



Public feedback to the Corporate Human Rights Benchmark online consultation

October 2015

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Organisation: AccountAbility

Name: Udaya A. Nanayakkara

Sector: Other

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

No answer given

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

Under 'B.1.6. Commitment to engage with stakeholders(E)', you require "The Company publicly commits to engage with its stakeholders".

We believe that the AA1000 Stakeholder Engagement Standard (AA1000SES) represents a highly relevant reference for both Score 1 and 2. We would be pleased that you consider adding AA1000SES as a recommendation in your Guide and/ or as a reference.

The AA1000 Stakeholder Engagement Standard (AA1000SES) can be used as a fundamental accountability mechanism, since it obliges an organisation to involve stakeholders in identifying, understanding and responding to sustainability issues and concerns, and to report, explain and answer to stakeholders for decisions, actions and performance. The latest version of the AA1000SES is scheduled for release in September 2015.

(Comment submitted on behalf of AccountAbility)

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

Under 'C.1.11.Framework for stakeholder engagement (E)', you require "The Company has a process to identify its stakeholders and engages in regular dialogue with potentially affected stakeholders".

We believe that the AA1000 Stakeholder Engagement Standard (AA1000SES) represents a highly relevant reference for both Score 1 and 2. We would be pleased that you consider adding AA1000SES as a recommendation in your Guide and/ or as a reference.

The AA1000SES establishes the benchmark for good-quality engagement. The AA1000SES is a generally applicable, open-source framework for designing, implementing, assessing and communicating the quality of stakeholder engagement. It can be used as a fundamental accountability mechanism, since it obliges an organisation to involve stakeholders in identifying, understanding and responding to sustainability issues and concerns, and to report, explain and answer to stakeholders for decisions, actions and performance. The latest version of the AA1000SES is scheduled for release in September 2015.

Under 'C.2.3.Identification and consultation with stakeholders on salient human rights issues (E)', you require "The Company has a process in place to identify and consult stakeholders on salient human rights issues."

We believe that the AA1000 Stakeholder Engagement Standard (AA1000SES) represents a highly relevant reference for both Score 1 and 2. We would be pleased that you consider adding AA1000SES as a recommendation in your Guide and/ or as a reference.

(Comment submitted on behalf of AccountAbility)

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

Under 'E.1.10. Reporting is verified and informed – Stakeholder verification and input',

For Score 1 you require "Independent verification of report by an independent third party or by stakeholders".

We believe that the AA1000 Assurance Standard (AA1000AS 2008) represents a highly relevant standard for this process. We would be pleased that you consider adding AA1000AS 2008 as a recommendation in your Guide and/ or as a reference.

The AA1000AS 2008 is an internationally accepted, freely available standard that provides the requirements for conducting sustainability assurance. It provides a means for assurance providers to go beyond mere verification of data, to evaluate the way reporting organisations manage sustainability, and to reflect that management and resulting performance in its assurance statements. A Working Group is currently being convened for the new version of the AA1000AS, to reflect the current reporting environment and future directions in sustainability thinking.

For Score 2 you require "Stakeholder verification of report and evidence that stakeholder engagement has informed report writing".

We believe that in addition to the AA1000AS 2008, the AA1000 Stakeholder Engagement Standard (AA1000SES) represents a highly relevant reference for this process. We would be pleased that you consider adding AA1000SES as a recommendation in your Guide and/ or as a reference.

The AA1000SES establishes the benchmark for good-quality engagement. The AA1000SES is a generally applicable, open-source framework for designing, implementing, assessing and communicating the quality of stakeholder engagement. It can be used as a fundamental accountability mechanism, since it obliges an organisation to involve stakeholders in identifying, understanding and responding to sustainability issues and concerns, and to report, explain and answer to stakeholders for decisions, actions and performance. The latest version of the AA1000SES is scheduled for release in September 2015.

(Comment submitted on behalf of AccountAbility)

(III) ADDITIONAL FEEDBACK AND COMMENTS

No answer given

Organisation: American Indian Law Clinic

Name: Carla Fredericks

Sector: Other

Country: United States

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

No answer given

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

B. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

No answer given

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

The American Indian Law Clinic at the University of Colorado—Boulder Law School regularly works with Indigenous communities affected by corporations and the extractive industries. We have reviewed the methodology and the feedback submitted by First Peoples Worldwide. In lieu of preparing a separate response and for the ease of those involved in the review process, we are submitting this as a support statement to First Peoples Worldwide's comments.

Organisation: Arete Development Group

Name: Jason Campbell

Sector: Other

Country: United States

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

No answer given

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

C. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

No answer given

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

I offer the dual perspective of an enrolled member of the Spokane Nation, and a former ESG researcher for a major SRI firm. Currently, I am the point person for my tribe on corporate engagement matters. I deal regularly with a company that is an ICMM member, and does an excellent job of fostering positive public perceptions on its corporate governance and policies regarding Free, Prior, and Informed Consent. However, the reality on the ground is very different. I would like to echo First Peoples Worldwide's calls for a more grassroots approach to data sourcing and evaluating companies, and stronger integration of Indigenous Peoples rights into the benchmark. My concern is that the methodology, as it currently stands, will not adequately capture the discrepancies between policy and performance that my community, and Indigenous communities around the world, are experiencing.

Organisation: Both ENDS

Name: Huub Scheele

Sector: Civil Society

Country: Netherlands

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

We feel the weight of performance in reality is rather low. With maximum 40% for performance (of which half KPI) companies might get away with a positive score when they have well described policies and procedures, but fail to implement them. We regularly see countries with a good framework, or international financial institutions with extensive safeguard policies, in situations with clear violations of right. Either because of bad implementation, or passing on responsibility to other actors. So in our view performance should have a greater weight.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

D. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

No answer given

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

We feel the gendered impacts on human rights, especially the human right to food, water, and a clean environment, receive rather limited attention. We would suggest more focus on those gendered impacts, as women are often the first, and most heavily impacted group.

In the field of information we feel that publicly available information is not good enough. Information should be easily accessible for local people, in a comprehensive format, and in local languages. Where appropriate also understandable for stakeholders that can not read and write. Availability of copies at low or no cost is instrumental for awareness and participation.

As mentioned above, responsibilities are often transferred to other actors/companies, such as subcontractors. So we would like to see some responsibility in the whole chain of production or operations.

Last but not least we would like to draw your attention to the current trend of increasing repression in many countries versus civil society. Even though rights might be officially guaranteed, in practice nobody would dare to speak out or report violation of rights. In this situation an independent and safe body to deliver those reports, would be advisable.

Organisation: Ferrero

Name: Phyllis Kong

Sector: Company

Country: Luxembourg

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

The sub topics under the measurement theme 'management systems' should be equally divided, meaning 10% each for embedding policy, human rights due diligence and remedies and grievance mechanism. These three areas are all equally important for management and complementary to each other.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

The explanation of Key Sector Risks is slightly unclear and abstract. First, it explains that key sector risks are risks that are regularly regarded as potentially severe and/or likely within the sector through a process of human rights due diligence, how companies are preventing them or why they are not relevant. It is suggested to remove the part 'how company are preventing them' as the focus of the explanation is what key sector risks are. It is clearer to only emphasize on 'what' instead of 'how' to avoid confusion. The 'how' should come later in other indicators. Second, what is more important to point out is that key sector risks are risks that companies commonly share, but there are differences in defining and framing the risk levels depending on the business operations and geographies. However, this message is not explicitly elaborated.

Related to the explanation of Salient Human Rights Issues, it would be more completed to add the following extracted from the UN Guiding Principles of Reporting Human Rights:

“This concept of salience uses the lens of risk to people, not the business, as the starting point, while recognizing that where risks to people’s human rights are greatest, there is strong convergence with risk to the business.”

3. Is the Benchmark fit for purpose for all stakeholders?

For the expected impact for business, firstly, it would be valuable to add the point on sharing best practices among companies in order to drive improvements and positive changes. Secondly, the term business is very broad. It would be worth mentioning that the study will set performance indicators for the type of business operators, which do not fall in to the scope of the study, including suppliers, manufacturers, traders and others.

Under the category of 'civil society, communities and customers', it is advised to change the wording from customers to consumers. Consumers are the final users of the products/ services, while customers only refer to buying decision markers. The former are more interested in the utility that the products will provide, who needs to be empowered to make well-informed choices.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

E. MEASUREMENT THEME: Leadership - 10%

The measurement of indicator A.1.1. raising human rights concerns with governments does not seem realistic. The message of measurement score 1 seems to imply that business should commit to be an advocator human rights protection legislation. However, involving in active lobbying for legislation is far more complicated than purely supporting the protection of human rights. For most cases, business voices out their interests and positions through sectoral associations. For instance, if a company supports formalizing a national judicial remediation procedure through the collective power of being in an association, would they gain a score or not? Example of fulfilling this indicator should be provided- would company gain a score if they publicly stated that it is committed to support human rights legislation?

For indicator A. 4.1, some important actors who directly involved in the business operations are neglected. It is suggested to add capacity building for internal corporate staff and suppliers.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

There is a missing measurement in indicator B.1.3. Company will be scored according to whether they have a public statement committed to protecting the human rights of specific groups. However, the pre-condition is to understand the reason why such groups concern the company and how the company choose to make a commitment towards the vulnerable population. It is suggested to add an additional measurement related to the justifications of the commitments.

Overall, the measurements should reflect the minimum criteria of a desired corporate human rights respect commitment. From a practical perspective, the indicators are listed out too much in details. A question to think though prior to setting up these indicators is that what makes up a good a human rights respect commitment.

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

Indicator C.1.8: what happen if a company has a recent human rights policy? Would the corporate be scored? Then, how could it prove its commitment of review to gain the second score?

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

Indicator C.3.1.: measurement score 1 is double barreled. Would a corporate scored if it has a mechanism for either its internal staff or external supply chain stakeholders? Ideally, grievance mechanisms should be available for both business and supply chain operations, which is also what the UNGPs advocate. This measurement cannot reflect the significance of a comprehensive and effective grievance mechanism of corporate's internal and external business operations.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

General question: how would most of the indicators be assessed? Would corporate be scored based on publicly available materials or through other means such as interviews?

Organisation: First Peoples Worldwide

Name: Nick Pelosi

Sector: Civil Society

Country: United States

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

No answer given

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

F. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

No answer given

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

The methodology is robust from a macro perspective, but weakly positioned to capture the complex local dynamics in places where the extractives, agriculture, and apparel sectors do business. Scoring at the corporate level makes sense for some measurement themes such as leadership and governance, but it's problematic for others especially if the sample is the 500 largest companies in the world. These companies are often highly decentralized and doing business in diverse economic, regulatory, and social climates. How can the efficacy of their human rights due diligence or grievance mechanisms be gauged without accounting for their unique operating contexts? Such broad strokes are likely to yield an oversimplified checkbox approach.

One of the methodology's major gaps is how it deals with communities. It obligates companies to adopt community engagement policies and integrate certain mechanisms (such as performance incentives and human rights training) into their community engagement departments. This is a good start, but it reads as if community engagement and human rights are distinct when in reality they are mutually inclusive. We suggest more freestanding indicators for communities. For example one might look at dialogue, with extensive public consultation as the minimum standard and signed agreements indicating broad support for the highest score. Another might look at benefits sharing. At the least companies should have a social investment program and strategy at all their projects. For the highest score they should have vehicles that deliver sustainable, tangible benefits throughout and beyond the life cycle (such as community foundations). These community indicators are essential, and it would be unrealistic to fairly assess them at the corporate level for the reasons mentioned in the previous paragraph. Too often companies showcase stellar community engagement practices at certain sites (usually controversial ones) without replicating them across their business units. And too often the top down approach fails to address the needs of groups most vulnerable to the downsides of development—most notably Indigenous Peoples and women. For example since the North Dakota Bakken oil boom began, human trafficking on the Fort Berthold Reservation has skyrocketed. These types of impacts are typically overlooked within the more general human rights framework.

Another gap is how the methodology deals with cumulative impacts which are the combined impacts of multiple companies (or industries) doing business in close proximity. Besides overwhelming communities, cumulative impacts enable companies to deflect blame for human rights abuse to factors “beyond their control.” For example no companies are held responsible for the Bakken human trafficking because 1)

there are so many of them contributing to the problem and 2) it's primarily the actions of their workers off the clock. The methodology should obligate companies to 1) acknowledge cumulative impacts and 2) collaborate with other companies to mitigate them. Right now the only reference to working with industry peers is through MSGs. MSGs provide valuable platforms for high level dialogue and standard setting, but they're seldom tied to the project level where cumulative impacts must be addressed.

The methodology also does little to address the complicated nexus between companies and governments. The Guiding Principles allocate particular roles to each, but the fact remains that companies doing business in countries where governments violate human rights are far more likely to directly or indirectly violate human rights themselves. It's not uncommon for companies to deflect blame for human rights abuse to governments. There is an indicator that obligates companies to advocate for human rights with governments and provide specific examples, but as with cumulative impacts, more needs to be done to ensure place based accountability.

We suggest revisions to the land use and acquisition indicator. The FPIC language needs work. "The company...negotiates directly with [communities] about compensation (or other contractual arrangements) on a voluntary basis, which means that it has obtained the consent of the relevant individuals or communities." This wording could be interpreted to equate negotiation and compensation with consent which is false. They are important steps towards the outcome of consent, but they are not one and the same. Consent is the right to say yes or no. If the answer is no the project does not proceed. This point must be more explicit in order to carry legitimacy with Indigenous Peoples. Also it is unclear why the FPIC requirement applies to extractives, but not agriculture or apparel. International standards require FPIC for all activities on Indigenous land. Additionally more freestanding indicators are needed to account for the aspects of Indigenous rights that are not covered under the general human rights framework including communal land rights, culture rights, and subsistence rights. First Peoples Worldwide's research shows that approximately 39% of oil, gas, and mining production and 46% of oil, gas, and mining reserves are on or near Indigenous land. These are extremely rough estimations, but the point is that even though Indigenous Peoples comprise a small portion of the population, corporate overlap with Indigenous land is huge and Indigenous rights must be given stronger consideration in the benchmark.

