

## Same words, different language: corporate perceptions of human rights responsibilities

Adam McBeth and Sarah Joseph<sup>1</sup>

Notions of corporate responsibility for human rights have recently developed rapidly on several fronts, including under international human rights law, through voluntary initiatives and in the discourse and the reporting of the corporations themselves. But are all protagonists on all these fronts speaking the same language? Are these developments truly improving the realisation of human rights?

This article reports on the findings of the Castan Centre for Human Rights Law's study of the perceptions that multinational corporations have of their own human rights responsibilities and the types of activities undertaken by corporations to fulfil those responsibilities.

We note a divergence among corporations' views of the nature of human rights responsibility — whether an obligation or a benevolence — as well as its content. We also remark on a number of areas where the corporate respondents showed more advanced human rights practices than we expected.

We observe a gulf between the perceptions of corporations on the one hand and human rights lawyers and academics on the other as to what a human rights obligation actually entails. We discuss some of the different views regarding the future of corporate human rights responsibility and the reasons underpinning those views. We conclude that the various protagonists of human rights responsibility for corporations may be using the same words, but they are not yet speaking the same language.

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<sup>1</sup> Adam McBeth is a lecturer in law at Monash University. Professor Sarah Joseph is the Director of the Castan Centre for Human Rights Law at Monash University. This article was funded by a Linkage Grant from the Australian Research Council to the Castan Centre for Human Rights Law. The authors wish to acknowledge the work of Professor David Kinley, Rachel Chambers and the Castan Centre's industry partners, Futureye, Reputation Qest and Premier Oil, who conducted the interviews and research, together with the authors, upon which this article is based. The authors also wish to thank the Centre for Corporate Social Responsibility at the University of Zurich for its assistance in organising interviews for this project.

## Introduction

### *Corporate perceptions of human rights: the Castan Centre's study*

Over the last several years, notions of corporate social responsibility and corporate responsibility for human rights have developed on several fronts, including under international human rights law, through voluntary initiatives and in the discourse and the reporting of the corporations themselves. But are all protagonists on all these fronts speaking the same language? Are these developments truly improving the realisation of human rights?

As one aspect of its three year Australian Research Council project examining the legal human rights responsibilities of multinational corporations, the Castan Centre for Human Rights Law set out to discover the perceptions that multinational corporations have of their own human rights responsibilities, the types of activities undertaken by corporations to fulfil those responsibilities and the appropriate extent, if any, of the imposition of legally binding human rights obligations on corporations.

While not setting out the formal findings of that empirical study, this article reports on some interesting discoveries as to how corporations see their place in the human rights debate. It notes a divergence among corporations' views of the nature of human rights responsibility — whether an obligation or a benevolence — as well as its content. In considering whether corporations ought to have legally binding human rights obligations, a surprising number of corporations replied in the affirmative, citing reasons such as certainty in dealing with suppliers and instituting a level playing field against rogue operators.

Many of the larger corporations have begun to adopt the terminology of international human rights, in some cases employing dedicated social responsibility officers. However, perhaps the most important finding is the different understandings of human rights as they relate to a corporation's operations. Agreement on potential reforms would be meaningless if they were not employed towards a commonly understood end. After examining the various responses of the corporations and the evidence they cited to support their contentions, the article concludes that the various protagonists of human rights responsibility for corporations may be using the same words, but they are not yet speaking the same language.

### *The conduct of the study*

The study aims to gain an understanding of multinational corporations' perceptions of their human rights responsibilities, the appropriate extent of such responsibilities

and the types of activities they are undertaking to meet those perceived responsibilities. The focus on multinational corporations was expected to skew the study towards corporations that had a greater understanding of human rights issues and would be more likely to think in international terms by reason of their global (or at least transnational) operations. As such, the subjects were intended to give an insight into the perceptions and actions of an entity that has given real consideration to human rights issues. The 17 participating corporations came from a wide range of industries including extractive industries, finance, automotive, textiles and clothing, food and tobacco, transport, prison and health services and engineering, among others. They included corporations based in Australia, the United Kingdom, Japan, Germany, Switzerland, Belgium and India and operating around the globe. As most participating corporations requested that they not be identified in connection to any of their responses, the findings reported here are expressed in general terms or in terms of trends.

There was some difficulty in getting corporations to agree to participate in the study. Many more corporations expressed interest in participation than actually carried through with this commitment. This was mainly due to time constraints on the part of the companies, rather than any perceived hostility to the aims of the project. A few corporations cited 'questionnaire fatigue' as a reason for their eventual refusal to participate. Companies were generally more interested in talking to us about their specific social responsibility policies, rather than answering a general questionnaire. It is interesting to note that corporations based in the United States ultimately did not agree to be interviewed. It is possible that the difference is a result of the highly litigious approach to this issue in the United States compared with other jurisdictions. One apparel sector corporation from the United States confirmed fear of litigation in an email as a reason for declining to take part in this study.<sup>2</sup>

Corporations initially completed a questionnaire (reproduced as the Appendix to this article) which took the key human rights principles from international law and asked the respondents about the relevance of those principles to their business, the practices and policies they had in place their interaction with other key stakeholders (including alleged victims or accusers), as well as the factors driving their approach

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2 The United States has emerged as the main jurisdiction for litigation against multinational corporations for human rights violations, based mainly upon the *Alien Tort Claims Act of 1789* but also upon other causes of action (see Joseph (2004) for a thorough discussion of such litigation). The claim by activist Marc Kasky against Nike for making false statements about its labour standards in its corporate responsibility report is a prime example of the sort of fears that corporations might harbour about participating in studies in this area: *Kasky v Nike* (SCt Cal 2002; SCt US 2003).

to human rights issues and their opinions about appropriate methods for ensuring respect for human rights in the commercial world. The questionnaire was then followed up by a face-to-face interview with a senior representative of the corporation with responsibility for human rights or social and environmental issues. Sometimes the questionnaire was filled out during the interview. In some instances, due to distances involved, the interview was conducted by email.

The results of the study reported in this article are not empirical findings as such, as the sample size of the study is too small (especially given the very large number of corporations in the world) to draw universal conclusions. Rather, this article aims to present some of the more surprising responses and trends that illustrate the progress of human rights responsibility in business, as well as identifying the areas where a gulf remains between human rights lawyers and academics on the one hand and the corporate coalface on the other.

