

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, Sanctionsrelated 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



Leadership Group for Responsible Recruitment







Talking the Human Rights Walk

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







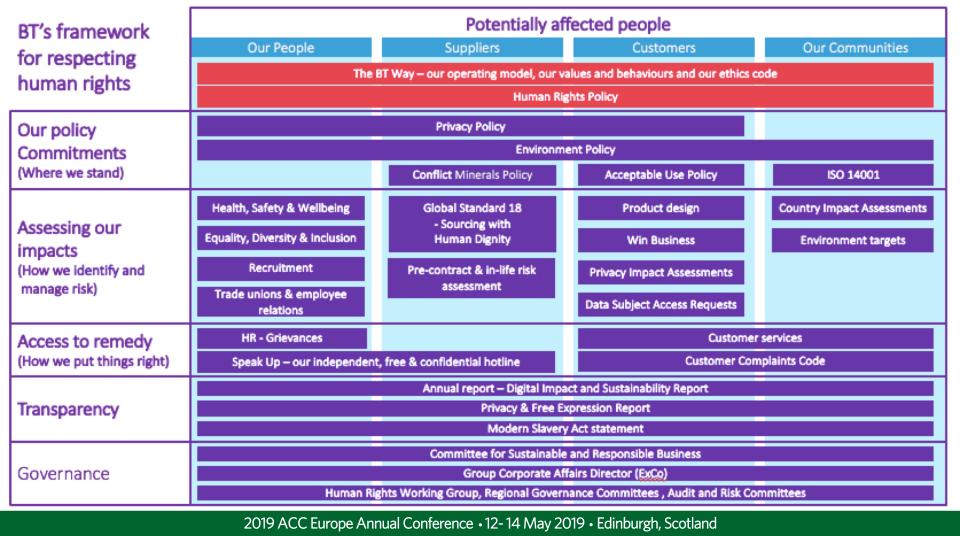




Human Rights in Practice: The Example of BT

Moira Oliver

What does this look like from the inside?



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 leglislation [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 XXXXX, as required by the Modern Slavery Act 2015 ("the Act")...."