Our last point relates to the performance measurement theme. For one thing Indigenous Peoples are excluded from the adverse events indicator. However there is a broader issue not with the information you are looking for, but with how the information is gathered. The number one challenge facing the corporate accountability movement is lack of access to accurate and credible data from the ground. Companies have their side of the story which always paints a positive picture. NGOs often give conflicting perspectives. The result is a perpetual "he said she said" situation. The surest verification of a company's human rights record comes from communities, yet few resources go to communities—especially marginalized communities—for 1) documenting the full range of costs and benefits associated with corporate development, 2) making informed decisions about how to respond, and 3) ensuring those decisions are respected. There are tremendous opportunities for this benchmark to help resolve this, but more elaboration is needed on the processes and sources that will be employed to rate performance. Specifically whether efforts will be made to obtain data from communities and involve them in the methodology feedback process, and whether the benchmark as a whole will help accelerate the transition from "top down" to "bottom up" CSR metrics.

Organisation: GCEF (Global Competitiveness Empowerment Forum)

Name: Angela Joo-Hyun Kang

Sector: Civil Society

Country: South Korea

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

'Management Systems' are backbones as well as precursors of 'Performance'. With having only policies, companies could be able not to implement. However, without policies, no performances might be derived. It would better to have slight weight increase for 'Management Systems' and esp. 'Policy'.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

For example, page 9, AP could have CCC(Clean Clothing Campaign) or 4C(Common code for the Coffee Community) - just illustrations - or other pre-existing AP initiatives and code of conducts etc.

3. Is the Benchmark fit for purpose for all stakeholders?

Every stakeholder might have its questions about backgrounds or rationales regarding key details of CHRB. Though human rights community have shared understanding that some are too natural, it would be better to explicitly explain to help every stakeholder understand better. (For examples, rationals of selection of sectors as well as their phase plan from year 1-3. Also, D or E selection etc.)

Civil society should press more to companies for remedies, esp. the actual number of remedies, for effectiveness. Same for more emphasis on indicators for it.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

G. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

Remedying should be more emphasized.

AP could have Clean Clothing Campaign (CCC) or Common Code for the Coffee Community (4C) - just illustrating examples - etc.

B.2 Board Level Accountability (5%)

Though effectiveness could be questioned, policy/strategy integration is important to be included as Boardroom agenda. Like policy integration, 'Relationship to Corporate Strategy' is important. 'Relationship to Corporate Strategy' should be more emphasized.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

In the material p10, at the bottom line, a green part seems to have a typo, maybe AP should be AG.

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

Again, more emphasis on remedying?

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

Indicators do not cover other discrimination factors such as gender, race and religion etc. ?

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

If there are 'The Number of Grievances', there should be 'The Number of Remedies'.

(III) ADDITIONAL FEEDBACK AND COMMENTS

Thank you very much for this meaningful work. Good luck!

Organisation: GoodCorporation

Name: Lisa Olsthoorn

Sector: Company

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

Overall we welcome this initiative and feel that this is a good place to start. Businesses never want to appear at the bottom of a list that could have an impact on their public profile.

Taking a proactive approach to mitigating and managing human rights abuses is moving up the Boardroom agenda and we welcome initiatives such as this that will drive action and change behaviour. In the following, we will give comments on the detailed aspects of the two key methodology documents.

GoodCorporation would recommend a number of adjustments to the weighting of the measurement themes.

Leadership in your definition should be reduced to 5%. While raising human rights issues with governments, peers, MSIs and the local community should be part of the approach, it is leadership within an organisation that drives change most significantly. We would therefore recommend that Governance is increased to 15%, with Board Level Accountability increased to 10%. This will place greater emphasis on the need for the senior management to champion the company's stance on human rights, demonstrating the organisation's zero-tolerance approach to human rights abuses to all stakeholder groups.

We would also recommend that the percentage allocated to management systems is increased to 40%. Putting the right policies, systems and procedures in place to ensure that a business manages its human rights issues most effectively is essential. Getting that right is also vital to preventing abuses from occurring. To do this, a robust Human Rights Due Diligence approach is fundamental so we would recommend that the percentage allocated here is increased to 20%. Managing grievance mechanisms properly, to ensure that they are widely communicated, used, monitored and correctly responded to, is also critical. It is proactive and demonstrates a genuine desire to know what is happening and put appropriate remedies in place. We would therefore recommend that this is increased to 15%.

Performance would therefore be reduced to 30%. While measurement and monitoring are important, effective prevention through the right management systems is more likely to have an impact on reducing human rights abuses. We would recommend reducing the percentage allocated to adverse events to 10%. This is retrospective action and although important is less so than preventing the abuses from occurring in the first place.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

Given some of the well-published scandals that have occurred in these sectors, we feel that there is good justification for including a number of additional key risks under each one, in particular to cover some of the issues that relate to one of the most egregious human rights abuses, modern slavery. According to the KPMG Modern Slavery Business Risk Briefing (August 2015) three of the five businesses most likely to be at risk of modern slavery abuses are extractives, agriculture and the manufacturing of consumer goods, which would encompass apparel. Modern slavery should therefore be added as a specific key risk to all three sectors.

It may also be helpful to expand or clarify what is understood by some of the risks as broad terms have been used which may or may not encompass some of the worst excesses of human rights abuses. This would also apply to the addition of Modern Slavery as a risk, as this covers a broad range of abuses including sex trafficking, child labour, coercion, descent-based labour, and restriction of movement or bonded labour.

The following are the additional key risks we would recommend adding by sector, illustrated with just some of the examples of abuses that have been exposed.

EXTRACTIVES:

- o Child labour: cases reported gold mining in Mali, Burkino Faso and the Democratic Republic of Congo; in the diamond mines of Angola, Sierra Leone and Zimbabwe; in the stone quarries of Nepal and the mines of North East India (Human Trafficking Search)
- o Sex-trafficking and forced labour International mining firms operating in Eritrea face the prospect of using a workforce conscripted by the Eritrean government and required to serve indefinitely (Human Rights Watch). Forced labour and sex trafficking has also been reported in the mining areas of Senegal and in the mining areas of Peru, Bolivia and Columbia. Congolese migrants are forced into prostitution in the mining communities of Angola (US Government report Trafficking in Persons Report)

AGRICULTURE

- o Working conditions: recent exposure of very poor working conditions in tea plantations in India (BBC Panorama). Human Rights watch have reported on unsafe working conditions for Thai workers in Israeli farming communities, also flagging up low wages, excessive hours worked by force, poor living conditions, and prohibition from changing employers with recruitment fees of up to one month's salary charged to any one trying to change employers
- o Child labour: children beneath India's legal working age in full time employment in tea plantations. Throughout Africa, children work in farms and plantations harvesting coffee, tea, fruits, vegetables, rubber, rice, tobacco and sugar – (United States Government Trafficking in Persons Report)
- o Health and Safety: Examples of chemical contamination have been reported in India's tea plantations and in Israel's agricultural industry (BBC/ Human Rights Watch)

If agriculture includes Food and Beverage:

- o Human Trafficking: Thai fishing industry – well documented

o Forced labour: Maritime forced labour incidents have occurred on Belize-flagged fishing vessels in the Barents Sea, on foreign-flagged fishing vessels off the waters of Jamaica, Trinidad and Tobago; on European and Asian fishing vessels along the coastline of Sub-Saharan Africa; in Asia, men from Cambodia, Burma, the Philippines, Indonesia, Vietnam, China, India and Bangladesh have been subjected to forced labour on foreign flagged vessels operating in South East Asia and the Pacific region

APPAREL

o Health & Safety: chemical contamination from sub-sectors such as the tanning industry is common. Reports of physical and verbal abuse for failing to meet targets is widely reported in garment factories. Other hazards include a lack of protective equipment, unsafe machinery, and structurally unsound buildings. Health and safety should be considered more broadly therefore and not just in relation to fire risks

o Child labour: According to the ILO around 170 million children are engaged in child labour many of them in the world's garment industry

o Sexual harassment or sexual violence is reported by 1:10 workers in India's garment factories and by 1:5 women (ILO – Insights into working conditions in India's garment industry).

3. Is the Benchmark fit for purpose for all stakeholders?

Having looked at the outlined expected impacts we would recommend including “Direct employees and employees in the supply chain” and “Indigenous Communities” as a group to be that will be affected by the Benchmark.

While civil society, communities and customers are listed; the descriptor used suggests that this does not apply to people as victims of abuse but rather those whose perception of an organisation may be influenced by the emergence of a human rights scandal. Surely one impact must be to see a reduction in the cases of human rights abuses endured by workers and communities where companies in these sectors operate? Although this impact may prove difficult to substantiate empirically, there is a strong rationale for stating this explicitly.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

Although Leadership has been allocated 10% in the measurement theme of the overall Benchmark, none of the indicators have been graded as essential, which seems contradictory. Of the four indicators, raising concerns with governments and support for building local human rights capacity should be classified as essential indicators. While having a high profile amongst industry peers for a zero-tolerance approach towards human rights and involvement in Multi-Stakeholder Initiatives abuses are commendable and broaden the debate, many human rights abuses are perpetuated as a result of governmental failures to enforce appropriate legislation. If the Benchmark is to achieve more than simply raising awareness of the issue, it should encourage and reward those businesses that put pressure on governments to uphold their side of the bargain and protect the rights of their people through effective regulatory enforcement. Raising human rights concerns with governments/local authorities, therefore, should also be considered essential as this can succeed in mitigating abuses at a local level.

B1.2 and 1.3 should remain as desirable indicators.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

All of the indicators for policy commitments should be considered essential. A company that fails to have a policy that is tailored to local communities (B.1.4) runs the risk of abuses happening in remote parts of its operations and the reputational damage that ensues. Many of the abuses in the sectors covered by the Benchmark occur in remote locations. A failure to take the locality into consideration undermines the validity of the company's overarching commitment to respecting human rights.

We also feel that B.1.7 should be essential not desirable. Remedy is one of the three pillars of the Ruggie Principles which have contributed significantly to the development of the Benchmark. The UN considers that businesses have a duty to seek remedy alongside governments and this should be reflected in an essential grading for a company's public commitment to remedy.

B.2 Board Level Accountability (5%)

B.2.1 Leadership from the top of an organisation is vital. If the right tone is not set by the CEO and the board, it is unlikely to filter down to the far reaches of a company's operations. Tone from the Top is seen by the Ministry of Justice as a core component of putting adequate procedures in place to prevent bribery. It should be considered equally essential in the fight to eradicate human rights abuses.

We agree with all the other gradings in the Board Level Accountability section.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

We agree with the core steps proposed to embed the human rights policy throughout an organisation. The aspects of policy embedding included in the benchmark represent best practice and that is welcomed. However, we would recommend that C.1.4 (incentives and performance management) and C.1.10 are changed from desirable to essential. Appropriate incentives and performance management criteria can both mitigate risk and drive change. Involving human rights consideration in decisions to engage with third parties can have real impact on behaviour and is recommended best practice

These are practical indications of the real level of importance a company places on tackling the issues and the extent they are prepared to go to make a difference.

C.2. Human Rights due Diligence (15%)

The importance of robust due diligence cannot be underestimated, so while acting on outcomes of a due diligence assessment (C.2.4) and tracking the implementation may be harder to implement and demanding on resources, they are again essential to affecting change.

With regards to indicator C.2.5 we believe the human rights due diligence and assessment process will only be effective if companies actively monitor and track the implementation of actions in response to the assessment.

We would therefore recommend that both C.2.4 and C.2.5 become E rather than D indicators.

C.3. Remedies and Grievance Mechanisms (10%)

Appropriate remedies and grievance mechanisms are a must for the effective mitigation of human rights abuses. We would recommend therefore that the wording in C.3.1 be amended to allow for all individuals or groups to raise concerns or complaints not some. We would also suggest that in the extractives section, subcontractors are included as well as contractors – this is a sector with many multi-tiered supply chains that could be vulnerable to abuses. It is important that access to grievance mechanisms is open to all throughout supply chains.

We also feel that C.3.5 Remedying any impacts identified should be an essential indicator. It is the only indicator to specifically address the issue of remedy. As this is critical to the UN's guiding principles, it should be given more weight in the Benchmark. We also feel that there should be greater distinction between C.3.4 and C.3.5. as both incorporate lessons learnt in their criteria.

With lessons learnt also forming part of the criteria under the Adverse Events section, there is the possibility of multiple scores for the same process.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

We feel that a good range of indicators and measurement criteria has been selected, however, we feel that the indicators for working hours and direct employment should also apply to the extractives sector. We have considerable experience in auditing businesses in these industries and know that both are prone to these risks.

D.2. Adverse Events (20%)

We feel it would be helpful to provide more insight into how companies will be graded under this section, especially as there are already scores for remedy in the management section C.3. This could result in companies being scored twice for the same action.

We also feel that the percentage allocated is too high. While acknowledgement, response and remedy are important, we feel the emphasis should be on prevention. Consequently we would reduce the allocation to 10%

E. MEASUREMENT THEME: Reporting and Transparency - 10%

There are words missing in the wording of indicator E.1.1. Instead of “The Company is made publicly available”, it should probably say, “The Company’s human rights policy is made publicly available”.

The wording in E.1.1. for both the AG and AP scoring also needs rewording as it is currently not clear.

The extractives industry is equally vulnerable to problems occurring within a multi-tiered supply chain of contractors and sub-contractors who should follow the principle organisations human rights principles.

As the wording is not entirely clear it is difficult to ascertain precisely what is being demanded, however under the Bribery Act, companies are urged to check that their suppliers operate a zero-tolerance approach to bribery and have publicly available anti-corruption statements/policies. Checking this is a key part of anti-corruption due diligence. This should be the same for human rights policies, should apply to all three sectors and should become best practice in human rights due diligence and monitoring.

Other aspects of the reporting framework are robust and we welcome the need to include reporting incidents and corrective actions as well as the inclusion of independent verification of both the data and narrative.