### The responses of the corporations

#### *So did I get it right?*

One surprise that was immediately apparent from the questionnaires was a tendency to overstate the relevance of various human rights to the corporation's business, possibly to create a positive impression (either consciously or subconsciously) in the mind of the interviewer, or possibly out of a misunderstanding of the content of specific rights. This was surprising, as it would have been reasonable to expect corporations to try to limit the scope of human rights that are deemed to apply to their business so as to make their responsibility or liability less onerous. In a significant number of cases, however, the reverse was true.

For instance, when asked to identify from a long list of rights drawn from international human rights conventions<sup>3</sup> those rights that are relevant to or affected by the corporation's business, some chose 'prohibition on war propaganda', which is likely to be relevant only to corporations engaged in widespread communications,

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3 The conventions used were the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the eight fundamental conventions of the International Labour Organisation. The other instruments drawn upon were the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (UN Norms), the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises and the United Nations Global Compact.

such as a media or advertising company. 'Freedom from arbitrary arrest or detention' was claimed as relevant to some corporations whose business did not put them in a position to be arresting or detaining people, while largely state-centric rights such as the right to social security were chosen in some cases. The rights to education and health and health services were selected by both a financial institution and a transport company.<sup>4</sup> In a few instances, respondent corporations indicated that all of the listed rights were directly relevant to their business, despite the fact that several of the rights are very limited in subject matter and are unlikely to be directly relevant to the business of some of the corporations that nominated them.

#### *Admission of undesirable practices*

The flipside of the overzealous declaration of relevant human rights was the degree to which corporations were willing to admit undesirable practices, lack of action to redress problems or accusations against them. Few corporations admitted to being involved in litigation relating to one of the human rights issues listed. This is perhaps unsurprising, given that most of the individuals interviewed were not connected with the corporation's legal department.<sup>5</sup> However, a later question asked about any accusations of undesirable conduct relating to any of the human rights-related issues listed, whether those accusations were true or not. A few respondents complained that this question would give an unfairly negative perception of their practices. Some companies simply responded that there had been few or no complaints. Given that the list included 'remuneration levels', 'hours of work', 'occupational health and safety' and 'environmental protection', it is very difficult to believe that some of these companies, which in some cases are massive global corporations, have not been subjected to accusations — even if they were unfounded accusations — on at least some of these issues.

Given that many human rights criticisms of multinational corporations focus on alleged occurrences in developing nations, a number of questions focused on the possibility of differing standards applying between a corporation's home country

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4 While it is possible for corporations in the business of financial services or transport to have an impact upon the rights to health and education, the interviews with the companies in question revealed that they had in mind either staff training programs or making charitable donations when nominating the rights to education and health as relevant to their operations, as discussed below under the heading 'What are human rights anyway?'

5 However, respondents were asked to seek answers from other relevant people within their organisation or from related companies (such as foreign subsidiaries) if necessary and if possible.

and its host country operations. Most companies confirmed that certain labour standards, particularly wages, differed according to local laws. However, most indicated that certain standards relevant to human rights, such as occupational health and safety and especially environmental standards, were uniform in operations across the world. These are perhaps dubious contentions.

Almost all participating corporations denied using forced labour, child labour or bonded labour anywhere in the world.<sup>6</sup> Bribery was also widely denied, with no corporation admitting to giving, receiving or benefiting from bribes in their home countries. However, two corporations did admit to paying bribes in their foreign operations. One of those respondents insisted in the interview that other corporations were lying if they did not admit to paying bribes in at least some circumstances. A third company admitted to paying what it described as 'facilitation payments'. Such payments were not made if the amount requested was disproportionate or the company was thereby getting an extraordinary benefit. The payment of bribes appears to be linked to the sector of industry; in financial institutions there appears to be more stringent regulation. For example, one bank described detailed rules whereby any gift valued at \$150 or more received by a member of staff must be registered, while in the extractive sector the rules on bribery appear to be more flexible (as illustrated with the nebulous concept of 'facilitation payments').

### *What are human rights anyway?*

As an alternative explanation to a desire to give the 'correct' answer, respondent corporations may have claimed an apparently excessive range of human rights as directly relevant to their businesses out of a misunderstanding of the nature of human rights. This possibility became apparent in a number of interviews where the corporate representative was asked why they had nominated apparently incongruous rights as applicable to their business. Some respondents indicated that they had nominated the right to education because they provided job training to their staff. One financial institution nominated the right to social security because it offered special accounts for pensioners. Clearly, both of these examples are merely part of the ordinary business requirements of the respective companies and are

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<sup>6</sup> However, one company took the view that the situation in its supply chain factories in China could be described as forced or compulsory or bonded labour. Bonded labour is a real problem in mainland China: migrant workers have their documents held by the authorities or the factories where they work, which means that they are unable to move around freely (or leave the job they are doing).

neither motivated by nor have significant effect on the rights to education or social security. Companies with a conscious 'social justice' platform generally showed the most advanced understanding of human rights issues, such as the Australian incorporated charitable organisation, the Brotherhood of St Lawrence.

On the other hand, some of the participating corporations failed to nominate human rights that were obviously relevant, either because of the nature of their business or because of well publicised events involving that corporation. In many cases, this was also a misunderstanding about the nature of human rights. For example, one respondent corporation, which has faced prominent criticism regarding the marketing of a product which has ramifications for the right to health of consumers of the product, initially insisted that the incident in question was a 'marketing' rather than a 'human rights' issue. The company representative agreed after some discussion with the interviewer that the practices could affect the quality of health care and contribute to preventable illness in some circumstances, thus impacting on rights to health and life. In another example, the respondent corporation realised that the financing of a missile station might impact on human rights but did not link this specifically to the right to life. In all cases that fell into this category, the corporations either had policies in place or gave some consideration to human rights issues in certain scenarios (even if they used a different label, such as 'corporate social responsibility'). The worrying conclusion from these cases is therefore that some companies simply do not identify pertinent issues within their business as being applicable to their human rights or social responsibility processes. In such instances, the value of human rights or social responsibility policies must be questionable.

Two corporate representatives did not understand how their companies could impact on 'the right to life', as they associated that term exclusively with the abortion debate and not with the deprivation of life per se, including the classically corporate realms such as occupational health and safety. One company did not understand how the issue of bribery, raised in the questionnaire, impacted on human rights at all.<sup>7</sup> However, all of these companies were willing to recognise that occupational health and safety, on the one hand, and bribery, on the other, were properly related to 'corporate social responsibility'. Therefore, these misunderstandings related more to a lack of knowledge about 'human rights' per se, rather than to an unwillingness to include relevant matters within the rubric of 'corporate social responsibility'.

