

A.1.1. Commitment to respect human rights
What constitute a “statement of policy”? Does that include statements of commitment, i.e. how the enterprise conducts of its business and the factors it takes into consideration in reaching decisions or taking specified actions, or is it confined only to formal documents that have been approved by a Board, or a Board-level level policy committee. We note for instance that in Clause A2.1, Score 1, includes reference to “speeches, presentations or other communications setting out the Company’s approach to human rights or discussing its business importance”.
This question applies to all clauses in Section A1
A.1.2. Commitment to respect labour rights
Would commitments to upholding the <i>OECD Guidelines for MNE</i> , also count to Score 1. As was referenced in A1.1.1
A.1.3. Commitment to respect the human rights of individuals belonging to specific groups or populations that require particular attention
Is the expectation that there is a policy statement that captures the essence of what is set out, or is it one that corresponds to all aspects and elements? In other words a policy statement that exactly mirrors this wording?
A.1.6. Commitment to engage with stakeholders
Is the expectation that there is a policy statement that captures the essence of what is set out, or is it one that corresponds to all aspects and elements? In other words a policy statement that exactly mirrors this wording? For instance it is not common to reference “potentially and actually affected stakeholders”, but merely stakeholders.
A.1.7. Commitment to remedy
Is the expectation that there is a policy statement that captures the essence of what is set out, or is it one that corresponds to all aspects and elements? In other words a policy statement that exactly mirrors this wording and specifically references terms such as “judicial and non-judicial mechanisms”?
A.1.8. Respecting rights of human rights defenders
Is the expectation that there is a policy statement that captures the essence of what is set out, or one that corresponds in all aspects and elements, as described? In other words adopts this exact wording?
AP D.2.3. Mapping and disclosing Suppliers
A company could be “mapping” its supply chain but only disclosing those parts where it has the greatest confidence or assurance of accuracy of the information. What is mapped, need not always be disclosed.
Score 1. Does this mean publicly discloses or simply discloses this data to the Benchmark assessors?
AP D.2.7.b. Freedom of Association and Collective Bargaining (in the supply chain)
The title of this section is key industry risks.

Score 1. Please explain further what is meant by the phrase: “describe how these [FOA] practices are taken into account positively in the identification of suppliers.” Does it mean it is included as a consideration, or something more? Is this requiring, for instance, that an enterprise preferentially select and retain only those suppliers which are unionized, or have secured CBAs, over other types of suppliers? If so, that would significantly disadvantage suppliers making goods in countries such as China and Vietnam, where State-mandated trade unions are the norm and where independent trade unions are unable to form. That is recognized in Score 1 of AP D.2.3.

Although it is favorable from a workers rights perspective to promote mechanisms for social dialogue, for effective representation of worker interests, and collective agreement to advance economic interests, care must be taken not to be overly prescriptive. If a workforce has freely elected not to form or join a union, then that right must also be respected.

To secure Score 2, does this the “analysis of trends” need to be disclosed publicly, or is it provided only to the assessors?

AP D.2.9.b. Health and safety (in the supply chain)

This seems to be a weak measure, given that companies may have invested time and resources in developing effective OHS systems in their supplier factories, including the requirement for suppliers to track and acting on health and safety data, but may not be publicly disclosing such data, or aggregating such data. This is especially the case of supply chains that number in their thousands, or tens of thousands of suppliers, or where sourcing activities are taking place across multiple countries where different safety benchmarks. For example, in some jurisdiction road accidents to and from work may also count towards injury and accident rates.

Score 1. Does this mean publicly discloses or simply discloses this data to the Benchmark assessors?

Score 2. Again, what does the phrase “are taken into positive account” mean? Does it mean it is included as a consideration, or something more? Is it requiring, for example, enterprises to demonstrate that they are preferentially choosing suppliers with better health & safety practices, compared with others? The phrasing in B.1.7 for Scopes 1 & 2 seems to be much clearer.

E.1.2. The Company has appropriate policies in place

This seems a bit of a “hit and miss” affair. It depends very much on the nature of the allegations which are being raised and whether they fall under the general scope of the human rights framework of the enterprise. As Prof Ruggie noted in the UNGP, the full scope of international human rights are potentially applicable. But pragmatism dictates that some rights are prioritized over others , due to the potential risk and severity, or their salience.

Level 1 Allegation

We note that the table shown is *not an* exhaustive list, but it would appear that the women rights are absent, with concerns confined to general questions of discrimination..

GLOSSARY

Please include a definition of what constitutes a “supplier” for the purposes of the benchmarking methodology. We note that a “business relationship” is defined as “Entities with which a company has some form of direct and formal engagement for the purpose of meeting its business objectives.” However the stakeholder community generally expect MNEs to be engaged and apply influence to their extended supply

chain, beyond Tier 1. In other words to those parts of the supply chain where there may be no formal relationship, or direct leverage. As a good portion of the benchmarking examines the human rights due diligence efforts directed at supply chains, the starting point must be a common understanding of what is 'in scope' with respect to supply chains.

This is also important if comparative assessments are to be made across MNEs in the same or similar sectors.