(III) ADDITIONAL FEEDBACK AND COMMENTS

1) A comment on the short-term timeline: companies are given one month only to access the Online Portal to disclose information relevant to each measurement area. It might be worth considering extending this by another month to encourage contribution. From our experience of assessing and monitoring companies these processes take some time and the Benchmark may receive more input from organisations if this were longer.

2) Can the benchmark also still clarify whether the Food and Beverage sector is included as part of agriculture? This may need to be clarified as the Thai Fishing Scandal, for example had reputational implications for the food and beverage sector, but would not necessarily be covered under agriculture. Similarly other reported human rights abuses on fishing vessels.

We were also surprised to see that ICT has been removed from the original list of sectors to be covered by the Benchmark, as announced in December 14, especially given the Foxconn scandal in China and several other human rights cases in relation to the use of conflict minerals in IT products. What was the Benchmark’s rationale for this exclusion?

Organisation: Human Rights@Work

Name: Liesbeth Unger

Sector: Other

Country: Netherlands

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

Principle of publically sourced information is ok, but what to do when company information contradicts public information or the other way around? What role will the Benchmark organisation take?

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

Extractives: labour rights are at risk as well in this sector, beyond H&S. What about freedom of association, discrimination, wages and working conditons and sexual harassmt of female workers? What about the security of workers sometimes operating in difficult environment? Women and children in one sentence does not do justice to their rights. Child labour should be mentioned specifically.

Agriculture: again women and children in one sentence does not recognize the specific risks, such as child labour and discrimination and sexual harassment. Freedom of association also important risk, as well as forced labour with use of migrant labour.

Apparel: same comment on women and children in one sentence.

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

B. MEASUREMENT THEME: Leadership - 10%

- being a member of a MSI doesn't say much. This depends on the requirements of membership and the credibility of the MSI. This can be made sector specific for the known and credible MSIs.

- what role is expected of a company in a MSI to be called a lea

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

- B1.2: the choice to get a score for committing to two core ILO Conventions is conflicting with the UNGP. The minimum should be commitment to the Bill of human rights and the four core coventions of the ILO.

- score 2 could be the commitment to other is

B.2 Board Level Accountability (5%)

B2.2: why is this not relevant for EX?

B 2.3: is this a realistic requirement? Seems more realistic for senior management

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

C 1.1: Responsibility for human rights should not only be allocated to internal functions, the function of coordination and alignment between the functions should be allocated to senior management (all too often this is assigned to a junior or a trainee).

Supply chain management should also be important for EX.

C 1.2 seems a difficult indicator to measure. Again here supply chain and procurement is also important for EX. What about policies for other business partners?

C 1.3 this indicators should be aligned with C2.1 and C2.2. This should include the supply chain risk management. Often companies communicate how suppliers at risk are selected. Even better to make this whole indicator part of C2. It should be important to check whether the due diligence system is integrated into the overall company risk management system. It is also important that the risk management system looks at risks for people and not only risks for the business.

What does score 2 say about human rights risks taken into account?

For EX it is particularly important that human rights are taken into account ex ante, at the start of the project.

C1.5: for communication it is important that the company has guidance material and/or training to explain the policies more into detail. The expectations should be clear.

C 1.6: why is EX excluded? Communication to all business partners is also relevant for this sector

C 1.7 same comment on two ILO Conventions only

C 1.8 company should be able to show that the review takes into account learnings and findings from past years

C 1.9 I would advice not to make this dependent on audits, since we know they have limited value for human rights. Monitoring can also include interviews with stakeholders, research, visits, partnerships with suppliers, with NGOs. The compliance approach has limited value. And auditing two thirds of suppliers each year would be a waste of resources. Better focus at some high risk suppliers and go beyond audits. Quality is more important than quantity here.

C 1.11 the score could also be influenced by showing which potentially affected stakeholders have been identified. It should also be clear what the engagement is about. Should be about risks and impacts, about mitigating and remediating and tracking performance.

C1.12 : although I recognize that OSH management is what companies often have in place, I don't see why one topic should be seperated from the others. This is as relevant for other issues.

C.2. Human Rights due Diligence (15%)

In line with the UNGP, Human Rights due diligence should include: impact assessment, integration, tracking and communication/reporting. Now only parts are covered under due diligence. The integration is mainly covered under embedding and reporting is a separate chapter. It would be better to follow the UNGP.

C 2.1. part of the score should be whether human rights risks are seen as risks to people and not only risks for the business.

C 2.2 salient risks, again here make sure to be in line with the UNGP. Prioritization should be based on severity and likelihood.

C 2.3 important here is to check whether the company is seeking input from affected stakeholders as well. For EX this also includes employees (see early comments). For AG this should also include communities and small farmers. For engagement and identification of stakeholders in the supply chain, it should include for score 2 identification of organisations that have knowledge on the local situation, e.g. local NGOs and trade unions.

C 2.4 This indicator will be hard to assess on the basis of public data. Companies may also not be willing to share this. Why should there be no public disclosure for AG and AP? Shouldn't they explain how they act towards suppliers?

C 2.5 many companies see their audit process as the way to monitor. The question is whether this provides them with the information to understand the effectiveness of their actions. If formulated differently, this indicator could encourage companies to use other methods by giving score for those: e.g. employee surveys, stakeholder surveys, grievance mechanisms, databases etc.

C.3. Remedies and Grievance Mechanisms (10%)

C 3.2. how will you take into account the grievance mechanism of a MSI, the company is a member of?

C 3.5 could a company receive a score with giving at least two examples where it has adapted its procedures?

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

A lot of these KPIs will be difficult to measure? How will you know and what evidence is sufficient? It may be helpful to fully align these KPIs with GRI 4. Otherwise I am afraid the current KPIs can only be assessed by reference to policy documents. e.g. with forced labour how will you know whether workers do not have to pay deposits? I believe it is more effective to assess whether the company has identified its operations and suppliers where it may be a risk and that it reports on measures taken to reduce those risks.

The topics here described are making a choice in favour of labour issues. As there are only a few other human rights issues described. Why is security not a topic or environmental impacts such as water use and environmental pollution, which affects people's livelihoods?

D 1.3 direct employment. the use of temporary workers will only violate their rights when this type of contract is avoiding all kinds of obligations. This is not always the case. Instead a company could receive a score when it can show its temporary workers have the same benefits as their regular workers.

D 1.7 why is this percentage of 40% chosen? Seems no company will receive a score for this one?

D 1.10 why not for all sectors

D 1.11 link working hours to wages

D 1.12 seems not realistic. Better score to check whether wages are part of negotiations with unions via the CBA for example. That this wage is regularly reviewed and negotiated with unions. This is also the solution the ILO suggests. You could also score whether a company has a roadmap towards a living wage.

D 1.7

D.2. Adverse Events (20%)

Although I agree adverse events should somehow be part of this benchmark, this can also affect the credibility of the benchmark. How will you be able to assess what is true? What is enough evidence? Which sources are reliable? How to judge?

An indicator could be that the company engages with affected stakeholders on the issue in good faith and that it is transparent about the way it handles the case?

E. MEASUREMENT THEME: Reporting and Transparency - 10%

the reporting and transparency indicators seem to double some of the score already received. Only when the company is transparent about all the other indicators, it can receive a score.

It is unclear why these indicators are not meant for the EX sector?

(III) ADDITIONAL FEEDBACK AND COMMENTS

Human Rights@ Work is an expert consultancy working on the implementation of human rights in business. I very much welcome a corporate human rights benchmark and believe it can create an important incentive for companies to improve their performance and show what they are doing in relation to human rights. Therefore I welcome this opportunity to provide feedback on the first draft. I congratulate you with this first step! I would advice to take some more time to think some of the indicators through. It does not make sense if there are too many indicators that are difficult to measure on the basis of public information. I would also advice to align with RAFI and GRI, because that will strengthen both initiatives, increase credibility and may take away some of the resistance against another framework.

I would also ensure to continue a broad consultation, more particularly with sector specific business associations. I am looking forward to further exchange on improvements of the benchmark.

Organisation: imug

Name: Markus Grünewald

Sector: Other

Country: Germany

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

performance seems to be overweighted. management system should be weighted with 35% (three criteria behind) and performance only with 30%. Moreover, reporting should be weighted with 15%. Hypothesis behind: companies that disclose substantial data on a relevant ESG issue also well organized in handling this issue (management level).

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

AG: explicit mentioning of child labour

EX: explicit mentioning of child labour and forced labour

AP: explicit mentioning of child labour, living wages

3. Is the Benchmark fit for purpose for all stakeholders?

The expected impacts should also be paraphrased in a more general way. Aspect are, e.g.

_raising awareness to relevant issues in the public

_provision of valid information

What about the stakeholder group media?

Investors: could also use the information on engagement processes. What about the new trend "impact investing".

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

C. MEASUREMENT THEME: Leadership - 10%

No answer given

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

_what about the issue of living wages or additional ILOs.

B.2 Board Level Accountability (5%)

B.2.3 to B.2.5 : on this issues its difficult to find information in the public domain

B.2.5: should be an E indicator

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

_to much indicators. the indicators need to be summarized

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

Maybe a general reduction of indicators makes sense. The more indicators are used the more complicated the whole index becomes.

Organisation: International Service for Human Rights

Name: Michael Ineichen

Sector: Civil Society

Country: Switzerland

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

n/a

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

n/a

3. Is the Benchmark fit for purpose for all stakeholders?

We would like to see the CHRB reflect the role of human rights defenders in preventing, mitigating and pushing for accountability for corporate human rights violations, as well as the positive role companies can play in protecting civil society space and human rights defenders.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

D. MEASUREMENT THEME: Leadership - 10%

Leadership - I think this should explicitly include a commitment to not just public policy positions in favour of legislation preventing human rights abuses, but also in favour of both enabling legislation for civil society and human rights defenders, the repeal of negative and restrictive legislation, and commitment to speak out in support of human rights defenders where they are attacked, threatened or harassed, regardless of whether this directly relates to an operation, or happens in a general way in a country in which companies operate. This could be included both in the indicator in relation to states (A.1.1.) and industry peers (A.2.1). A.4.1. should include support to building capacity not just to civil society but to human rights defenders explicitly.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

B.1.1 Companies should not just commit to respecting human rights but also those who defend them, i.e. human rights defenders and their rights. Further at least score 2 should include an explicit mention of the Declaration on Human Rights Defenders.

* B.1.3 This should explicitly include human rights defenders, and for score 2 the Declaration on human rights defenders

* The same comments can apply to B.2.

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

Due diligence - this should include a reference to the valuable role human rights defenders can play in improving due diligence processes. Depending on how the final indicators under C.2 this could be accommodated in one or all of the indicators, but essentially it would be good to provide higher scores for more thorough engagement with human rights defenders when conducting due diligence.

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

The section on KPI & Good Practices I think could also be strengthened in relation to HRDs and their rights. For instance, the indicator on freedom of association (D.1.8.) could be complemented by giving a higher score where a company proactively supports the rights of their workers to exercise their rights to freedom of association, including through linking this back to the leadership of speaking out about restrictions (this may be captured in the leadership section, but adding it here would ensure there is performance-measure of that proactive role as well). Similarly, while it is welcome that D.1.13 asks companies to directly negotiate with formal and customary land owners, a reference to human rights defenders here could ensure that the 'formal and customary land owners' are not steamrolled during those 'direct' negotiations.

D.2. Adverse Events (20%)

This should include attacks or threats on HRDs where there is a prima-facie allegation of involvement or silence on behalf of a company linked to the work of the HRDs facing the threats.

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

In general, while we consider human rights defenders to be part of the catch-all phrase of 'stakeholders', we think this should be made apparent in the CHRB. In that sense it would be critical that there is both an inclusive but also an explicit definition of stakeholders employed, one which clearly mentions human rights defenders as one of the stakeholders meant.

Organisation: Lex Justi (law firm, Brussels) and Minority Rights Group International (civil society, London)

Name: Corinne Lewis (Lex Justi) and Carl Soderbergh (Minority Rights Group International; Carl.Soderbergh@mrgmail.org)

Sector: No answer given

Country: No answer given

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

We understand that the Benchmark is not intended to be a fundamental measure of performance, as stated in the Framework Paper for Multi-Stakeholder Consultations, but are concerned that too significant a portion of the weighting is attributed to processes and systems. In this connection, we would note that the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises of 30 July 2015 to the UN General Assembly comments that one of the gaps in existing initiatives to measure progress on the UNGPs is that many initiatives cover processes but few actual impacts. In our view, no matter what policies and processes a Company has in place in the end it is its ability to prevent adverse human rights impacts and in the case of such impacts to remedy them.

Thus, we wonder whether the Performance indicator section should be broadened to include human rights due diligence, which would provide greater emphasis on actions in this area rather than processes. We recognize that this would entail modifications to the Due Diligence indicators, in particular to ensure that they focus on actual activities related to due diligence rather than process. It might also require inclusion of a general indicator on due diligence in the Management Systems section.

In a similar manner, consideration could be given to including the Remedies and Grievance Mechanisms section in the Performance section given that many of the indicators in the former focus on actions rather than processes.

We also note that while 'Leadership' is allocated 10%, a weight equal to that of 'Governance', its indicators are all desirable rather than essential, which appears contradictory. We suggest that you give consideration as to whether the indicators under Leadership should be noted as 'essential'. In general, we would question the use of the essential and desirable distinction as this does not affect the points.

We also wonder about the weighting given to various issues. For instance, we appreciate the inclusion under B.1.3 in the EX paragraph of a mention of indigenous peoples' right to free, prior and informed consent (FPIC) and that this is part of an indicator given an '(E)' for essential. However, we find it problematic that an extractive sector company could ignore FPIC (and miss out on a score of 2 here) but amass scores under other categories (for instance a score of 2 under D.1.13 simply for reporting about instances of forced removals). This is partially addressed on p. 6 of the indicators document, but we feel that there should be certain rights standards that, if violated, should simply bar companies from meeting the Benchmark and we would count FPIC amongst these standards. In summary, we are left wondering about the ceiling mentioned on p. 6, i.e. "a company will not get past a certain score..." and its repercussions.

Finally, we are unclear how points are attributed with respect to D.2. Adverse Events as violations of human rights should not be awarded points. Should human rights violations result in a loss of points from the total rather than be awarded points?