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<sup>7</sup> Generally, bribery can impact on governance, and the right of political participation and of equal and fair treatment. Individual instances of bribery can harm other human rights, such as, for example, the right to a fair trial if a judge is bribed.

However, these examples do highlight the potential for language problems to arise in dialogues or conflicts between companies and human rights NGOs.

Another misunderstanding that arose concerned the distinction between human rights and philanthropy. The proper distinction between human rights and philanthropy is admittedly murky in some situations, particularly in the developing world where corporate donations can make a vital difference in access to health services, education, clean water and so on. In places where the state has proven unwilling or unable to provide essential infrastructure and services, usually remote parts of developing countries, a corporation operating in that area can make a substantial contribution to the realisation of human rights in the community by funding such infrastructure and services, even if it is outside the scope of the corporation's ordinary business.<sup>8</sup> In two cases, corporations operating in India recalled their provision of infrastructure including wells and hospitals in the communities where they operated. Similar actions were also mentioned by corporations in extractive industries, particularly where their operations involved the relocation of local communities or otherwise affected them. Another corporation noted that it provides drugs for the treatment of HIV/AIDS to its workers in Africa.

However, away from those grey areas, the distinction between human rights and philanthropy is an important one. Whereas human rights carry with them legal obligations, philanthropy is purely discretionary in nature. At a time when international law is arguably crystallising to define human rights obligations of non-state actors,<sup>9</sup> corporations that are motivated by the need to respect, protect and fulfil human rights could be evidence of a kind of non-state *opinio juris* in favour of legal human rights obligations for corporations. On the other hand, philanthropy does not advance the argument in favour of legal obligations.

Some of the examples cited by corporate respondents could not credibly be labelled as anything other than philanthropy. These included instances of donations of money and products to schools and charities and various fundraising schemes. While such activities are admirable and undeniably contribute to the social good, the degree of disconnection with the corporation's ordinary operations means that they cannot properly be cited as evidence of corporate responsibility for human rights;

8 Jägers (2002, 84) argues that corporations operating in such circumstances might be considered to have a legal obligation to promote human rights in that manner.

9 The UN Norms is a soft law instrument evidencing this looming crystallisation. See also Jägers, above note 8, and McCorquodale (2002).



this is the clear difference between a corporation doing something that may improve the realisation of human rights and a corporation *conducting its business* in a way that respects, protects and promotes human rights.

### ***Assumptions and pleasant surprises***

While the observations above have mainly addressed evidence of corporations' failure to grasp fully the concept of corporate responsibility for human rights, those snippets do not give an accurate overall picture of the responses. Indeed, many areas showed that corporations had a better understanding of human rights and were more advanced in implementing human rights policies and processes than the interviewers had expected. For example, every single respondent indicated that his or her company had a 'code of conduct' or similar document that addressed social issues in relation to the corporation's operations. A majority of those codes were either based on or made direct reference to instruments of international human rights law, such as the Universal Declaration of Human Rights or various conventions of the International Labour Organisation (ILO). On the other hand, one respondent corporation talked about its decision not to pay lip-service to initiatives such as the UN Global Compact or standards such as those contained within the ILO Conventions, as some corporations do, but rather it aimed to join or make reference to standards and initiatives which it can genuinely follow and adhere to.

The majority of respondents showed a good understanding of human rights and gave thoughtful consideration to the areas of their business that might impact upon those rights, even if the term 'human rights' was substituted for terms such as 'labour standards' or 'social issues'. Many were also frank in response to questions about accusations against them and the ways they responded to such accusations. It is likely that the overall positive response is artificially skewed by the identity of the participant corporations. Because the study relates to international human rights responsibility, only multinational corporations were invited to participate. Furthermore, it is reasonable to assume that the corporations that agreed to participate were likely to be favourably disposed towards notions of corporate responsibility for human rights, or at least not hostile towards a research project expressed in those terms.

There was no predictable pattern as to the type of corporation that demonstrated substantial understanding and implementation of human rights practices and the type that did not, except, as noted above, the companies with a social justice platform or charitable focus. The interviewers had assumed that corporations from industrialised countries would be more advanced in their implementation of human rights policies and practices than their cousins from the developing world. That

assumption was proved false when the most impressive and comprehensive system for reviewing a corporation's impact on human rights and for developing positive human rights outcomes in the course of business was produced by a corporation based in India.

The interviewers' assumption that corporations that had been subjected to high profile campaigns on human rights grounds would be more cognisant of the relevant issues also proved false. Of the corporations interviewed that had been subjected to such campaigns, some had responded with comprehensive systems to prevent human rights violations and encourage positive human rights outcomes, while a minority seemed to have learned little from their tribulations.

### *Action versus policy*

Another pleasing trend for corporate human rights practices emerged when the questions moved away from formal policies and compliance with certain standards towards issue-based questions about actual practice. If the responses of the participating corporations are a true indication of their practice, many are engaging in practices to improve the realisation of human rights on a case-by-case basis in the course of their operations, notwithstanding the absence of a formal policy. Many corporations claimed to ensure the provision of some or all of food, clean water, health care and education facilities and housing for communities where they operated, with almost all using phrases such as 'when the situation requires it' or 'according to the needs of the particular community'. However, fewer than half of the corporations stated that they had a policy in place for those kinds of assistance.

That form of tailored, needs-based response in the course of a corporation's operations is the very essence of corporate responsibility for human rights. While non-violation of rights and examples such as exploitative labour practices were generally the first response of corporate representatives when asked about human rights, the corresponding responsibility to make a positive contribution to the realisation of human rights in the course of corporate operations may not have been mentioned, but was evidently being implemented in some cases despite the lack of a formal framework.

Of course, evidence of positive action in some areas does not mean that a corporation's practices are uniformly impeccable. However, it may indicate that, at least in some corporations, practice is somewhat better than would be suggested by the corporation's formal policies and structures.

***Human rights duties for corporations***

The initial questionnaire had a question which asked: 'Do you believe that corporations should have enforceable human rights duties?' All but one of the companies answered this question in the affirmative. However, a third of those went on to say that the source of such duties should be by way of self-regulation only, betraying a lack of understanding of the term 'enforceable'. The question was clarified in later interviews simply to ask corporations how human rights duties should be enforced.

