

Law Lab: Human rights and the in-house lawyer: Creating and maintaining an ethical business

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Plan for the law law:

1) Panel discussion (30 min)

John Morrison (setting the scene)

Anna Triponel (lessons learned from GCs)

Moira Oliver (views from the inside)

2) Audience reflections and discussions (30 min)

3) Modern slavery statements in practice (30 min)

Opening Remarks

John Morrison

Setting the scene

Where have we come from?

Where are we today?

What does the future hold?

Business and human rights: international standards

- UN Guiding Principles on Business and Human Rights (2011)
- OECD Guidelines on Multinational Enterprises (2011)
- ILO Forced Labour Protocol (2014)
- EU non-financial reporting directive (2018)
- EU Conflict Minerals regulation (2021)

Business and human rights: national laws

- US Anti-Trafficking, Conflict Minerals, Sanctions-related legislation
- UK Modern Slavery Act (2014)
- French loi de vigilance (2017)
- Australian Modern Slavery Act (2019)
- Developments in the Switzerland, Netherlands, Norway, Canada, Germany etc...

Business and Human Rights in Practice for In-house Legal Teams

Anna Triponel

Where are the key lessons learned from general counsels and legal departments when it comes to business and human rights?

“The law is the law.

I don't see how I can do anything other
than comply with the law.”

Companies are expected to:

- ***Comply with all applicable laws and respect internationally recognized human rights, wherever they operate AND***
- ***Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements***

(UNGP 23)

Uganda's anti-gay legislation, explained

Soco halts oil exploration in Africa's Virunga national park



“But surely, our role as lawyers is to minimise the legal liability of the company.”

Companies are expected to:

- *Assess their **responsibility** for the human rights impact*
- ***Address** the harm (depending on involvement with it)*
- ***Prioritise first** those impacts that are **most severe** and most likely (the company's 'salient human rights issues')*

**Historic agreement between
Heineken and former Congolese
workers seeking remedy in labour
rights dispute**

**Hermes and GMB in
groundbreaking gig
economy deal**

“A number of these challenges are
endemic.

It’s really up to governments to fix the
issues we face.”

Companies are expected to:

- Conduct **human rights due diligence**
- **Seek to build and exercise leverage** with other stakeholders
- **Communicate** openly



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Talking the Human Rights Walk

Nestlé's Experience Assessing Human Rights Impacts
in its Business Activities



Human Rights in Practice: The Example of BT

Moira Oliver

What does this look like from the inside?

BT's framework for respecting human rights	Potentially affected people			
	Our People	Suppliers	Customers	Our Communities
	The BT Way – our operating model, our values and behaviours and our ethics code			
	Human Rights Policy			
Our policy Commitments (Where we stand)	Privacy Policy			
	Environment Policy			
		Conflict Minerals Policy	Acceptable Use Policy	ISO 14001
Assessing our impacts (How we identify and manage risk)	Health, Safety & Wellbeing	Global Standard 18 - Sourcing with Human Dignity	Product design	Country Impact Assessments
	Equality, Diversity & Inclusion		Win Business	Environment targets
	Recruitment	Pre-contract & in-life risk assessment	Privacy Impact Assessments	
	Trade unions & employee relations		Data Subject Access Requests	
Access to remedy (How we put things right)	HR - Grievances		Customer services	
	Speak Up – our independent, free & confidential hotline		Customer Complaints Code	
Transparency	Annual report – Digital Impact and Sustainability Report			
	Privacy & Free Expression Report			
	Modern Slavery Act statement			
Governance	Committee for Sustainable and Responsible Business			
	Group Corporate Affairs Director (ExCo)			
	Human Rights Working Group, Regional Governance Committees , Audit and Risk Committees			

Five excerpts from UK Modern Slavery Act statements

Which company issued which assessment?

- ASOS
- BP
- BT
- Chevron
- Polygon

Exhibit A

“ Speaking Up

We work hard to create a culture where anyone who is worried about an ethical issue feels confident to speak up about it, even if they just have a suspicion. They can report their concerns on the phone or online through our independent Speak Up service – anonymously if they prefer (subject to local laws). It's open to employees, contractors and suppliers.... (cont.)”

Exhibit B

“We continue to strengthen the way in which we assess suppliers and contractors on human rights across the business, including mitigations and monitoring over the lifetime of a contract. In 2017, we took a number of actions to strengthen our procurement and supply chain management practices: (cont.)”

Exhibit C

“Employees, suppliers and contractors may communicate workplace concerns to XXXX’s Corporate Compliance Hotline (available 24 hours a day, seven days a week). The XXXX Hotline provides a direct, effective and risk-free way to report suspected violations of the XXXX Business Conduct and Ethics Code, company policies, and applicable laws or regulations. The Hotline is also available for use by external stakeholders and is accessible in multiple languages.”

Exhibit D

“Publishing a Modern Slavery Statement is a step towards transparency with customers and the broader stakeholder community, and can encourage collaborative, sustainable change. As more businesses disclose their risks, findings and actions, together we add to an industry-wide discourse on tackling modern slavery, learning from one another and discovering opportunities to collaborate.... (cont.)”

Exhibit E

““XXXX takes very seriously, its obligations under legislation [sic] and guidelines and will never knowingly deal with an organisation connected to slavery in any form. This statement sets out the action taken to ensure slavery is not part of XXXX, as required by the Modern Slavery Act 2015 ("the Act").....”