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

There seems to be a heavy emphasis on workers' rights and ILO conventions, with much less attention given to other stakeholder groups and their rights that might be impacted. While ILO conventions arguably provide standards that are more easily measurable, given the importance of the Benchmark and the influence it will have on Companies' human rights awareness and reporting, we would suggest greater inclusion of other stakeholder groups and human rights. Some concrete suggestions of this nature are contained in the following paragraphs and in the specific comments on indicators below.

The establishment of extractive operations in an area can significantly affect the rights to life, liberty and security, and the health of local persons as well as result in violations of the prohibition against torture, cruel, inhuman or degrading treatment as a result of the influx of male workers which can cause an increase in sexual exploitation/abuse of local women and children and increased incidence of alcoholism affecting members of the local community.

Extractive operations also can have negative impacts on the environment and thus, the rights to health, food and water, and security forces can negatively affect the right to life, liberty and security of local persons. These are mentioned in section D.2. on Adverse Events but not included as indicators in D.1.

Given the significant impact that extractives have on indigenous peoples' rights, we believe that there should be greater mention in the indicators of the particular rights of indigenous communities, including the right to self-determination, right to development and to maintain culture, and FPIC, among other rights.

We note that the EX scoring for extractives generally focuses only on issues concerning indigenous peoples, whereas there should also be indicators concerning potential harm to other groups at risk. Women, children, both within indigenous communities and within the general community, can be subjected to increased discrimination and/or marginalization as a result of the presence of an extractive Company.

Minorities also may be impacted. In the Americas, for instance, Afro-descendant minority communities have been particularly vulnerable to land-grabbing by extractives. Therefore, it would be useful to include these groups more extensively within the indicators, particularly the sector paragraphs on extractives and agriculture. As minority communities have a fundamental right to meaningful participation in decisions concerning them, a right analogous to FPIC, this should be reflected throughout the text.

In addition, B.1.3. and the indicators scoring extractives and the other sectors would benefit from further attention to the various forms of discrimination, including intersectional discrimination. For example, the AP scoring in B.1.3. concerning the apparel sector focuses solely on women and children, with no mention

of the person also possibly belonging to a minority and further vulnerability on that basis. However, MRG has found for instance that there is a strong overlap between the exploitation of women garment workers in South Asia with their belonging to marginalized Dalit communities.

Moreover, we believe that a key risk for the Agricultural sector is the production, distribution, marketing or advertising of harmful or potentially harmful products for use by consumers, which can impact upon the physical safety and health of such persons.

3. Is the Benchmark fit for purpose for all stakeholders?

The interests of civil society, communities and customers are not identical although there are overlapping areas. We recommend a separate paragraph for civil society.

The stakeholder group, 'workers' should be included with 'communities and customers' given the prevalence of labour standards in the Benchmark.

Also we suggest the inclusion of the word, 'evaluate' before 'encourage' as noted in the revised paragraphs for civil society and for workers, communities and customers below.

Civil society will have better information to monitor, evaluate, encourage and stimulate human rights advances by Companies and to promote and participate in initiatives that address sector-wide issues.

Workers, communities and customers will be empowered to make well-informed choices about specific Companies to engage with, through greater transparency and better data on performance, and will have better information to evaluate, encourage and pressure human rights advances by Companies.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

E. MEASUREMENT THEME: Leadership - 10%

A.1.1 Raising human rights concerns with governments

We would suggest that the following be added under Score 2:

EX Promotes accessible, transparent, and fair land registration and titling; also promotes recognition of customary and community land rights for local communities (including indigenous peoples).

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

B.1. 1 Commitment to respecting human rights

In light of UN Guiding Principle 12 and the fact that a commitment to respect human rights contains little substance without a more specific expression of the human rights standards to be protected, we recommend that Score 1 require that:

The Company has a public statement in which it explicitly commits to respecting internationally recognized human rights as those expressed in the International Bill of Human Rights.

Score 2 could then provide that:

The Company has a public statement of policy in which it explicitly commits to respecting internationally recognized human rights as those expressed in the International Bill of Human Rights and the UN Guiding Principles and/or the OECD Guidelines for Multinational Enterprises.

This wording would also be in better alignment with the UN Guiding Principles, which make specific reference to human rights for businesses in Principle 12 with many of the other principles under Pillar II and with respect to the provision of a grievance mechanism in Pillar III, relating to processes to facilitate and further businesses' respect for human rights.

B.1.2 Commitment to respecting the core and/or additional ILO conventions

Given that the requirement for all sectors for score 1 is a 'commitment to health and safety of workers', we would suggest that this be included in the content of Score 1.

With reference to the EX paragraph, in the case of mining, local health and safety laws may not provide the same degree of protection as the ILO Safety and Health in Mines Convention 176. Therefore, we would suggest inclusion of a reference to this Convention.

Also, while we support the concept of 'zero harm', which is likely a higher standard than the health and safety laws in some countries, we are concerned that it is an aspirational goal that does not have processes and steps and may not be understood in the same manner in different extractive industries.

As a minor comment, for purposes of consistency, it might be helpful to use the same order for the four core labour standard areas in the first paragraph in this section as in the blue text box at the end of the section.

B.1.3 Commitment to specifically respecting the human rights of individuals belonging to specific groups or populations that require particular attention

We would suggest that the first paragraph in this section be revised as follows:

The Company publicly commits to respecting specific human rights of human rights of individuals belonging to specific groups or populations that require particular attention, and who are often vulnerable or marginalized groups which and may be impacted by the Company's activities.

Although we realise that the examples provided within the parentheses in Score 1 are only examples, we would suggest including 'older persons' as well in light of the United Nations Principles for Older Persons. This document could also be included in the text box on the following page.

In the EX paragraph, 'may' should be 'will' in the second to last line in light of the FPIC standard.

In the AG paragraph, given the problems of discrimination against minorities and violations of rights of migrants in this sector, we would recommend inclusion of these groups.

In the text box, we are uncertain why 'or Participation in UN Permanent Forum on Indigenous Issues (UNPFII)' is included amidst the legal instruments and would suggest its deletion.

B.1.4. Commitment to respecting additional human rights of or relevant to local communities

We believe that this should be an 'E' expected indicator not 'D' desirable.

We would suggest that the wording 'additional' before 'human rights' be deleted since this implies that the rights in this indicator are in some way supplemental, whereas all rights are important.

As Companies can have positive impacts on communities, you may wish to consider add 'negative' before the word 'impacts'.

We understand that the text in Score 2 attempts to reach a delicate balance between protecting the environment and building and operating facilities, which by their mere presence have impacts on the environment and the rights of persons. However, the use of the term 'minimising', in Scores 1 and 2, suggests that the Company can infringe on human rights of local communities, which contradicts the corporate responsibility to respect human rights. Therefore, we would suggest that this wording read:

The Company has a public statement of policy committing it to avoiding infringing on the human rights of local communities and to minimising ...

With reference to the AP paragraph, as the risk of human trafficking is mentioned in connection with this sector in C.2.2 and C.2.3, we would suggest consideration of its inclusion here as well.

In the EX paragraph, we suggest inserting 'individual and community' after 'customary' in the 3rd line to more fully cover types of ownership.

B.1.5. Commitment to incorporating human rights into Business Relationships

In the Score 1 and 2 paragraphs and the sector sections below these, we welcome the references to ILO conventions, but believe that other human rights instruments should also be referenced. For example, with respect to child labour, in addition to the two key ILO conventions, the Convention on the Rights of the Child could be referenced. We believe that this would provide additional protections to workers but also to local communities where the businesses are located.

In the EX paragraph, we would suggest including that the ambit of persons that contractors and joint venture or operating partners commit to respect should be 'communities, including indigenous communities'. We also would suggest including references to ILO No. 169 Indigenous and Tribal Peoples Convention and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

B.1.7. Commitment to remedy

In light of the growing awareness and concern with the ability of persons and communities to obtain an effective remedy, we believe that this should be an expected 'E' indicator.

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

C.1.5. Communication/dissemination of policy commitment

This indicator provides for dissemination of the policy publicly, but we note that consistent with the Commentary to UNGP 16 that it should also be 'communicated actively, to the potentially affected stakeholders'. The provision of the policy publicly may not be sufficient to reach affected stakeholders. Therefore, we suggest that Score 2 include language reflecting this Commentary.

C.1.6 Communication/dissemination of policy commitment to business relationships

We are unsure why this indicator only provides for the Company's communication of its policy to 'some major business relationships'. Where a Company uses a standard term sheet for procurement and other standardised form contracts, the Company will have little difficulty informing all of its contractors and other business relationships of its human rights policy. The deletion of the reference to 'major business relationships' would assist in avoiding various interpretations of this term.

C.1.7. Training on human rights

We believe that human rights training should also include training on human rights instruments other than those of the ILO concerning workers' rights. In particular, the Universal Declaration of Human Rights and the two foundational international conventions, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, should be covered in training. The training could also usefully cover the rights of particular categories of persons, women, children, minorities, etc.

In addition the training for persons in the extractive industry should include ILO 169 and UNDRIP.

C.1.9. Monitoring and Corrective Actions

As Companies in the extractive sector may also have suppliers, we believe that the information included for the apparel and agriculture sectors could be usefully included for the extractive sector in an EX sector paragraph.

C.1.11. Framework for Stakeholder engagement

In EX, after the term 'local communities' we would suggest inserting '(including minorities and indigenous peoples)'.

C.2. Human Rights due Diligence (15%)

C.2.2 and C.2.3. Assessment of risks and impacts identified (salient risks and key sector risks) and Identification and consultation with stakeholders on salient human rights issues

We believe that the consultation process with stakeholders should be used to identify relevant human rights issues and then the Company should prioritise these issues, generally on the basis of the most severe negative impacts. Therefore, consultation should take place with stakeholders before and after the identification of salient human rights issues.

In addition, in C.2.2. EX and AG, we would suggest inserting 'minority and' before 'indigenous peoples' rights' and in C.2.3. EX, deleting 'public access'. In order to ensure that local communities, including indigenous peoples, are able to participate in the consultation in a meaningful way, they must be provided

with full, accurate and meaningful information. It is not sufficient for the information to be publicly available. And we would suggest inserting 'minority and' before 'indigenous people' in the parentheses.

C.3. Remedies and Grievance Mechanisms (10%)

C.3.1. Channel(s)/mechanism(s) to receive human rights complaints or concerns

As an informal channel or mechanism should in principle be accessible to all individuals or groups to raise complaints or concerns in relation to human rights issues, we would suggest that the word 'some' be deleted from the second line.

In the paragraph for Score 2, as a Company may have different types of mechanisms for different stakeholder groups, we would suggest revising the paragraph to read as follows:

'Channel(s)/mechanism(s) are available....'

C.3.2. Effectiveness of channel(s)/mechanism(s)

Scores 1 and 2 in this indicator focus on two of the effectiveness criteria from UNGP 31, however, any channel/mechanism should meet all of the criteria in UNGP 31.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

D.1.3 Direct Employment

We are unsure why this indicator could not be applied to extractive Companies.

D.1.11 Working hours

This indicator should also apply to Companies in the extractive sector.

D.1.13 Land use and acquisition

In the EX paragraph, we believe that the Company should report on both involuntary resettlement and the number and description of disputes relating to land use. We do not see these as mutually exclusive and a Company may have both.

In addition, we find it odd that the Company could receive a score of 2 where it has involuntarily resettled local communities simply by reporting on such cases, even with subsequent compensation. Moreover, we believe that the reference to involuntary resettlement should be clarified so as to reference groups other than indigenous peoples since their involuntary resettlement would be a clear violation of their rights for which a Company should not receive any points.

D.1.14 Land use and acquisition: Resettlement

In Score 1, the reference to 'international standards' is vague and we believe it would be better to specifically identify the relevant standards as is done for the term in Score 2.

In the EX paragraph, if there is involuntary resettlement then FPIC has not been obtained from the indigenous peoples community, therefore the word 'involuntary' should be deleted.

D.2. Adverse Events (20%)

D.2.1 High Severity

We are unclear what the terms 'systemic and prior warning' refer to at the end of the second full paragraph. We do not believe that Companies need to have prior warning about severe breaches, as it is their responsibility to respect human rights.

We find that the coverage of breaches related to workers' rights is quite comprehensive, but would suggest consider inclusion of the following, which could severely impact local communities, including minorities and indigenous peoples.

- prohibition against human trafficking;
- land and resource rights: acquisition, lease or other arrangements to use (or restrict the use of) land or resources without the consent of the formal and customary land and resource owners and users;
- -right to food: serious allegations of effects on availability of food resources of local communities due to Company's actions;
- right to water: serious allegations of effects on availability of water of local communities due to Company's actions; and
- free, prior and informed consent of indigenous communities.

Also, as other types of violations than those provided in the parentheses can breach the right to security of persons, we would suggest inserting 'e.g.' before the examples.

The right to human health also should include the production, distribution, marketing or advertising of harmful consumer products.

D.2.2 Medium Severity

As labour rights are human rights we would suggest that this paragraph be reworded to state:

The Company faces criticism or negative news stories related to human rights, including labour rights ...

E. MEASUREMENT THEME: Reporting and Transparency - 10%

E. Reporting/Transparency

We believe that reporting is one of the key means for creating greater awareness of human rights within Companies and also accountability. Therefore, we would suggest that reporting could also usefully cover the framework for stakeholder engagement (C.1.11.).

E.1.1. Public policy available

We are unsure what is meant, in Score 1, by the Company's human rights policy is 'indexed' in a central location', and note that this is not reflected in C.1.5. on Communication/dissemination of policy commitment.

With respect to Score 2, there is not, as indicated in the parenthetical statement, a 'next indicator' that concerns communication of the policy to employees or business relationships.

E.1.2. Reporting on Human Rights Training

We believe that training for security personnel is also important in the agriculture sector as confrontational events can also occur between security personnel and local persons in this sector.

E.1.4. Disclosure of human rights risk/impact assessments

In the EX paragraph, replace 'it' with 'Company' for clarity and consistency with the other sector paragraphs.