Most companies were in favour of regulation of companies by domestic laws in host and home countries, but very few favoured extraterritorial legislation emanating from their home countries. Two companies defined the latter type of regulation as 'imperialistic', in that it would amount to an imposition of the home state's values on other countries. Clearly, the spate of extraterritorial litigation that is being run against companies, especially in the United States, is unpopular in the corporate sector.

Seven out of the 17 companies were willing to endorse the idea of international direct regulation of companies, by way of a document such as the UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (UN Norms), which is the instrument at the forefront of the movement towards corporations assuming legal responsibility for human rights.<sup>10</sup> Notably, financial institutions were generally in favour of international regulation, possibly reflecting the fact that they are a 'step removed' from allegations of bad human rights behaviour; they are accused of financing 'bad behaviour' rather than perpetrating it. Three of the four banks interviewed favoured an international treaty, as such may help to control those companies in which they invest, and help to provide certainty in the area. The other bank did not favour international regulation, as it doubted the ability of the UN or any other existing intergovernmental organisation to implement such regulations properly. However, that same bank was one of the few corporations to endorse the idea of home state (extraterritorial) regulation, so it seems that the bank was not against additional regulation; it simply doubted the likely efficacy of international regulation. Other companies that favoured international direct regulation cited certainty and a level playing field as factors in favour of such an approach.

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<sup>10</sup> The UN Norms were adopted by the Sub-Commission on the Protection and Promotion of Human Rights in August 2003 and were received by the Commission on Human Rights at its 2004 session. The Norms have been drafted with a view to ratification of an international treaty on the subject. For a discussion of the Norms, see Hillemanns (2003).

One company favoured international regulation only if it bound all people rather than just multinationals, including NGOs, an answer that possibly reflected an antagonistic relationship with human rights NGOs. As an aside, it is worth noting that another respondent pointed out that NGO dialogues on the human rights issue had been counterproductive, and had helped to provoke a siege mentality among some companies, which did not feel that they were able to do anything right in the eyes of NGOs. Yet some companies reported positive relationships with NGOs, noting that NGO partnerships and dialogues were the best means of ensuring satisfactory corporate human rights performances.

Less than half of companies favoured international direct regulation of companies. A number of corporations felt that problems regarding corporations and human rights could best be solved in the flexible environment in which companies thrive, often in co-operation with NGOs. That is, international regulation was felt likely to be too rigid and/or unworkable. One company felt that international regulation would be enforced disproportionately against Northern rather than Southern companies, and against multinationals but not local companies, thus creating an unfair, rather than a level, playing field. Many corporations objected that proposed regulatory regimes could drive standards down, as they required a level of conduct below what many corporations were already doing. This confidence in levels of corporate human rights performance is not generally reflected by other players in the corporate human rights debate, notably human rights NGOs. Unsurprisingly, human rights NGOs (some of which were interviewed in a parallel study using an adapted questionnaire) are generally in favour of international regulation. This divergence of opinion regarding the best way of ensuring corporate observance of human rights between companies and NGOs, and within the corporate sector itself, is perhaps the most significant issue that needs to be resolved for the notion of corporate responsibility for human rights to advance.

### ***Responsibility for business partners***

A majority of the respondent corporations indicated that they impose contractual conditions on their business partners in relation to one or more human rights issues. The most common of these was non-discrimination, while environmental protection, the conduct of security personnel and the prohibition or restriction of forced labour and child labour were also prevalent. The various methods used to enforce such conditions included audits, prior and ongoing inspections either by the respondent corporation or an independent entity, and the requirement for the business partner to submit written reports. Severance of the business relationship was felt to be counterproductive, and was only used as a last resort in dealing with recalcitrant contractors. The use of a 'preferred supplier' process by which suppliers apply and

are assessed for their suitability against criteria including human rights criteria is another method used to regulate and enforce conditions in the supply chain.

The issue of which entity should take responsibility for the practices of a certain entity within a common enterprise has long been a contentious one in the debate surrounding the responsibility of corporations for human rights (Joseph 2004, chapter 7). Much of the significant human rights litigation against corporations currently or recently underway in the US involves allegations that the principal corporation within an enterprise is responsible to some extent for the abuses of a business partner, such as the actions of foreign military or paramilitary in protecting the corporation's operations (for example, *Doe v Unocal*; *Doe v Exxon-Mobil*), or the actions of a rogue supplier (for example, *Sinaltrainal v Coca-Cola*; *Doe v The Gap*).

The responses of the corporations in this study indicate that many of them take the issue seriously and are already taking action to ensure that their business partners are not violating human rights. Some of them have already gone some distance towards the position taken by the UN Norms, which provides as follows:

Transnational corporations and other business enterprises shall ensure that they only do business with (including purchasing from and selling to) contractors, subcontractors, suppliers, licensees, distributors, and natural or other legal persons that follow these or substantially similar Norms. Transnational corporations and other business enterprises using or considering entering into business relationships with contractors, subcontractors, suppliers, licensees, distributors, and natural or other legal persons that do not comply with the Norms shall initially work with them to reform or decrease violations, but if they will not change, the enterprise shall cease doing business with them. [Commentary to the UN Norms, para 15(c).]

However, it is unlikely that any of these corporations would enthusiastically embrace a position where they were held legally responsible for the human rights violations of their business partners in certain circumstances.

One company raised the interesting issue of the extent to which it should be liable for the actions of the consumers of its products, rather than responsibility arising in the production process including within the supply chain, or even responsibility to consumers of the goods. That company was accused of breaking sanctions against Iraq when some of its goods and technology (which were not goods ordinarily used for a military purpose) were found in weapons factories in Iraq. This raises a vexed and largely unexplored question: to what extent should a company be liable for the unexpected uses, or even the expected uses, of its products by consumers?

### ***Impact of ethical investment***

Given that the traditional primary duty of corporations is to their shareholders, the phenomenon of ethical investment might be expected to provide a good incentive for companies to behave ethically in a manner that accords with human rights standards. The large majority of companies surveyed indicated that ethical investment currently amounts to only a small amount of the investment pool, but it is growing. Five companies noted that they received no pressure whatsoever from any shareholder group regarding their human rights performance. Only one company, from India, indicated that shareholder groups cared 'very much' about its ethical performance. Therefore, it is unlikely to have much current impact on corporate behaviour, but can be expected to do so in the future. A majority of the companies (nine) were listed on specialised 'ethical' stock exchange listings.

