



Renewable Energy & Human Rights Benchmark: Consultation on Draft Indicators

Purpose

Thank you for taking the time to provide feedback on the Business & Human Rights Resource Centre's draft indicators for the first-ever renewable energy and human rights company benchmark.

Renewable energy is critical to achieve the goals of the Paris climate agreement and to ensure sustainable energy access for all. However, the renewable energy sector is increasingly associated with serious human rights abuses. As the world focuses on the urgent need to scale up investment in renewable energy, this is the time for companies to adopt strong human rights due diligence practices to avoid further harms and secure a transition to a low-carbon economy that is not only fast, but also fair.

Driving a Fast and Fair Transition to Renewable Energy is project that aims to increase respect for human rights in the renewable energy sector to support a just transition to a low-carbon economy. The project will develop a pilot methodology to benchmark renewable energy companies' human rights policies, practices and performance in order to drive a race to the top on human rights. This consultation aims to inform the development of the pilot methodology.

Consultation Feedback

Please review the indicators on pages 3-7 below and submit comments using [this form](#). Feel free to focus on select subject areas as per your area of your expertise.

If you prefer to provide comments via a different format (Word, meeting/phone call, etc.) or if you have any questions, please contact Project Manager Annie Signorelli at signorelli@business-humanrights.org

Comments are due by Wednesday, August 21. Please feel free to share this online consultation with relevant colleagues who may wish to provide feedback as well.



Measurement Themes

The benchmark’s pilot methodology will be structured along the following measurement themes:

- **Theme A:** Governance and policy commitments
- **Theme B:** Embedding respect and human rights due diligence
- **Theme C:** Remedies and grievance mechanisms
- **Themes D-L:** Renewable energy sector indicators

Indicators from themes A-C will use a set of “Core UNGP indicators” from the Corporate Human Rights Benchmark. **For the purposes of this online consultation, we will only be seeking feedback on Themes D-L, the renewable energy sector indicators. We have provided a list of the core UNGP indicators for a reference below. For the full list of indicators, see [here](#).**

Core CHRB Indicators

Theme A. Governance and Policy Commitments	
A.1.1 Commitment	to respect human rights
A.1.2 Commitment	to respect the human rights of workers
A.1.4 Commitment	to engage with stakeholders
A.1.5 Commitment	to remedy
Theme B. Embedding respect and Human Rights Due Diligence (HRDD)	
B.2.1 Identifying:	Processes and triggers for identifying human rights risks and impacts
B.2.2 Assessing:	Assessment of risks and impacts identified (salient risks and key industry risks)
B.2.3 Integrating and Acting:	Integrating assessment findings internally and taking appropriate action
B.2.4 Tracking:	Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts
B.2.5 Reporting:	Accounting for how human rights impacts are addressed
B.1.1 Embedding:	Responsibility and resources for day-to-day human rights functions
Theme C. Remedies and Grievance Mechanisms	
C.1	Grievance channels/mechanisms to receive complaints or concerns from workers
C.2	Grievance channels/mechanisms to receive complaints or concerns from external individuals and communities
C.7	Remediating adverse impacts and incorporating lessons learned



Renewable Energy Sector Indicators

The Business & Human Rights Resource Centre has identified a set of key salient risks based on human rights allegations raised against renewable energy projects in the past 10 years as well as through the in-person consultations. Below are draft indicators for each identified risk. Where possible, indicators were aligned with existing Corporate Human Rights Benchmark (CHRB) indicators; these are cross-referenced.

The finalized indicators will be applied to a pilot set of companies from the wind and solar sectors. Selection will focus on publicly listed companies that are the largest energy producers, as determined by their megawatt generation.

Theme D: Indigenous Peoples’ and Affected Communities’ Rights

D.1 Commitment to respect indigenous peoples’ rights (drawn from CHRB A.1.3)

The Company has a public policy committing to respect indigenous peoples’ rights in line with international standards through its own operations and through supply chains/business relationships. The policy explicitly references: right to practice cultural traditions, self-determination, and right to free, prior and informed consent (including the right to reject to projects or major project updates), and describes its process for determining who is an indigenous person.

D.2 Just and fair relocation policy

The Company has a public policy that commits it not to relocate or displace the livelihoods of indigenous people or affected communities without just and fair compensation as agreed in consultation with relevant stakeholders. The Company commits to only working with suppliers, customers or other business partners that have this public policy commitment in place and records this requirement via supplier contracts or codes of conduct or business partner agreements.

D.3 Implementation of policies on indigenous peoples and affected communities

The Company publishes the findings from at least its most recent implementation of its policy on respecting indigenous peoples’ and affected communities’ rights. This includes a description of how indigenous peoples/affected communities were identified, and evidence of if and how FPIC was achieved. The processes explicitly reference the inclusion of traditionally marginalized groups, including women and girls, indigenous peoples, afro-descendants, people with disabilities, LGBTQA+, and youth. The findings are published in all relevant local languages.

If the Company has not engaged in any projects affecting indigenous peoples, it describes its approach in relation to all elements above.

D.4 No legal judgements or settlements regarding respect for affected communities or indigenous peoples’ rights

The Company has not had a legal judgement or settlement with regard to their lack of respect for affected communities or indigenous peoples’ rights.



Theme E: Land Rights

E.1 Commitment to respect land rights (drawn from CHRB A.1.3)

The Company has a public policy committing to respecting land rights of legitimate tenure rights holders as set out in the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests through its own operations and through its supply chains/business relationships.

E.2 Land acquisition in own operations (drawn from CHRB D.3.6)

When acquiring, leasing or making other arrangements to use (or restrict the use of) land, the Company recognises legitimate tenure rights with particular attention to vulnerable tenure rights holders.