E.1.5 Detailed reporting on stakeholder engagement on human rights issues, including salient human rights issues

The details provided by a Company on stakeholder engagement, covered in Scores 1 and 2, could usefully include information on the framework for stakeholder engagement (see C.1.11.). For example considering the information in Score 2 of C.1.11., the Company could provide information as to how stakeholders are identified and the frequency and triggers for engagement by type and by stakeholder group.

In the Score 1 paragraph, we think it is preferable for the Company to provide details of stakeholder dialogue/engagement with factual information and a percentage figure for operations with implemented local community engagement.

The EX paragraph should provide 'local communities, including minorities and indigenous peoples where relevant' in order to cover engagement with local communities.

E.1.6. Human rights screening/investments or contracts including human rights clauses

We wonder whether the first sentence, rather than mentioning what the purpose of the indicator is, should not, instead, state:

The Company provides quantitative data related to the extent to which human rights considerations are integrated in an organization's economic decisions.

We would suggest that you consider including in Score 2 that the Company provides examples of clauses used in its agreements and contracts relevant to human rights.

E.1.8 Number of human rights related incidents and corrective actions

We would suggest that the first sentence be modified to read:

Number of human rights related incidents in the Company's operations and in its supply chain, segregated by impacted group, i.e. workers, local communities, and consumers.

This modification addresses the following concerns. First, 'ILO' incidents are also 'human rights related incidents'. Second, the phrase 'if relevant' in the 3rd line seems unnecessary.

For Score 2, reports on the corrective actions taken should include information on the remedy accorded to the affected stakeholders. A similar change should be made in the reference to corrective actions in the EX paragraph.

We are concerned that the wording in the second sentence is not sufficiently inclusive of other human rights with its focus on labour rights. We would suggest that the second sentence provide:

These are incidents related to: workers' rights, such as child labour, forced labour, non-discrimination, freedom of association and collective bargaining; to local communities, including minorities and indigenous peoples, such as the right to health, rights to food, water, land rights; and consumers, such as protection from physical harm from consumer products.

E.1.9. Number of grievances

Although we understand that this indicator is based on GRI4, we believe that information about the nature of the grievances and what type of action the Company took in response to such grievances is essential. We are concerned that this indicator is too quantitative and process oriented rather than providing information about the nature and response to grievances by the Company.

E.1.10. Reporting is verified and informed – Stakeholder verification and input

Score 1 seems to provide a lower threshold than the paragraph above it and Score 2 appears to contain identical information to the general paragraph. We believe that Score 1 should provide:

Independent verification of the report by an independent third party and that stakeholder engagement has informed report writing.

Score 2 could provide:

Stakeholder verification of report and stakeholder engagement has informed report writing and verification of report by stakeholders.

(III) ADDITIONAL FEEDBACK AND COMMENTS

Terminology

We have noted that various terms are used in the agreement when referring to a Company's business relationship, including suppliers, contractors, operating partners and joint ventures, although not always consistently. Some indicators also reference the Company's owned operations, but confusion may arise as to what percentage ownership in an entity brings the entity under the Company's reporting responsibility. Even where a company does not own a majority of the shares of a company, it may exercise control of the company through the Board of Directors. We would suggest that the drafters articulate in an introductory paragraph or a definition, which entities 'Company' refers to and what 'business relationships' are covered.

Supply chain of the extractive sector

We presume that the Companies covered by the extractive sector could also include entities that source minerals but do not actually conduct extractive operations. Therefore, information about suppliers, which is included for the apparel and agricultural sectors, could also apply to the extractive sector within many of the indicators. For example, please refer to indicator E.1.1.

Organisation: Local Authority Pension Fund Forum (LAPFF)

Name: Lara Blecher

Sector: Other

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

In LAPFF's view, there could be more emphasis on performance through the introduction of a Score 3 category requesting examples of policy and process implementation for most of the indicators.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

Most of the Key Sector Risks have been covered. An additional risk of this nature would be discrimination across all sectors and land ownership issues could be extended to both agriculture and apparel. The benchmark focuses heavily on labour-related human rights impacts, and we consider the scope of impacts should be more balanced between labour rights and other human rights.

3. Is the Benchmark fit for purpose for all stakeholders?

From an investor perspective, the tool starts out well by distinguishing between the provision of information on policies and processes and the provision of examples. It would be good if this methodology were applied throughout the benchmark, using, for example, a Score 3 category for examples of how companies have enacted and enforced policies and processes. We find that often annual reports and CSR reports provide great detail and evidence of the existence of policies and systems but very little information on how these tools work in practice. In order to assess the actual impact of the tools, an explicit request for examples would be extremely helpful in understanding whether financial, operational and reputational risks are likely, and if so, what they are likely to be.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

F. MEASUREMENT THEME: Leadership - 10%

A.1.1. Raising human rights concerns with governments

Examples should get higher scores than commitments. So, for example, this indicator would be improved if score 1 were a commitment, score 2 were examples, and score 3 were both the commitment and examples.

A.2.1. Raising human rights concerns with industry peers

No comments.

A.3.1. Activities within Multistakeholder Initiatives (MSIs)

Multi-stakeholder initiatives (MSI)s are of highly variable quality, so recognising that this could be problematic politically, if there is a way of identifying the better initiatives, this could be helpful in driving up the quality of MSIs overall which would feed into the incentive-driven model of the benchmark.

A.4.1. Support for building local human rights capacity

There needs to be a clear definition of capacity building. For example, does this mean the donation of a school (corporate philanthropy) or the construction of a local content clause in an investment treaty to include fair tax burdens for both the company and the community (systemic approach).

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

B.1.1. Commitment to respecting human rights

It would be preferable if there were appended to this indicator a reference to the fact that human rights are legal rights, not just concepts created by voluntary codes and standards.

B.1.2. Commitment to respecting the core and/or additional ILO conventions

We are not convinced that there should be a labour rights indicator separate from B.1.1., the human rights indicator, as labour rights are technically part of human rights law, as recognised in the UN Guiding Principles on Business and Human Rights. There has been a historical disconnect between labour rights and other human rights, and we are concerned that this framing of rights reinforces this disconnect. One suggestion would be to merge B.1.1. and B.1.2. to make a three tier scoring system whereby recognition of labour rights is incorporated into one of the higher scoring brackets. In any case, we would like to see all of the four core labour standards covered in Score 1 and an additional reference to freedom of association and collective bargaining required to achieve Score 2. There should also be a provision on collective bargaining in the apparel scoring threshold.

B.1.3. Commitment to specifically respecting the rights of human rights of individuals belonging to specific groups or populations that require particular attention

The extractives paragraph should ask that full prior and informed consent (FPIC) be in line with international law and standards, not just standards. There should also be a commitment to respecting case law and rulings by the treaty bodies, not just a reference to standards. Otherwise, companies can define the content of the law as is convenient to them, which can lead to operational, financial and reputational problems. It would also be helpful if land use and ownership issues were incorporated in the agriculture and apparel sector criteria.

B.1.4. Commitment to respecting additional human rights of or relevant to of local communities

The word 'of' should be removed from the indicator heading.

The indicator would benefit if non-discrimination and land use and ownership were added to the sector-specific criteria. It would be helpful if the sector-specific criteria were in the same order for each indicator.

B.1.5. Commitment to incorporating human rights into Business Relationships

It is not clear why Scores 1 and 2 only refer to the inclusion of ILO conventions rather than other human rights instruments as the Guiding Principles explicitly cover all human rights. We recommend that this provision be extended to accept references to a broader range of human rights instruments.

B.1.6. Commitment to engage with stakeholders

We recommend that the indicator include the appropriate identification of stakeholders as well as engagement. Industry criteria on stakeholder engagement such as that provided for the extractives industry would be also be helpful for both agriculture and apparel sectors.

B.1.7. Commitment to remedy

It would be helpful if this indicator asked for a public company commitment to not impede access to judicial remedies as well as enabling access to non-judicial remedies. It would be helpful if some examples of such remedies in practice were incorporated into a Score 3 category.

The box setting out the four fundamental labour principles is very helpful.

There are some typos in B.1.2. (the word Principles should follow Fundamental in the opening paragraph) and B.1.3. (the opening paragraph and Score 1 repeat the words 'human rights of').

B.2 Board Level Accountability (5%)

B.2.1. Leadership from the top

No comment.

B.2.2. Senior responsibility for human rights

No comment.

B.2.3. Board skills and expertise

No comment.

B.2.4. Board agenda

We recommend adding a Score 3 to require that both Scores 1 and 2 be met, and the examples of discussion items be provided, respecting any confidentiality requirements.

B.2.5. Performance incentives

No comment.

B.2.6. Relationship to corporate strategy

We suggest that Score 1 cover speeches, presentations or other communication, that

Score 2 cover acknowledgement of human rights issues in corporate strategy, and that Score 3 require clear examples of how human rights policy has been developed as part of the wider corporate strategy.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

C.1.1. Responsibility and resources for day-to-day human rights function

It would also be helpful to know how the Company determined that the internal functions it has identified are relevant to the responsibility of day-to-day human rights efforts. We would like to see a Score 3 that includes examples of human rights allocation as well as Score 1 and 2 criteria. An extractives category should request an outline of human rights responsibilities for an appropriate Group-level manager.

C.1.2. Alignment of other internal policies and processes with the human rights policy

We consider the addition of a score 3 would improve this metric by asking for examples of alignment between human rights and other internal policies as well as Score 1 and 2 criteria. It would be helpful if there were an extractives sector provision asking for policy clarity on contracting business partners, such as how security services are tendered and contracted.

C.1.3. Integration with enterprise risk monitoring generally

It would be helpful if there were a Score 3 to award for examples of the criteria in Scores 1 and 2.

C.1.4. Incentives and performance management

No comment.

C.1.5. Communication / dissemination of policy commitment

We consider that a Score 3 would be helpful in requesting examples of how this communication has worked in practice and whether it has been successful in reaching intended audiences, in addition to Score 1 and 2 criteria.

C.1.6. Communication / dissemination of policy commitment to business relationships

We consider that a Score 3 would be helpful in requesting examples of how effective this communication has been with business partners, in addition to Score 1 and 2 criteria. An extractives industry provision requesting information on coverage of security contractors or government security forces would be useful.

C.1.7. Training on human rights

A Score 3 option requesting examples of training content and impacts, in addition to Score 1 and 2 criteria, would be helpful.

C.1.8. Regular review of human rights policy

A Score 3 option requesting examples of changes to policies as a result of the review, as well as Score 1 and 2 criteria, would be useful. In our view, this indicator would be better placed after C.1.2.

C.1.9. Monitoring and corrective actions

It would be helpful if a Score 3 option requested examples of how the monitoring approach and corrective actions have been implemented in practice, in addition to Score 1 and 2 criteria.

C.1.10. Engaging business relationships

We consider that a Score 3 option requesting examples of how these relationships have affected decisions on how to engage with stakeholders would be of benefit to investors in identifying potential human rights and operational risks to the business.

C.1.11. Framework for stakeholder engagement

It would be helpful if there were a Score 3 requesting examples of stakeholder engagement, in addition to Score 2 criteria.

C.1.12. Health and safety management

It is not clear why this is a separate metric under this heading. We suggest it would fit better under the sector criteria. It would help if there were a Score 3 option requesting examples of training content and how it works, in addition to Score 2 criteria.

As with the prior section, we would like to see a Score 3 with examples building on the Score 1 and 2 criteria to clarify how policies and processes are actually enacted and enforced.

C.2. Human Rights due Diligence (15%)

C.2.1. Existence and triggers for identifying human rights risks and impacts

We would recommend that the indicator be called 'Processes and triggers for identifying human rights risks and impacts'.

C.2.2. Assessment of risks and impacts identified (salient risks and key sector risks)

The extractives, agriculture and apparel criteria should include discrimination. In relation to the apparel criteria, rather than single out women and children, we would prefer a reference to vulnerable groups and then the inclusion of women, children and migrants as examples of such groups.

C.2.3. Identification and consultation with stakeholders on salient human rights issues

We would like to see the following wording added after 'identify and consult stakeholders' - "and where necessary gain their consent". The extractives criteria should have additional wording at the end asking that "FPIC is fully met where required." It would be helpful to have agriculture sector criteria as well.

C.2.4. Acting on outcomes of the assessment

This should be an essential indicator. We consider Score 2 would be improved by incorporating the Score 1 criteria, or both Score 1 and 2 criteria could be required to achieve a Score 3. Agriculture and apparel sector criteria applicable to the supply chain and with examples would be helpful.

C.2.5. Tracking the implementation of actions to respond to the assessments

It is our view that this is an essential indicator. It would be useful if the examples of lessons fed back as a result of the due diligence process were Score 3, in addition to the Score 1 and 2 criteria because all of the criteria set out are important for disclosure.

As with the prior two sections, we would like to see a Score 3 with examples building on the Score 1 and 2 criteria to clarify how policies and processes are actually enacted and enforced.

C.3. Remedies and Grievance Mechanisms (10%)

C.3.1. Channel(s)/mechanism(s) to receive human rights complaints or concerns

We recommend that Score 1 cover all of the groups mentioned and that Score 2 ask that affected stakeholders can escalate their concerns beyond the company level if their concerns are not being addressed adequately. Score 3 could require that both Score 1 and 2 criteria be met, as well as requesting examples.

C.3.2. Effectiveness of channel(s)/mechanism(s)

No comment.

C.3.3. Oversight and review of the channel(s)/mechanism(s)

No comment.

C.3.4. Process for incorporating lessons learnt

C.3.5. Remedying any impacts identified

In our view, both C.3.4. and C.3.5. are essential indicators.

As with the prior sections, we would like to see a Score 3 with examples building on the Score 1 and 2 criteria to clarify how policies and processes are actually enacted and enforced.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

D.1.1. Forced labour: bonded labour and other unacceptable financial costs

It would be helpful to see a link to core ILO Conventions 29 and 105 for this indicator. We recommend that Score 1 clarify that the Company should pay at least the legally-mandated minimum wage.