### **Conclusion**

This study has indicated that multinational corporations are using the language of human rights and corporate social responsibility perhaps more than expected. It also discovered that some corporations are taking measures that have a distinctly positive effect on the realisation of human rights. Strangely enough, however, these two trends did not necessarily seem to be connected.

The use of human rights terminology and the adoption of codes of conduct, and in some cases entire 'social responsibility' departments, tended in most cases to be a distinct and separate area of the corporation's activity, with a few notably positive exceptions. In some cases, the understanding that the corporation attributed to the human rights terminology it was using was glaringly misplaced, making the commitments at best hollow and at worst misleading. Where the human rights or social responsibility operations were not integrated into the everyday business of the corporation, the purpose of human rights responsibility was missed. Business responsibility for human rights is not supposed to be something corporations *do*; it is rather the *way* in which they should approach their regular business operations. Writing a code of conduct full of words pasted from the Universal Declaration of Human Rights or appointing a vice president of social responsibility will not necessarily achieve that result.

On the other hand, a number of corporations were habitually taking action in the course of their business on an ad hoc basis that contributed to the realisation of human rights. In most cases, these practices were not part of a co-ordinated approach and were not nominated by the respondents when asked about their human rights performance, but emerged only later when corporations were asked what they were doing in relation to a particular issue, such as the provision of housing in a

community where they operated. Without prodding, most of these corporations seemed not to consider this sort of action to be related to human rights.

These trends demonstrate that corporations may be using the same words as human rights lawyers and advocates when it comes to corporate responsibility for human rights, but the two groups are still some way from speaking the same language.

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## APPENDIX

### Castan Centre questionnaire for corporations

#### Notes:

This questionnaire has been designed predominantly in 'tick-a-box' format in order to make it less time-consuming to complete. However, please feel free to add any extra comments in answer to any question if you wish.

In this survey, 'corporation' includes all related companies, whether parent, subsidiary or sibling and wherever located, that are involved in the same commercial enterprise as your company, except where otherwise indicated.

Where questions are asked about 'other countries', you should answer 'Yes' (or tick the appropriate other boxes) if that question is true in any one or more of the countries in which your corporation operates outside the home country.

#### A. Information about your corporation

1. What is the name of your corporation?

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*[Note – If your company is part of a corporate group, give the name of the group.]*

2. What is your corporation's home country?

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3. What is the name and title of the person primarily responsible for completing this survey?

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4. In which of the following countries does your corporation operate?

- |   |                                     |  |
|---|-------------------------------------|--|
| <input type="checkbox"/> Afghanistan        | <input type="checkbox"/> Albania    | <input type="checkbox"/> Algeria           |
| <input type="checkbox"/> Andorra            | <input type="checkbox"/> Angola     | <input type="checkbox"/> Antigua & Barbuda |
| <input type="checkbox"/> Argentina          | <input type="checkbox"/> Armenia    | <input type="checkbox"/> Australia         |
| <input type="checkbox"/> Austria            | <input type="checkbox"/> Azerbaijan | <input type="checkbox"/> Bahamas           |
| <input type="checkbox"/> Bahrain            | <input type="checkbox"/> Bangladesh | <input type="checkbox"/> Barbados          |
| <input type="checkbox"/> Belarus            | <input type="checkbox"/> Belgium    | <input type="checkbox"/> Belize            |
| <input type="checkbox"/> Benin              | <input type="checkbox"/> Bhutan     | <input type="checkbox"/> Bolivia           |
| <input type="checkbox"/> Bosnia-Herzegovina | <input type="checkbox"/> Botswana   | <input type="checkbox"/> Brazil            |

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|---|---|---|
| <input type="checkbox"/> Brunei               | <input type="checkbox"/> Bulgaria             | <input type="checkbox"/> Burkina Faso             |
| <input type="checkbox"/> Burundi              | <input type="checkbox"/> Cambodia             | <input type="checkbox"/> Cameroon                 |
| <input type="checkbox"/> Canada               | <input type="checkbox"/> Cape Verde           | <input type="checkbox"/> Central African Republic |
| <input type="checkbox"/> Chad                 | <input type="checkbox"/> Chile                | <input type="checkbox"/> China (Hong Kong region) |
| <input type="checkbox"/> China (People's Rep) | <input type="checkbox"/> China (Tibet region) | <input type="checkbox"/> Colombia                 |
| <input type="checkbox"/> Comoros              | <input type="checkbox"/> Congo (Brazzaville)  | <input type="checkbox"/> Congo (Democratic Rep)   |
| <input type="checkbox"/> Costa Rica           | <input type="checkbox"/> Croatia              | <input type="checkbox"/> Cuba                     |
| <input type="checkbox"/> Cyprus               | <input type="checkbox"/> Czech Republic       | <input type="checkbox"/> Denmark                  |
| <input type="checkbox"/> Djibouti             | <input type="checkbox"/> Dominica             | <input type="checkbox"/> Dominican Republic       |
| <input type="checkbox"/> East Timor           | <input type="checkbox"/> Ecuador              | <input type="checkbox"/> Egypt                    |
| <input type="checkbox"/> El Salvador          | <input type="checkbox"/> Equatorial Guinea    | <input type="checkbox"/> Eritrea                  |
| <input type="checkbox"/> Estonia              | <input type="checkbox"/> Ethiopia             | <input type="checkbox"/> Fiji                     |
| <input type="checkbox"/> Finland              | <input type="checkbox"/> France               | <input type="checkbox"/> Gabon                    |
| <input type="checkbox"/> Gambia               | <input type="checkbox"/> Georgia              | <input type="checkbox"/> Germany                  |
| <input type="checkbox"/> Ghana                | <input type="checkbox"/> Greece               | <input type="checkbox"/> Grenada                  |
| <input type="checkbox"/> Guatemala            | <input type="checkbox"/> Guinea               | <input type="checkbox"/> Guinea-Bissau            |
| <input type="checkbox"/> Guyana               | <input type="checkbox"/> Haiti                | <input type="checkbox"/> Honduras                 |
| <input type="checkbox"/> Hungary              | <input type="checkbox"/> Iceland              | <input type="checkbox"/> India                    |
| <input type="checkbox"/> Indonesia            | <input type="checkbox"/> Ivory Coast          | <input type="checkbox"/> Iran                     |
| <input type="checkbox"/> Iraq                 | <input type="checkbox"/> Ireland              | <input type="checkbox"/> Italy                    |
| <input type="checkbox"/> Jamaica              | <input type="checkbox"/> Japan                | <input type="checkbox"/> Jordan                   |
| <input type="checkbox"/> Kazakhstan           | <input type="checkbox"/> Kenya                | <input type="checkbox"/> Kiribati                 |
| <input type="checkbox"/> Korea (North)        | <input type="checkbox"/> Korea (South)        | <input type="checkbox"/> Kuwait                   |
| <input type="checkbox"/> Kyrgyzstan           | <input type="checkbox"/> Laos                 | <input type="checkbox"/> Latvia                   |
| <input type="checkbox"/> Lebanon              | <input type="checkbox"/> Lesotho              | <input type="checkbox"/> Liberia                  |
| <input type="checkbox"/> Libya                | <input type="checkbox"/> Liechtenstein        | <input type="checkbox"/> Lithuania                |
| <input type="checkbox"/> Luxembourg           | <input type="checkbox"/> Macedonia (FYR)      | <input type="checkbox"/> Madagascar               |
| <input type="checkbox"/> Malawi               | <input type="checkbox"/> Malaysia             | <input type="checkbox"/> Maldives                 |
| <input type="checkbox"/> Mali                 | <input type="checkbox"/> Malta                | <input type="checkbox"/> Marshall Islands         |
| <input type="checkbox"/> Mauritania           | <input type="checkbox"/> Mauritius            | <input type="checkbox"/> Mexico                   |
| <input type="checkbox"/> Micronesia (FSM)     | <input type="checkbox"/> Moldova              | <input type="checkbox"/> Monaco                   |
| <input type="checkbox"/> Mongolia             | <input type="checkbox"/> Morocco              | <input type="checkbox"/> Mozambique               |
| <input type="checkbox"/> Myanmar (Burma)      | <input type="checkbox"/> Namibia              | <input type="checkbox"/> Nauru                    |
| <input type="checkbox"/> Nepal                | <input type="checkbox"/> Netherlands          | <input type="checkbox"/> New Zealand              |
| <input type="checkbox"/> Nicaragua            | <input type="checkbox"/> Niger                | <input type="checkbox"/> Nigeria                  |
| <input type="checkbox"/> Norway               | <input type="checkbox"/> Oman                 | <input type="checkbox"/> Pakistan                 |
| <input type="checkbox"/> Palau                | <input type="checkbox"/> Panama               | <input type="checkbox"/> Papua New Guinea         |
| <input type="checkbox"/> Paraguay             | <input type="checkbox"/> Peru                 | <input type="checkbox"/> Philippines              |

