danishinstituteofbusinessandhumanrights.org/human-rights-impact-assessment-guidance-and-toolbox)

**Ethical Trading Initiative Access to remedy Practical guidance for companies (2020)** This guidance is intended to help businesses better understand how to both prevent and respond to labour rights abuses.  
[Access to remedy\\_0.pdf \(ethicaltrade.org\)](https://www.ethicaltrade.org/access-to-remedy-0.pdf)

**Home Office Victims of modern slavery – frontline staff guidance (2016)** This guidance gives information for frontline staff in the Home Office to help them identify and help potential victims of modern slavery (including human trafficking) in England and Wales or is a potential victim of trafficking in Scotland and Northern Ireland.  
[victims-of-modern-slavery-frontline-staff-guidance-v3.pdf \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk/victims-of-modern-slavery-frontline-staff-guidance-v3.pdf)

**Independent Anti-Slavery Commissioner Maturity Framework (2020)** A framework for organisations to assess their response to modern slavery  
[iasc-operation-fort-review-june-2020-iasc-maturity-framework.pdf \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk/iasc-operation-fort-review-june-2020-iasc-maturity-framework.pdf)

**My business and human rights: A Guide to human rights for small and medium sized enterprises (2012)** A guide to human rights based on the United Nations Guiding Principles on Business and Human Rights, and translates those principles into the context of European small and medium-sized enterprises  
[121017\\_EU\\_SME\\_Guide\\_1CoLindd \(business-humanrights.org\)](https://www.business-humanrights.org/en/121017_EU_SME_Guide_1CoLindd)

**Enodo Rights & Debevoise & Plimpton Definitions of Cause, Contribute, and Directly Linked to Inform Business Respect for Human Rights (2017)** This discussion paper advances concrete and practical definitions of the involvement terms—cause, contribute, and directly linked—under the OECD Guidelines for Multinational Enterprises (“Guidelines”) and the UN Guiding Principles on Business and Human Rights (“Guiding Principles”) (together, “Guidance”). The Guidance sets forth non-binding principles and standards that are not designed to create or define legal liability for businesses.  
[Microsoft Word - OECD Draft 2017 02 09 \(Submission\).docx \(business-humanrights.org\)](https://www.business-humanrights.org/en/microsoft-word-oecd-draft-2017-02-09-submission.docx)





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