D.1.2. Forced labour: Restrictions on workers

We recommend that cash be added to the list of things the Company should refrain from retaining to ensure that restricting worker movement does not happen. In our view, Score 1 would better read 'The Company does not retain the workers' personal documents and does not deny them access...'

D.1.3. Direct employment

A link to ILO conventions covering employment contracts would be helpful.

We recommend that Score 1 include contract workers as well as temporary workers and ask that employment providers used by direct employer be disclosed. This indicator would benefit from a Score 3 that requests examples be disclosed of steps taken to employ permanent staff directly and pay full benefits.

D.1.4. Child labour: Age verification and corrective actions

A link to ILO Conventions 138 and 182 would be helpful, as well as a box with definitions of child labour, child work and youth work (and any other categories deemed relevant). A Score 3 option requesting examples of transition of children from work to education and participation in transition programmes would be helpful too. In our view, the apparel sector criteria should include night work as a special focus, and the agriculture sector focus should cover children not being required to use harmful chemicals.

D.1.5. Child labour: Hazardous work

It would be helpful to have a link to ILO Convention 182. A Score 3 option requesting an example of what happens or would happen if such a situation is found would also be useful.

D.1.6. Non-discrimination: Workforce composition

It would be helpful to have a link to ILO Conventions 100 and 111. We recommend that Score 1 ask for an equal opportunities policy covering the categories mentioned.

We also recommend that Score 2 cover what is currently under Score 1, and that a Score 3 option be added to cover what is currently Score 2, as well as asking for examples actions to improve workforce diversity.

D.1.7. Non-discrimination: Board composition

LAPFF is a member of the 30% Club Investor Group so at present would advocate aiming for a 30% level of gender equity at board level but would be pleased if a higher percentage were achieved.

D.1.8. Freedom of association

We think it is important to clarify that relevant 'independent' trade unions are granted access to workers... and that discrimination be included as one of the practices companies should prohibit in relation to unionisation. It would be helpful to provide a link to ILO Conventions 87 and 98. We recommend that Score 1 also refer to a representative 'independent' union, and Score 2 refer to a prohibition of discrimination against trade union and trade union representatives, along with the other prohibitions.

D.1.9. Workers covered by collective bargaining agreements

We believe that the criteria for Scores 1 and 2 should be reversed as it seems more important for companies to remain neutral on employee membership than it is for them to provide statistics on collective bargaining. Presumably, if the first criteria is met, the statistics will improve. We would advocate that there be a Score 3 option requesting examples of how a trade union operates at a given facility or how it was elected.

D.1.10. Health and Safety: fatalities, lost days, injury rates

In our view, a Score 3 should be added to request an example of how a health and safety situation was rectified. Apparel and agriculture sector criteria could request disclosure of MSDS procedures in the supply chain.

D.1.11. Working hours

A link to the relevant ILO Conventions would be helpful as would a reference to appropriate consultation with workers in setting fair work hours, both in the opening paragraph and in the Score 1 paragraph. We also recommend that the Score 1 paragraph refer to setting fair overtime schedules. We further recommend that Score two include the first AND third components, and that the Score 3 cover examples of Score 1 and 2 criteria and how the working hours contract provisions are enforced. This indicator would benefit from a Score 3 under the agriculture and apparel criteria that requests an explanation of how the Company sources in a way that does not encourage excessively tight turnaround times, penalties for late production caused by the Company or overtime at the supplier and how the contract terms are enforced. The addition of extractives sector criteria requesting examples of how contract terms are enforced would improve the indicator as well.

D.1.12. Living wage

This indicator would benefit from a box with the definition of minimum wage and living wage. In line with international practice on living wages, discretionary income of at least 10% should be specified. We recommend the following scoring criteria. Score 1 would request disclosure of the living wage methodology used. A Score 3 option requesting achievement of Score 1 and 2 criteria and examples of outcomes for workers and communities would be helpful. In our view, an apparel industry criteria should clarify that where workers are paid by piece rate, this rate should allow them to meet the living wage rate established through the Company's selected living wage methodology.

D.1.13. Land use and acquisition

In our view, Score 1 should refer to customary land and resources owners and users and their rights. It would be helpful if there were a link to the FPIC standard set by the Inter-American Court of Human Rights. Score 2 needs to be re-worded; it is unclear at the moment. Proposed wording: 'The Company provides fair terms of use and compensation where land is acquired, used or use restricted, and where

land markets are not functioning. Arrangements must cover direct, short-term financial costs of land affected and longer-term economic and social impacts resulting from projects that affect land or natural resource use or rights of structure compensation, such as income streams for those with land-based livelihoods. Examples are...’ It would be helpful if the agriculture sector Score 2 requirement for companies to share risks with farmers were fleshed out as this might be deemed excessively onerous for companies. A Score 3 option requesting an example of such a situation and how the Company approach was applied would be welcome. Examples of how the Company gains consent rather than just engaging in consultation with relevant stakeholders would also be useful. In our view, this standard should apply to apparel and agriculture industry criteria as well.

D.1.14. Land use and acquisition: Resettlement

It is not clear that this metric should be separate from the general land acquisition indicator. Links to the GRI G4 and IFC PS 5 standards would be helpful. In our view, Score 1 should commit to applying international law and standards. Score 2 should cover the first part of the current Score 1 and make reference to resettlement as a last resort. The current Score 2 should be Score 3 and should ask for examples of how resettlement was avoided or undertaken in accordance with appropriate laws and standards. It would be helpful to have apparel industry criteria as well to cover when a factory or manufacturing facility is set up.

D.2. Adverse Events (20%)

D.2.1. HIGH SEVERITY - There are allegations of severe breaches of ILO standards or the right to security of persons against the Company or the Company’s supply chain (data provided by EIRIS)

This definition would benefit from covering lawsuits and official worker or community grievances or complaints. Severe breaches of international human rights law more broadly could be covered as well as breaches of ILO law. The topics listed could link to relevant international law, such as General Comment 12 and ILO conventions, as well as voluntary standards such as the Voluntary Principles on Security and Human Rights.

D.2.2. MEDIUM SEVERITY – The Company faces criticism or negative news stories related to Labour and Human Rights (data provided by RepRisk and Business & Human Rights Resource Centre)

This definition should cover criticism from workers and affected stakeholders identified through news stories, studies or reports, and Company responses should be assessed for reasonableness, not just any response.

As with the prior section, we would like to see a Score 3 with examples building on the Score 1 and 2 criteria to clarify how policies and processes are actually enacted and enforced.

E. MEASUREMENT THEME: Reporting and Transparency - 10%

E.1.1. Public policy available

The first sentence might better be phrased as ‘The Company has made publicly available and reports on whether and how...’ In our view, the apparel and agriculture industry criteria should read ‘In addition, for each score, the Company must communicate its policy to suppliers.’ A similar clause should apply to the extractive industry criteria in relation to joint venture partners and contractors. It would be helpful if there were a Score 3 requesting examples of how the policy is being received and/or used by stakeholders.

E.1.2. Reporting on human rights training

It would be useful if Score 1 included a request for the training policy. In our view, a Score 3 category should then ask for examples of how training has worked in practice, for example through providing worker or community testimonials.

E.1.3. Reporting on the implementation of human rights management system

This indicator would benefit from a Score 3 that requests an example of a situation that was monitored, how it was monitored, and the outcome of the monitoring. It would be helpful to request criteria for the extractives industry category such that for Score 1, security contractors are monitored, and for Score 2, the proportion of contractors monitored is disclosed.

E.1.4. Disclosure of human rights risk/impact assessments

It would be useful if this indicator had a Score 3 that requested examples of how assessment findings are prioritised and how corrective actions are enforced. The indicator would benefit if apparel and agriculture sector criteria request Correction Action Plan disclosures to achieve a Score 3 rating. To be consistent with the apparel industry and agriculture industry criteria, under the extractives industry criteria, for a Score 2 rating, the results of monitoring should be requested and for a Score 3 rating the disclosure of the action plan and examples of enforcement should be requested.

E.1.5. Detailed reporting on stakeholder engagement on human rights issues, including salient human rights issues

Score 1 would benefit from an explanation of how stakeholders are identified and engaged with. In our view, Score 2 should ask for the percentage of operations engaging with local communities and how, and a Score 3 option requesting lessons learnt from stakeholder engagement would be helpful.

E.1.6. Human rights screening / investments or contracts including human rights clauses

In our view, the word 'agreements' should follow the word 'investment' in the indicator heading and Score 2 should request the content of human rights criteria and clauses in contracts. A Score 3 option would then ask for examples of how these criteria and clauses have linked to human rights impacts in the Company's experience.

E.1.7. Reporting on some ILO standards

It is unclear why this indicator is restricted to ILO standards rather than human rights treaties more broadly. If the ILO focus is retained, the indicator should cover incidences of child labour and forced labour, as well as the other quantitative indicators. We recommend that Score 1 request reporting on the total number of adverse human rights impacts the Company was accused of during the year under review. In our view, Score 2 should encompass all of the current metrics listed, as well as any broader human rights indicators stemming from other international human rights law. A Score 3 option should then request examples of remedial and enforcement efforts undertaken by the Company. Apparel and agriculture sector criteria that requests reporting on MSDS results for Score 2, and MSDS remedial measures for Score 3 would be helpful.

E.1.8. Number of human rights related incidents and corrective actions

It is unclear how this indicator is different from E.1.7. In our view, the two indicators should be merged. For the apparel industry and agriculture industry criteria, a Score 3 rating should request corrective actions requested and explanations of why the Company decided to terminate business relationships rather than undertake efforts to correct the violations. The term 'human rights-related incidents' is confusing. The definition of this term should be clarified.

E.1.9. Number of grievances

We would like to see this indicator reflect that both judicial and non-judicial grievances should be reported and that information be provided for both external and internal channels and mechanisms. In our view, Score 1 should cover trends, Score 2 should cover details related to monitoring grievance mechanisms and disclosing the number of grievances, and Score 3 should request examples of when and how the grievance mechanism has been used and steps taken to address both judicial and non-judicial grievances.

E.1.10. Reporting is verified and informed - Stakeholder verification and input

It would be helpful to clarify that data should be independently verified by a credible third party. In our view, Score 1 should be independent verification by an independent third party, Score 2 should be stakeholder verification of reporting, and Score 3 should request examples of how stakeholder engagement has informed report writing. We would also like to see the extractives industry criteria include data on security providers being verified by an independent third party for Score 1 and stakeholder engagement regarding security providers informing report-writing for Score 2.

(III) ADDITIONAL FEEDBACK AND COMMENTS

As noted, the overarching requests are that examples be provided in a Score 3

Category; that there be consideration of whether a broader range of human rights be covered by the benchmark; that appropriate links to international human rights law are provided for relevant indicators; and that sector scoring descriptions are available to all sectors where possible and that sector-specific criteria be listed in the same order for each indicator. It would also be helpful if the indicators could be linked across categories. For example, it could be revealing to see how the response to C.1.1. works with the response to B.2.1.

Additionally, it is important to ensure that the tool does not unduly separate labour rights from human rights and unwittingly reinforce this false dichotomy that has existed historically. Some of the definitions need to be clarified as well. For example, under Key Terminology, it should be clear that adverse events covers 'a direct or indirect company activity on an individual's...' The human rights due diligence definition should include identifying as well as assessing actual and potential human rights impacts. It should be clarified whether key sector risks and salient human rights risks are identified solely by companies or stakeholders more broadly. The definition of remedy needs to be re-written - it is confusing as is. Stakeholders can be affected by an organisation's direct or indirect activities. Under stakeholder engagement/ consultation, there needs to be clarification that interaction is between both affected and potential affected stakeholders and that the enterprise should integrate, as well as hear, understand and respond, to stakeholder interests and concerns. The definition of workers as it stands is legally incorrect in a number of jurisdictions, many of which distinguish between employees and workers. This might not be a problem, but if this categorisation remains there should probably be an acknowledgement or explanation for why these categories have been conflated.

Organisation: RINTERS

Name: Carlos Viesca-Lobatón

Sector: Other

Country: Mexico

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

Regardless of the efforts of a company, the size, spread and complexity of some corporations will eventually result in impacts to human rights. Additionally, aside from Remedies and Grievance Mechanisms, all the principles are oriented towards avoiding impacts. But when impacts happen, appropriate reparation is crucial. So I recommend that Remedies and Grievance Mechanisms should weight 20% taking 5% off from Human Rights Due Diligence and Leadership

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

Depending of the definition of indigenous, consider expanding the term to include rural or local communities as well.

3. Is the Benchmark fit for purpose for all stakeholders?

I would expand the definition of the term "stakeholder" to include expert organizations in human rights or that are representatives and recognized interlocutors with specific groups

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

G. MEASUREMENT THEME: Leadership - 10%

I would add another one about Corporate or CEO activism where the company uses its brand or public figures associated with the company and its brands to position itself in regards certain human rights issues. Example: sexual diversity, race issues, etc.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

In general I recommend to expand the definition of communities to specify indigenous and or rural/local communities.

Also in general, whenever sector specific commitments related to local communities are applied to EX, they must apply to AG as well. For practically any target AG corporation, its supply chain interferes with rural communities.

In B.1.3 I would extend the commitment of applying to applying ILO Convention 169 or

UNDRIP to AG (related to land) and AP (relating to the responsible use of cultural, ethnic and spiritual elements in fashion) as well.