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Poland            | <input type="checkbox"/> Portugal                  | <input type="checkbox"/> Qatar                          |
| <input type="checkbox"/> Romania           | <input type="checkbox"/> Russia                    | <input type="checkbox"/> Rwanda                         |
| <input type="checkbox"/> St Kitts & Nevis  | <input type="checkbox"/> St Lucia                  | <input type="checkbox"/> St Vincent &<br>The Grenadines |
| <input type="checkbox"/> Samoa             | <input type="checkbox"/> San Marino                | <input type="checkbox"/> Sao Tome & Principe            |
| <input type="checkbox"/> Saudi Arabia      | <input type="checkbox"/> Senegal                   | <input type="checkbox"/> Serbia & Montenegro            |
| <input type="checkbox"/> Seychelles        | <input type="checkbox"/> Sierra Leone              | <input type="checkbox"/> Singapore                      |
| <input type="checkbox"/> Slovakia          | <input type="checkbox"/> Slovenia                  | <input type="checkbox"/> Solomon Islands                |
| <input type="checkbox"/> Somalia           | <input type="checkbox"/> South Africa              | <input type="checkbox"/> Spain                          |
| <input type="checkbox"/> Sri Lanka         | <input type="checkbox"/> Sudan                     | <input type="checkbox"/> Suriname                       |
| <input type="checkbox"/> Swaziland         | <input type="checkbox"/> Sweden                    | <input type="checkbox"/> Switzerland                    |
| <input type="checkbox"/> Syria             | <input type="checkbox"/> Taiwan                    | <input type="checkbox"/> Tajikistan                     |
| <input type="checkbox"/> Tanzania          | <input type="checkbox"/> Thailand                  | <input type="checkbox"/> Togo                           |
| <input type="checkbox"/> Trinidad & Tobago | <input type="checkbox"/> Tunisia                   | <input type="checkbox"/> Turkey                         |
| <input type="checkbox"/> Turkmenistan      | <input type="checkbox"/> Tuvalu                    | <input type="checkbox"/> Uganda                         |
| <input type="checkbox"/> Ukraine           | <input type="checkbox"/> United Arab Emirates      | <input type="checkbox"/> United Kingdom                 |
| <input type="checkbox"/> United States     | <input type="checkbox"/> Uruguay                   | <input type="checkbox"/> Uzbekistan                     |
| <input type="checkbox"/> Vanuatu           | <input type="checkbox"/> Vatican                   | <input type="checkbox"/> Venezuela                      |
| <input type="checkbox"/> Vietnam           | <input type="checkbox"/> Western Sahara (Saharawi) | <input type="checkbox"/> Zimbabwe                       |
| <input type="checkbox"/> Yemen             | <input type="checkbox"/> Zambia                    |   |

## B. Human rights practice and law

5. Which of the following human rights do you think your corporation's activities are most likely to affect? (Tick as many as apply.)

- Freedom from discrimination
- Causing death / Right to life
- Freedom from torture and cruel, inhuman or degrading treatment or punishment
- Freedom from slavery or servitude
- Freedom from forced labour
- Right to liberty and security of the person
- Freedom from arbitrary arrest or detention
- Humane treatment of detainees
- Freedom of movement (including freedom from forced exile)
- Right to a fair trial
- Right to privacy
- Freedom of opinion and expression
- Prohibition on propagating racial hatred
- Prohibition on war propaganda
- Right to peaceful assembly

- Freedom of association
- Right to participate in public life
- Protection of minority groups
- Right to work
- Right to fair conditions of work and fair remuneration
- Right to social security
- Right to a decent standard of living
- Freedom from hunger
- Right to health and health services
- Right to education
- Right to participate in cultural life
- Right to intellectual property

6. Has your corporation ever been involved in litigation involving any of the following issues? (Tick as many as apply. Note some will not apply to all industries.)