E.3 Land acquisition in supply chain (drawn from CHRB D.1.8.b)

The Company requires that its suppliers have a process to identify legitimate tenure rights holders when acquiring, leasing or making other arrangements to use (or restrict the use of land), with particular attention to vulnerable tenure rights holders. The Company engages directly with suppliers on this issue.

E.4 Alignment with IFC Performance Standard 5. (drawn from CHRB D.3.6)

If a State has been involved in the transaction, the Company follows IFC Performance Standard 5 on Land Acquisition and Voluntary Resettlement and describes steps it has taken to meet these standards (including on compensation and benefits, community engagement, grievance mechanisms, resettlement, and livelihood restoration).

Theme F: Security & Conflict-Affected Risk Disclosure

F.1 Public reporting on identified security risks

The Company regularly (at least annually) reports on the security risks identified both in its own operations and relevant suppliers. It includes information about any security forces involved (public or private) and if and how the incidents were resolved. If the Company finds, through its due diligence process, that it is operating in or has business relationships in conflict-affected or high-risk areas, it includes information about specific precautions taken for these contexts.

F.2 Evidence of assessments and collaboration (drawn from CHRB D.3.7)

The Company provides evidence that its security and human rights assessments include inputs from affected communities, including about their security concerns, and provides an example of working with community members to improve security or prevent or address tensions related to its operations.



Theme G: Protection of Human Rights & Environmental Defenders

G.1 Commitment to respect the rights of human rights defenders (drawn from CHRB A.1.6)

The Company publicly commits to not tolerating threats, intimidation, physical or legal attacks against human rights defenders – whether they are employees or community members affected by the company’s operations, including journalists and local NGO members – including those exercising their rights to freedom of expression, association, peaceful assembly and protest against the business or its operations. The company also extends this requirement to suppliers and business partners.

Theme H: Labour Rights

Note: Protection of all fundamental labour rights are covered under Core UNGP indicator A.1.2 (this includes: freedom of association and collective bargaining, elimination of forced labour, abolition of child labour, and elimination of discrimination). The indicators below aim to complement these with more specific performance proxies.

H.1 Collective bargaining disclosure (drawn from CHRB D.3.3)

The Company discloses the percentage of its workforce whose terms and conditions of work are covered by collective bargaining agreements.

H.2 Health and safety statistics disclosure (drawn from CHRB D.3.4)

The Company discloses quantitative information on health and safety for its employees and workers at suppliers related to injury rates or lost days (or near miss frequency rate) and fatalities.

H.3 Living wage target and timeframe (drawn from CHRB D.1.1)

The Company pays all its workers a living wage, which is regularly reviewed and negotiated through collective bargaining with relevant trade unions (or equivalent worker bodies where the right to freedom of association and collective bargaining is restricted under law).

Living wage is defined as a wage that provides a decent living for a worker and his or her family (in line with ICESCR Article 7) based on a regular work week not including overtime hours. A living wage is sufficient to cover food, water, clothing, transport, education, health care and other essential needs for workers and their entitled official dependents and provide some discretionary income.



Theme I: Right to a Healthy & Clean Environment

I.1 Science-based targets commitments

The Company has made public commitments to align its business with the goals of the Paris Agreement, including through setting science-based targets.

I.2 Take-back/responsible recycling

The Company has a global take-back and responsible recycling program for renewable energy technology; if it does not produce technology directly, it includes requirement in relevant supplier contracts or codes of conduct.

Enabling Factor Indicators

These indicators relate to certain factors and business processes that can help to enable rights-respecting outcomes within company activities.

Theme J: Transparency & Anti-Corruption

J.1 Anti-corruption due diligence and reporting

The Company regularly reports (at least annually) on identified instances of corruption at both the project level and throughout the supply chain, including suspected payments to armed groups and/or government actors, as part of its broader due diligence reporting. If no instances or risk of corruption is identified the Company reports that.

J.2 Contractor and subcontractor disclosure

The Company publicly discloses all contractors and subcontractors for project-level services.

Theme K: Engagement with Potentially Affected Stakeholders

K.1 Description of engagement with potentially affected stakeholders (drawn from CHRB B.1.8)

The Company describes how it has identified, and engaged with affected and potentially affected stakeholders in the last two years AND it describes the frequency and triggers for engagement on human rights issues (for example by type or by stakeholder group).

The Company also provides a summary analysis of the input/ views given by the stakeholders on human rights issues and how the Company took those views into account.



K.2. Commitment to respect human rights of vulnerable groups (drawn from CHRB A.1.3b)

The Company publicly commits to respecting, and expects that its suppliers and business relationships respect, the human rights of individuals belonging to specific groups or populations that require particular attention (for example, women, children, minorities, persons with disabilities, and migrant workers and their families, where they may be at heightened risk of becoming vulnerable or marginalised (or further vulnerable or marginalised) if adversely impacted by the activities of the Company or its business relationships.

K.3 Inclusive consultation disclosures

The Company publishes aggregate statistics regarding the demographics of its consultations and free, prior, and informed consent processes.

K.4 Benefit sharing identification policy

The Company has a public policy to identify potential benefit sharing options that serve indigenous and affected communities as a result of broad, inclusive consultations.

Theme L: Gender Equality

L.1 Equal pay for equal work

The Company has a public policy setting out that employees and workers receive equal pay for equal work. The company includes this requirement in supplier in its contractual arrangements with its suppliers or in its supplier code of conduct and expects the same of business relationships.

L.2 Equity training for management and employees

The Company provides mandatory and regular (at least annual) in person and/or written training to employees on equity and anti-discrimination, including gender-based violence in the workplace, and the Company's policies and mechanisms for addressing it. It encourages its suppliers to do the same.

L.3 Senior management gender parity

At least 50% of the Company's senior leadership are women; or Company sets this target and demonstrates progress against it.