In B.1.4 for AG I would specify, just like in AP with water, commitments around water, land use and land use change and protection forest resources. For EX I would add specific commitments to avoid the proliferation of addictions, prostitution and other practices resulting from the intrusion of workers into the local communities

In B.1.5. Sector specific consideration of indigenous communities should apply to AG as well

In B.1.6. extend the commitment to AG and communities where agriculture and land conversion takes place. Also, include as stakeholders, representatives and interlocutors validated by local communities

B1.7 must be Expected instead of Desirable

B.2 Board Level Accountability (5%)

Good

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

In C.1.9 extend sector specific requirement for external auditing to EX. Particularly in operations with high risk of human rights violations

In C.1.11 sector specific requirement to conduct assessments in local communities should include AG as well as EX

In C.1.12, score 2 should specify the use of international audited standards such as OHSAS18000

C.2. Human Rights due Diligence (15%)

Sector specific locks for EX in C.2.1, C.2.3 and C.2.4 should apply to AG

C.3. Remedies and Grievance Mechanisms (10%)

Sector specific locks for AG in C.3.1, C.3.2 should include local communities

Suggestion for Score 2 C.3.5: The company has appointed an exclusive or shared advisory council integrated by external, independent experts of proven reputation and expertise, that work with the company in building the remediation mechanisms and provide insight on how to incorporate learnings into the improvement of policies

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

Sector specific locks for EX in D.1.1, D.1.2 should apply to AG

D.1.3 should apply to EX as well

In Score 2 of D.1.6, As part of their talent attraction strategy and recruitment processes the company must disclosed that it is equipped to incorporate persons with disabilities that require special facilities or equipment. This unless the nature of the activities would result in an unavoidable impediment for such person to be considered for the position

In D.1.8 there should be a waiver for companies when unions at a local level are openly recognized as coercive groups operating through corruption to gain political or economic power without truly representing workers rights

In D.1.11 it should be stated that, when national laws and regulations are not as protective of the worker's rights as international standards, scoring will be limited to the latter

The sector specific lock for AG in D.1.13 should include fishing communities and it should clearly state that land acquisition will not result in restricting access to fishing grounds. Likewise, for AG and EX it should explicitly say that when land acquisition results in restricting access to areas of productive, cultural or spiritual value for communities, the company will ensure to find means to grant access to such areas.

D.2. Adverse Events (20%)

Wouldn't it be more descriptive and gender oriented to include sexual harassment and abuse/exploitation as well as obstetric violence (e.g. forced sterilization; unwanted birth practices, etc.)?

E. MEASUREMENT THEME: Reporting and Transparency - 10%

Sector specific lock for E.1.4 and E.1.5 applying to EX, should apply to AG

In E.1.8 and E.1.9 AG Sector specific lock should include local/indigenous communities as in EX

(III) ADDITIONAL FEEDBACK AND COMMENTS

No answer given

Organisation: Sedex

Name: Oliver Jackson

Sector: No answer given

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

The extent to which a company is demonstrating leadership could be a sum of all other indicators (i.e. good governance, good management systems and good reporting). Does there need to be a separate recognition for leadership or could some of these indicators (e.g. working with government) be incorporated into all other aspects?

Also, grading on leadership could be seen to favour the largest organisations who are more able to lead on issues due to their size and resource.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

The methodology is extensive and key risks captured.

3. Is the Benchmark fit for purpose for all stakeholders?

I expect investors, business and policy makers will be better informed. There is some concern over how certain consumers and interested groups could use the information particularly if they don't fully understand the data or use it to target certain organisations.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

MSI - Whilst being part of a multi stakeholder initiative is very important and should be captured as part of the benchmark I'm not sure it should sit under leadership. It is common for companies starting out on their sustainability journey to join a relevant MSI to learn from others and are not necessarily leaders themselves.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

There should be recognition of companies committing to multi-tier supply chain transparency? Sedex research shows that supply chain risks increase the deeper down the supply chain, so those companies mapping and managing beyond tier 1 tend to demonstrate better management of supply chain risk.

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

Whilst there is recognition of supplier training, there needs to be more on capacity building and going beyond audit and recognise those companies who are working with suppliers and helping them understand best practice so they can be their own best advocates for change.

There could also be more on supply chain mapping to recognise those companies mapping all of their suppliers (beyond tier 1) and how they are risk assessing these. For instance: are they using self assessment questionnaires, are they looking at country/sector risk, are they auditing?

C.3. Remedies and Grievance Mechanisms (10%)

Could we recognise collaboration and joint remediation where companies work together with suppliers to set joint improvement plans?

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

Would suggest more recognition of companies collaborating to drive supply chain improvements. Whilst recognising the methodology captures those companies who are part of MSI's - there should also be a recognition of those companies who are working together on audit sharing and joint remediation to address issues such as supplier audit fatigue.

Organisation: ShareAction

Name: Colette G. St-Onge

Sector: Civil Society

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

The weighting of the measurement themes is appropriate.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

The key sector risks listed under indicator C.2.2. (Assessment of risks and impacts identified) are appropriate. Clarification on whether or not this is deemed an exhaustive and time-proof list would be beneficial (i.e. if children's rights is not considered an EX risk now, is there space to review that in the future?). There should be a process in place to review this part of the methodology on a regular basis (i.e. 1- 3 years) to ensure ongoing relevance of scope.

3. Is the Benchmark fit for purpose for all stakeholders?

a. The Benchmark represents an important first step in providing a useful assessment tool, particularly in relation to its focus on labour rights. However, the scope of the 'Performance' indicators in particular does not yet provide a benchmark that will be relevant to investors, civil society and policy makers in assessing the full human rights impacts of companies.

b. Having said that, we recognise the capacity issues of the Methodology Committee. We would encourage the development of a full list of indicators that will be integrated into the benchmark over time. Doing so would signal to both the best and worst companies that more will be expected, allowing the best to get ahead of the future requirements and giving warning to the laggards. We would also encourage including an indication that, over time, many of the indicators in the 'Desirable' category will move to 'Essential', for similar signaling reasons. It would also be helpful to include an indication of when this could happen – whether time-bound or on a 'critical mass' basis once a certain threshold of companies scoring highly in 'Desirable' categories is reached.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

These indicators address important external impacts and influence of companies on human rights policy and practice. As companies can use these external bodies (i.e. trade associations) to impact human rights in a manner contrary to a company's internal commitments, indicator A.2.1. (Raising human rights concerns with industry peers) should be essential (E) rather than desirable (D).

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

i. We welcome the public statement of policy committing to respecting human rights in maintaining the safety and security of operations for extractive (EX) companies to achieve a Score 2 in indicator B.1.2. (Commitment to respecting human rights) Apparel (AP) and Agricultural (AG) companies also use external security providers, and so consideration should be given to extending this requirement to all three sectors.

ii. The four fundamental principles and rights at work identified in indicator B.1.2. (Commitment to respect the core and/or additional ILO conventions) are the basic minimum required by the International Labour Organisation. A score of 1 for committing to respecting only two of these could be seen as too low a bar for companies, and risks asking companies, and investors, to rank principles which are in fact interdependent and of equal weight. This could lead to confusion for investors in trying to establish which of the principles the company has not committed to, and therefore what its position is on the remainder. This risks undermining the credibility and usefulness of the Benchmark. If the requirement was that a company should have a public statement of policy in which it explicitly commits to respecting all four core labour areas to achieve a score 1, it would send a strong signal, and be clearer for investors.

iii. Given the high number of seasonal migrant workers in the agricultural (AG) sector, The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families should be included in the specific indicator for AG, score 1 of indicator B.1.3. (Commitment to specifically respecting the rights of human rights of individuals belonging to specific groups or populations that require particular attention). This score should also make specific reference for a commitment to respecting indigenous populations.

iv. The indicator B.1.4. (Commitment to respecting additional human rights of or relevant to of local communities) should be essential (E) as this is one of the areas where companies' human rights impacts can be the most severe. Helping investors understand this risk and enabling them to put pressure on companies to avoid it is a key contribution that the benchmark can make. The human rights policy of a company proposed for score 1 of indicator B.1.5. (Commitment to incorporating human rights into Business Relationships) should cover all four of the ILO core labour standard areas. The sector specific locks for apparel (AP) and agriculture (AG) should include "pay" to the following list: "health and safety and working hours."

v. The standard to achieve a score 2 for indicator B.1.5. (Commitment to incorporating human rights into Business Relationships) should be consistent with score 1 and the rest of the benchmark and thus reference the ILO Conventions instead of the ILO's Declaration on Fundamental Principles and Rights at Work.

vi. The meaning of 'stakeholder' in indicator B.1.6. (Commitment to engage with stakeholders) should be defined and non-exclusive examples should be provided for each sector, not only the extractive (EX) sector.

vii. Indicator B.1.7. (Commitment to remedy) should be essential (E) rather than desirable (D) as a fundamental pillar of the UNGP.

viii. Consideration should be given to making indicator B.2.1 essential (E) rather than Desirable (D). CEO and Board Level leadership are often essential for any company policy to be carried through, whatever the subject matter.

B.2 Board Level Accountability (5%)

ix. Test of scores 1 and 2 for indicator B.2.2. (Senior responsibility for human rights) should be amended to include "...responsibility for human rights has been assigned, [and the extent of the responsibility has been defined and made publicly available.]"

x. The wording of indicator B.2.5. (Performance incentives) risks creating an unintended consequence of incentivising companies to reward minimal beneficial human rights impacts rather than meaningful or necessary ones for a company. Listed disincentives for adverse human rights impacts (whether financial or legal) would be more appropriate to ensure companies respect human rights.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

- i. A sector specific lock for the extractive (EX) sector is required for indicator C.1.1. (Responsibility and resources for day-to-day human rights function) to acknowledge the complex ownership structures of certain extractive sites where multiple companies may collaborate, or are managed by subsidiary companies that are legally separated.
- ii. The wording of indicator C.1.4. (Incentives & Performance Management) risks creating an unintended consequence of incentivising companies to reward minimal beneficial human rights impacts rather than meaningful or necessary ones for a company. Listed disincentives for adverse human rights impacts (whether financial or legal) would be more appropriate to ensure companies respect human rights.
- iii. To achieve a score 1 for indicator C.1.5., company's human rights policies should be easily accessible in the languages of the areas in which they operate. To achieve a score 2, the company should train all staff on the human rights policies (potential to link / combine with indicator C.1.7.).
- iv. A sector specific lock should be included for the extractive (EX) sector on indicator C.1.6. (Communication / dissemination of policy commitment to business relationships) that matches locks for apparel (AP) and agricultural (AG) sectors and includes legally separated subsidiaries.
- v. The scope of expectations for indicator C.1.7. (Training on human rights) can be widened to provide more reassurance to investors. To achieve score 1, the company should host mandatory training on all aspects of their human rights policies and the broader company responsibility to respect human rights. The limitation to two ILO conventions for score two should be extended to all four core labour areas.
- vi. Score 1 of indicator C.1.8. (Regular review of human rights policy) could be too vague, allowing companies to score while potentially never satisfying the spirit of this indicator. Text that specifies the meaning of "committed" and "regularly" would be helpful, either in the indicator itself, or linked through to guidance for assessors
- vii. A sector specific lock for the extractive (EX) sector is required for indicator C.1.9. (Monitoring and corrective actions) to acknowledge the complexities of business relationships (i.e. with subsidiary companies that are legally separated) in operation sites and ensure effective monitoring and corrective action.
- viii. A sector specific lock for the extractive (EX) sector is required for indicator C.1.10. (Engaging business relationships) to acknowledge the complexities of business relationships (i.e. with subsidiary companies that are legally separated) in operation sites and ensure that legal separation of companies does not limit human rights responsibilities.
- ix. Additional guidance should be given for indicator C.1.11. (Framework for stakeholder engagement) to define who is a stakeholder to ensure that companies do not actively exclude individuals or groups of individuals impacted by their operations. Sector specific locks for each industry should be considered.

C.2. Human Rights due Diligence (15%)

x. The threshold for indicator C.2.3. (Identification and consultation with stakeholders on salient human rights issues) could be strengthened by a requirement to demonstrate how stakeholders and engagement have been defined. This is particularly relevant to the extractive (EX) sector's engagement with indigenous

peoples, where engagement may occur while failing to ensure Free, Prior and Informed Consent. It would be beneficial to move the requirement for “transparency (at least at a summary level)” to score 1 from score 2. The sector specific lock for apparel (AP) should be extended / duplicated for agriculture (AG).

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

i. The focus on labour – specifically bonded labour (D.1.1.), forced labour (D.1.2.), direct employment (D.1.3.), child labour verification (D.1.4.), child labour hazardous work (D.1.5.), non-discrimination in the workforce (D.1.6.), non-discrimination on the company board (D.1.7.), freedom of association (D.1.8.), collective bargaining (D.1.9.), health and safety (D.1.10), working hours (D.1.11) and living wage (D.1.12) – means that impact of a company on their workforce is strongly addressed. This is welcome. As are the additional indicators, land use acquisition and resettlement (D.1.13 and D.1.14). We recognise the capacity limitation of the benchmark in its first year, and suggest that it would be an important signal of intent if the Methodology Committee develops a complete list of indicators at this stage that reflect the full scope of human rights impact under key sector risks, and set out a plan and timescale for integrating those indicators into future iterations.

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

i. For indicator E.1.1. (Public policy available), the public availability of a company’s human rights policy should specifically identify offline availability when relevant under score 1, i.e. companies operating in the extractive (EX) sector should ensure that stakeholder communities can access the policy in community as internet access may be limited or unavailable. It should also be available to stakeholders in the local language.

ii. To achieve a score 1 for indicator E.1.4. (Disclosure of human rights risk/impact assessment), the company should disclose the results at their annual general meeting and in their annual report to ensure that investors and shareholders have access to this information. If standardised reporting of this information were to emerge it would be extremely helpful, and future benchmark iterations could then recognise this.

iii. To achieve a score 1 for indicator E.1.8. (Number of human rights related incidents and corrective actions), a company should report on all incidents related to core ILO conventions.

(III) ADDITIONAL FEEDBACK AND COMMENTS

a. The indicators vary between referring to the ILO conventions and the principles laid out in the ILO’s Declaration on Fundamental Principles and Rights at Work. They should consistently refer to the conventions as the core binding standards because of their status as international law.

- b. Sector specific locks for agriculture (AG) and apparel (AP) refer consistently to supply chain risks, but the joint venture risks or complex ownership structures in the extractive (EX) sector are not as thoroughly addressed.
- c. Reference to the specific risks of migrant workers and their rights feels inconsistent throughout the indicators. Due to the high human rights risks posed to this group, this can be made more evident throughout the benchmark, perhaps with additional reference to relevant international principles.
- d. The threshold for achieving a score 2 is inconsistent, where only a public statement is required in some instances and an example of practical application is required in others. Companies should be consistently rewarded more for demonstrating practical application.