- Non-discrimination and equal opportunity
- Co-operation with governments or opposition groups in regions of conflict or social unrest
- Conduct of business partners
- Conduct of security personnel
- Remuneration levels
- Use of forced or compulsory labour
- Use of child labour
- Hours of work
- Occupational health and safety
- Restraint of trade union activity
- Physical treatment of workers, local people, protesters or others
- Environmental protection
- Causing death
- Arbitrary arrest or detention
- Humane treatment of prisoners or patients
- Freedom of movement
- Privacy
- Freedom of opinion and expression
- Inciting racial hatred
- Producing war propaganda
- Right of fair and equal political participation
- Treatment of minority groups
- Right to health and health services
- Right to intellectual property

7. If yes to any part of Q6, in how many cases was the result one of those below?

(Write a number next to each option.)

Outcome	Number of cases
Decided in your favour	
Award of damages / compensation to other party	
Criminal penalties against your corporation	
Settled privately	
Other party withdrew claim	

8. If yes to any part of Q6, did any of that litigation involve being sued in one country in relation to activities that your corporation undertook in another country?

Yes       No

9. Has your corporation ever been accused (whether true or false) of undesirable conduct in any of the following issues, where the accusation did not result in litigation?

(Tick as many as apply. Note some will not apply to all industries.)

- Non-discrimination and equal opportunity
- Co-operation with governments or opposition groups in regions of conflict or social unrest
- Conduct of business partners
- Conduct of security personnel
- Remuneration levels
- Use of forced or compulsory labour
- Use of child labour
- Hours of work
- Occupational health and safety
- Restraint of trade union activity
- Physical treatment of workers, local people, protesters or others
- Environmental protection
- Causing death
- Arbitrary arrest or detention
- Humane treatment of prisoners or patients
- Freedom of movement
- Privacy
- Freedom of opinion and expression

- Inciting racial hatred
- Producing war propaganda
- Right of fair and equal political participation
- Treatment of minority groups
- Right to health and health services
- Right to intellectual property

10. How has your corporation responded to accusations of the kind listed in Q9?

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11. With which of the following stakeholders does your corporation discuss the issues listed in Q9? (Tick as many as apply to at least one of the issues.)

- Employees
- Customers
- Suppliers / Distributors / Business partners
- Members of the local community where your corporation operates
- Shareholders
- Trade Unions
- Environmental groups or other non-governmental organisations
- Media
- Home government
- Host country / region government
- Other (specify) \_\_\_\_\_

12. Do your corporation's shareholders exert any significant pressure on your corporation to apply more or less attention to the issues listed in Q9?

- Pressure for more attention
- Pressure for less attention
- No pressure
- Pressure in both directions from different groups of shareholders

13. If there is some degree of shareholder pressure, which type of shareholder is more likely to exert it?

**Pressure for more attention:**

- Institutional shareholders
- Shareholder interest groups (if applicable)
- Individual shareholders

**Pressure for less attention:**

- Institutional shareholders
- Shareholder interest groups (if applicable)
- Individual shareholders

14. Do you think that your corporation's institutional shareholders care about the corporation's human rights profile?

- Yes, very much
- Yes, but it is not their primary concern
- No
- Different institutional shareholders hold different views

15. What effect has the emergence of 'ethical investment' had on your corporation's business?

- Significant impact
- Some impact
- No impact

16. If the answer to Q15 is "significant" or "some", how does your corporation demonstrate to shareholders that it is ethical? (Tick as many as apply.)

- Listing on a specialised stock index (eg FTSE4Good, Dow Jones Sustainability Index)
- External accreditation (specify which) \_\_\_\_\_
- Annual reporting
- Advertising
- Other (specify) \_\_\_\_\_

17. What effect does compliance with human rights or the issues listed in Q9 have on your corporation's performance, reputation and profits?

Performance	<input type="checkbox"/> Significant impact	<input type="checkbox"/> Some impact	<input type="checkbox"/> No impact
Reputation	<input type="checkbox"/> Significant impact	<input type="checkbox"/> Some impact	<input type="checkbox"/> No impact
Profits	<input type="checkbox"/> Significant impact	<input type="checkbox"/> Some impact	<input type="checkbox"/> No impact

**C. Political issues**

18. Does your corporation have a policy relating to co-operation with governments that abuse human rights or are perceived to have a bad human rights record?

- Yes       No

19. Does your corporation's risk assessment process cover political and social risk?

- Yes       No

20. Does your corporation have a policy in place in relation to giving, receiving or benefiting from bribes or unofficial fees (facilitation payments) or making political donations?

	<b>In home country</b>		<b>In other countries</b>	
Giving bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Receiving bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Benefiting from bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Making political donations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

21. Does your corporation give, receive or benefit from bribes or unofficial fees (facilitation payments) or make political donations?

	<b>In home country</b>		<b>In other countries</b>	
Give bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Receive bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Benefit from bribes or unofficial fees	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Make political donations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

22. Which of the following factors influence your corporation's practices in relation to the issues addressed in Q21? (Tick as many as apply.)

**In home country:**

- Local law (or lack of local law)
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_



**In other countries:**

- Local law (or lack of local law)  
 Home country law (or lack of home country law)  
 Local / industry practice  
 International standards (specify which) \_\_\_\_\_  
 Trade union input  
 NGO input  
 Other (specify) \_\_\_\_\_

23. Does your corporation have a policy in place in relation to benefiting from human rights abuses or other undesirable conduct perpetrated by other entities (eg governments, military or other corporations)?

**In home country:**

- Yes       No

**In other countries:**

- Yes       No

**D. Labour practices**

24. Does your corporation have an equal opportunity or non-discrimination policy in place that covers non-discrimination in employment on any of the following grounds?

	<b>In home country</b>		<b>In other countries</b>	
Race or colour	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sex	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Religion	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Political opinion	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Nationality	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Social origin or social status	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Indigenous status	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Disability	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Age (other than a policy on child labour)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other status? (specify) _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

25. Which of the following considerations determine remuneration for non-managerial employees in your corporation? (Tick as many as apply.)

**In home country:**

- Local law
- Market rate
- Local living costs
- International standards (specify which) \_\_\_\_\_
- Trade union input

**In other countries:**

- Local law
- Home country law
- Market rate
- Local living costs
- International standards (specify which) \_\_\_\_\_
- Trade union input

26. Does your corporation limit the number of hours of work and provide for minimum rest periods between shifts?

	<b>In home country</b>	<b>In other countries</b>
Maximum shift limit	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Maximum hours to be worked in a week/month/season	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Minimum rest period	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

27. Which of the following considerations determine the content of your corporation's occupational health and safety policy? (Tick as many as apply.)

**In home country:**

- Local law
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

**In other countries:**

- Local law
- Home country law

- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

28. Does your corporation have a policy relating to:

	<b>In home country</b>		<b>In other countries</b>	
The use of forced or compulsory labour?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The use of bonded labour?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The use of child labour?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

29. Does your corporation make use of forced or compulsory labour or child labour?

	<b>In home country</b>		<b>In other countries</b>	
Forced or compulsory labour	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Bonded labour	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Child labour	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

30. Does your corporation permit individual employees to join a trade union of their choice?

- In home country:**
- Yes       No

- In other countries:**
- Yes       No

31. Does your corporation permit its employees to bargain collectively?

- In home country:**
- Yes       No

- In other countries:**
- Yes       No

32. Which of the following considerations determine your corporation's practices referred to in Q29-31? (Tick as many as apply)

**In home country:**

- Local law
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

**In other countries:**

- Local law
- Home country law
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

33. Does your corporation adhere to specific guidelines for security personnel, whether they be employees, contractors or provided by a host government? (If so, name the applicable guidelines or attach a copy.)

	<b>In home country</b>	<b>In other countries</b>
Employees	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Contractors / other	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

**E. Environment**

34. Does your corporation have a policy in place in relation to the effect of the corporation's operations on the environment and environmental protection generally?

**In home country:**

- Yes    No

**In other countries:**

- Yes    No

35. If yes to either part of Q34, which of the following considerations determine the content of your corporation's environmental policies? (Tick as many as apply)

**In home country:**

- Local law
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

**In other countries:**

- Local law
- Home country law
- Local / industry practice
- International standards (specify which) \_\_\_\_\_
- Trade union input
- NGO input
- Other (specify) \_\_\_\_\_

**F. Contribution to local communities**

36. In addition to providing jobs and income, does your corporation provide any of the following community needs in one or more of the countries in which it operates, other than the home country?

Provision of adequate food	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provision of adequate clean drinking water	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Health care facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Eradication of health-threatening pollution (water, air, ground)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provision of adequate housing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Education facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No

37. Does your corporation have a policy or plan in place in relation to the provision of the following community needs in one or more of the countries in which it operates? (including eg co-operation with NGOs, governments or other groups)

Provision of adequate food	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provision of adequate clean drinking water	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Health care facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Eradication of health-threatening pollution (water, air, ground)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Provision of adequate housing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Education facilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No

### G. Supply chain

38. Does your corporation place conditions (contractual or otherwise) on its contractors, suppliers, joint venture partners or other unaffiliated entities with which it does business in relation to any of the following issues?

[If no to all, go to Q41]

Non-discrimination and equal opportunity	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Co-operation with governments or opposition groups in regions of conflict or social unrest	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Guidelines for security personnel	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Criteria for determining remuneration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use of forced or compulsory labour	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Use of child labour	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hours of work	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Occupational health and safety	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Trade union affiliation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Collective bargaining	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Acceptable forms of discipline	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Bribery	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Benefiting from human rights abuses	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Environmental protection	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Accessible community services (eg health, education, food, water – see Q36-37)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Conduct of business partners	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Causing death / right to life	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Arbitrary arrest or detention	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Humane treatment of prisoners or patients	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Freedom of movement	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Right to a fair trial	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Privacy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Freedom of opinion and expression	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Inciting racial hatred	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Producing war propaganda	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Right to participate in public life	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Treatment of minority groups	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Right to social security	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Freedom from hunger	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Right to health and health services	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Right to education	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Right to participate in cultural life	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intellectual property	<input type="checkbox"/> Yes	<input type="checkbox"/> No

39. If yes to any part of Q38, how are those conditions monitored and enforced?

(tick as many as apply to at least one area.)

- Written report required of business partner
- Prior inspection of business partner's operation by:
  - inspector appointed by our corporation
  - government inspector
  - independent inspector
- Ongoing inspection of business partner's operation by:
  - inspector appointed by our corporation
  - government inspector
  - independent inspector
- Act on reports from:
  - trade unions
  - community groups or NGOs
  - government agencies
  - media
  - other
- Mediation or arbitration of disputes (either informally or through a court or tribunal)
- Other (specify) \_\_\_\_\_

40. If yes to any part of Q38, what are the possible consequences of non-compliance by the contractor?

(Tick as many as apply. If different responses apply to different violations (eg only terminating the contract for serious, multiple breaches), please feel free to add additional comments.)

- Work with the contractor to attempt to resolve the issue  
 Termination of the contract / business relationship  
 No future contracts with that contractor  
 Take legal action for breach of those conditions  
 Report the action causing the breach to the relevant authorities  
 Other (specify) \_\_\_\_\_

#### H. Codes and guidelines

41. Does your corporation have a code of conduct, statement of principles or similar document covering some or all of the issues listed in Q38?

- Yes       No [go to Q44]

42. If your corporation has a code of conduct, which, if any, of the following documents is it based on or does it refer to? (tick as many as apply)

- United Nations Global Compact  
 Universal Declaration of Human Rights  
 OECD Guidelines for Multinational Enterprises  
 United Nations Norms on the Responsibilities of Transnational Corporations  
 ILO Conventions or Declarations  
 Other international treaties or guidelines  
(specify which) \_\_\_\_\_  
 European Convention of Human Rights  
 Other region-specific treaties or guidelines (e.g. NAFTA, Inter-American conventions, African conventions, EU conventions)  
 Voluntary industry code  
 Codes of other corporations  
 Other (specify) \_\_\_\_\_

43. If your corporation has a code of conduct, does any of its content apply to contractors, suppliers or business partners?

- Yes     No



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*Same words, different language*

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44. Does your corporation use any certification mark, trade mark or other sign to indicate its compliance with particular standards?

Yes (specify which) \_\_\_\_\_  No

**I. Enforcement**

45. Do you believe that corporations' human rights duties should be enforced by way of:

(If you favour a combined approach, tick 'yes' for as many as should be included.)

Voluntary codes / self-regulation?  Yes  No

Domestic regulation by host country?  Yes  No

Domestic regulation by home country?  Yes  No

Binding international treaty?  Yes  No

Other? (specify) \_\_\_\_\_

**END – Thank you for your time**