Organisation: The Evidence Project/RAISE Health Initiative

Name: Carolyn Rodehau

Sector: Other

Country: United States

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

We believe that worker health (particularly health beyond the limited notion of occupational safety) has been an under-prioritized area in corporate accountability standards and in the human rights discourse, advocacy efforts, and standards creation. The right to health has long been recognized as a basic human right within internationally agreed upon standards and health is widely recognized as a vital component to improve the long-term quality of life of communities and workplaces.

The Corporate Human Rights Benchmark has the opportunity to bring visibility and accountability to the systemic violation of workers' right to health. The policy sections in which the indicators on health and safety are presented, do not carry enough weight in the measurement themes. Commitments to employees' health as well as non-discrimination against women and other disadvantaged groups are key to socially responsible business practices, but these sections are weighted so lightly that if a company that fails to commit to health or non-discrimination they could still achieve a high score.

Since the benchmarks will be piloted with the global top 100 companies in each sector, respecting human rights, including the right to health, within the entire supply chain is essential to determining the true human rights impact of a company. Since many of the supply chain requirements are categorized as "desirable" vs "essential," we recommend reconsidering this categorization to ensure supply chains' respect for human rights carries more weight.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

We appreciate that "women and children" are reflected as a key risks for the AG and AP sectors, and that health and safety is included for the EX sector. However, we believe that the right to health is at risk in each sector, especially the AP and AG sector where many employees are internal or external migrants. We would stress that a worker's right to health goes beyond safety from workplace hazards such as fires and hazardous chemicals. The Benchmark should recognize the broader responsibility of employee's companies and their suppliers to respect the comprehensive health needs and rights of their workers. Language that does not make broader health issues, including women's health, explicit will fail to achieve the underlying principle of the benchmark and enable companies to achieve compliance while still violating workers' right to health.

We also would like to see the risk titled "women and children" defined more clearly. This could be defined as vulnerable population under which specific risks for women and children be detailed more explicitly. For example, companies should have a clear and defined policy on sexual harassment, gender and sex discrimination, and pregnancy accommodations. Additionally, company policies around health should

reflect that men and women workers have different needs such as access to sanitary napkins. We also recommend including migrant workers as a group particularly vulnerable to human rights violations

3. Is the Benchmark fit for purpose for all stakeholders?

As long as the benchmark results are widely disseminated and clearly explained, the benchmark will be helpful to governments, business, civil society, and policy-makers.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

We recommend making at least one of the indicators in the leadership section an essential indicator. Companies should be incentivized to reach out to local government, peers, and/or civil society to protect human rights.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

We appreciate the inclusion of health and women's rights in this section, specifically the language around health and safety in B.1.2 and the mention of the Women's Empowerment Principles in B.1.3 AG/AP. However, we would encourage incorporating respecting workers' health into Score 1 and Score 2 for B.1.2, as well as in the sector-specific requirements. Across sectors, workers' right to health is often violated due not only to unsafe working conditions, but also due to lack of access to health care and to workplace policies that endanger men and women workers' health, including reproductive and sexual health. Migrant workers are particularly vulnerable to violations of the right to health.

We also recommend replacing "workers" with "men and women workers" when discussing health to acknowledge the distinct health needs of men and women.

In section B.1.5, requiring suppliers to respect ILO core labor standards on health and safety and working hours is currently categorized as a Score 2 (beyond the basic requirement). We strongly recommend re-categorizing this to a Score 1 as respecting these standards is essential to ensuring that a company respects human rights, as global companies now depend on suppliers.

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

We appreciate that for AG and AP sectors, taking human rights into account during their procurement process is considered essential. However, we would like to see more specific indicators embedded in management's day-to-day responsibility for upholding human rights. There are several examples of how management can promote and ensure access to basic healthcare and health services. For example, the company can specifically facilitate services for migrants and their dependents who may face language and other social barriers to care. Health education materials (e.g. handouts or posters) can be made available to all workers covering topics that address the overall health and unique needs of male and female

workers (e.g. hand washing, proper nutrition, disease prevention, menstrual hygiene, reproductive health, and family planning).

In C.1.5, we recommend that Score 1 should require a company's human rights policies be distributed to its staff in local languages. If employees are not aware of their rights, they will be unable to access remedies or grievance mechanisms. While C.1.7 requires employee training on human rights policy, it does not extend to all employees, and access to information post-training is important.

In C.1.6, we commend the inclusion of major suppliers and sub-contractors for the AG and AP sectors. We would recommend requiring this for a Score 1, as many human rights violations happen within the supply chain.

We also recognize the important steps forward that the Corporate Human Rights Benchmark makes by including health and safety management in the "Embedding Policy" section. However, we recommend that C.1.12 be expanded to address systemic violations of the human right to health. While the paragraph description of C.1.12 requires companies to provide a "safe and healthy working environment," the Score 1 and 2 descriptions do not ensure that a company complies with this requirement. The scores do not clearly define requirements for a company's health and safety program must look like. The health and safety of employees extends beyond occupational illnesses, injuries, and fatalities, and must include the general well-being of male and female workers, including their right to reproductive and sexual health.

We would recommend expanding the indicator to explicitly require companies to respect men and women workers' right to health. For example, on-the-job attention and accommodations should be given to ensure that the reproductive rights of women and men workers are respected, which includes ensuring access to family planning products and services, care relating to pregnancy, maternity leave and childcare. Feminine hygiene products also should be easily accessible for women workers. As mentioned earlier, health education materials (e.g. handouts or posters) should be available to all workers covering topics that address the overall health and unique needs of male and female workers (e.g. hand washing, proper nutrition, disease prevention, menstrual hygiene, reproductive health, and family planning). Additionally, medical staff should be trained in general and gender-specific health issues and in making referrals to qualified providers as needed.

Many factories and extractive industry sites are required to have health care providers or clinic facilities on-site. We recommend including the following indicator: "Suppliers' own facilities should meet national law regarding onsite personnel and services concerning health services and ensure these provide comprehensive health services for men's and women's health needs. Company health providers should be qualified to provide basic health care including preventive care, nutrition, hygiene, reproductive health and family planning, infectious diseases, and simple cancer screening. If qualified health providers are not on staff, the Medical officer ensures workers have access to such services, in terms of quality, proximity, and hours."

C.2. Human Rights due Diligence (15%)

We commend the inclusion of suppliers in C.2.1 for AP and AG sectors. This entire section is key to ensuring that companies actually implement and enforce their policy commitments.

We recommend the inclusion of the following indicator: "Companies should conduct a thorough, science-based review of chemicals and other materials used for adverse effects on reproductive and other health systems, and discontinue use or implement a process for phasing out the use of dangerous chemicals or materials."

C.3. Remedies and Grievance Mechanisms (10%)

We recommend including disaggregated data reporting on remedy and grievance mechanism use to help identify for which groups the system is not working. Women are particularly vulnerable to exclusion from access to remedies and grievance mechanisms. Judicial and remedial systems are often hostile to their claims, particularly those arising from gender-based abuse or the exercise of their reproductive health rights.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

We commend the inclusion of supply chains for the AP and AG sectors in many of the indicators.

In section D.1.1, we recommend including that men and women workers do not face any punitive action for accessing health care. In D.1.2, we recommend including that men and women workers are not restricted from accessing health care services, either explicitly or through policies that deny access to sick days, time off for medical appointments, or a schedule that prevents access to public clinics.

The Corporate Human Rights Benchmark makes great progress in recognizing that the negative health impacts of child labor are not limited to a child's physical wellbeing. In D.1.4, we commend the inclusion for the AG sector that companies must ensure children who are legally working are not engaged in work likely to harm their health or safety. We also recognize the steps that D.1.5 takes towards protecting the health of young workers. However, the benchmarks can be more explicit and stringent in protecting child workers. We recommend that companies provide all workers, but especially young or child workers, with regular health assessments and health education programs. We also recommend including that companies protect young workers from conditions likely to harm their reproductive and sexual health, including chemical or other hazardous exposure as well as protection from sexual harassment.

We also commend the requirement for disaggregated data in D.1.6 and D.1.7 that can be used to identify sex, gender, and other forms of discrimination, and that strives for gender equality.

The Benchmark takes a good step forward by including indicator D.1.10 on health and safety, requiring reporting on injuries, occupational diseases, lost days, absenteeism, and fatalities. We recommend that this data be disaggregated so that impacts on specific groups such as women or indigenous workers can be identified. We also recommend that if companies offer health services such as physicals or other assessments, they disclose how many workers accessed these services, as well as the ratio of health providers to workers to indicate the quality of access.

Workers in poor health are more likely to have accidents, and simply reporting accident rates and fatalities does not reveal the root cause of these severe human rights problems. We recommend expanding "occupational diseases" to include diseases that result from workplace policies, such as gynecological or urinary tract infections from a lack of menstrual hygiene supplies and insufficient bathroom breaks. For example, a gap assessment study by BSR found that 87% of women in the ready-made garment industry in Bangladesh suffered from malnutrition, anemia, poor hygiene, inadequate pre- and post-natal care, and exposure to infections and illnesses.

(http://www.bsr.org/reports/BSR_Healthcare_Delivery_in_RMG_Factories_in_Bangladesh.pdf, page 4).

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

We recommend including a reporting requirement that will help identify systemic violations of the right to health, as this is not captured in reporting "incidents". E.1.8 takes a step towards identifying systemic

human rights violations by requiring the AP and AG sectors to report on the human rights impacts of their suppliers; we would recommend including this as a reporting requirement for all companies

(III) ADDITIONAL FEEDBACK AND COMMENTS

The Evidence Project/RAISE Health welcomes the opportunity to discuss these matters further. We are a USAID-funded initiative to improve the health of women and men workers by promoting health in policy dialogues on sustainability and helping corporate and institutional partners move beyond the occupational health approach to integrate health into their standards, policies and practices.

Organisation: University of Salzburg

Name: Birgit Bahtic-Kunrath

Sector: Other

Country: Austria

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

No answer given

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

No answer given

3. Is the Benchmark fit for purpose for all stakeholders?

No answer given

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

A.1.1 Raising human rights concerns with governments:

It might overburden companies to not only respect human rights in line with the UNGPs but also to appear as human rights brokers in front of governments. Generally, private actors influencing public policy in their own interest should always be observed with care. Companies are not democratically legitimized, they are not elected, they do not represent the wider public. While lobbying for human rights might be a respectable objective, it does not overcome these issues of legitimacy. Certainly, companies can play an important role as human rights brokers, e.g., through leading by example via statements, policies, etc., but since corporate involvement in legislation might pose a problem for democratic principles in general, this could also concern human rights in particular.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

No answer given

B.2 Board Level Accountability (5%)

No answer given

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

No answer given

C.2. Human Rights due Diligence (15%)

No answer given

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

D.1.6. Non-discrimination: Workforce composition

You mention gender, age group, minority group membership and other indicators of diversity. While it might be covered by gender, I suggest to include maternity/paternity as relevant factor. Here, the benchmark would go even a step further than current debates on female careers: While there are countless affirmative action programs that should support women building their careers, the actual problem for women (at least in Western countries) is motherhood. Once a career is interrupted due to childcare obligations it is extremely hard for women to get back where they once were. The fact that the few men interrupting their careers for family reasons face the same problems underlines that this is not only a gender-specific problem. Offering measures to facilitate family and career would be very important to ensure strong female participation in the labor market and open up chances for female (and in a few cases, male) careers. E.g., the company offers flexible working hours, child care institutions, and so on. Mere affirmative action, e.g., through quota, does not go far enough to solve this problem.

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

No answer given

(III) ADDITIONAL FEEDBACK AND COMMENTS

It is a comprehensive benchmark and yet transparent and easy to understand also for corporate actors. While I understand that the benchmark targets only large companies and is thus constructed to grasp corporate activities of companies of a certain size I suggest that this must not be the end of corporate benchmarking. Indeed, a significant share of the world's economy is held by small and medium enterprises, which unfortunately are frequently a blind spot for research targeting business and human rights. This is a problem, since also SMEs can abuse human rights - especially in transitional and developing countries, where large corporate structures are rather the exception than the norm.

Researching foreign investors in Bosnia and Herzegovina I found that large companies frequently are forerunners for CSR and human rights policies, while SMES, which employ the far largest part of the workforce, lack respective conscience, information, and resources. A future benchmark should thus also grasp business activities of smaller size.

Moreover, I noticed that the benchmark is universal and does not leave margin for geographic sensitivity. This allows cross-national comparability. However, companies operating in different countries face different challenges, when it comes to local laws, local stakeholders' expectations, environmental conditions and so on, independent from their industrial sector. Is the benchmark flexible enough to pay reference to this fact?

Organisation: University of Utah S.J. Quinney College of Law

Name: Professor Erika George

Sector: Civil Society

Country: United States

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

The weighting of measurement themes between policy and performance strikes an appropriate balance to create incentives for improvement. The decision to weigh performance more heavily than policy provides an important opportunity to direct constructive and evidence-based changes in corporate practices to avoid posing undue risk to human rights consistent with policy statements. During his mandate the UN Special Representative of Business and Human Rights Professor John Ruggie found that in fact corporate policies making reference to human rights were plentiful, particularly among the larger more influential business enterprises with transnational reach. Despite the presence of plenty of policies, problems persist. It therefore stands to reason that putting policies into practice and establishing performance measures could be the missing element in efforts to avoid adverse human rights impacts. Performance measures of policy implementation could generate useful information and aid in the identification of areas in need of improvement. The challenge for the Benchmark will be in evaluating performance against policy statements and alleged adverse incidents. Indeed, the present level of sophistication in measuring corporate social performance is not very high and could be highly subjective. It is not clear currently that enough is known about which practices are most effective to prevent adverse impacts and promote the responsibility to respect human rights. Accordingly, it could be appropriate to consider a progressive calibration of balancing policy and performance over time--placing greater or equal weight on policy over performance in early assessments and later elevating the weight of performance relative to policy as more is learned. Nevertheless, placing a greater weight on performance early on, as in the present Draft List of Indicators, could well encourage innovation and experimentation among more responsive and resourced corporate actors. Directing more effort towards assessing efficacy of policy implementation is an important opportunity for the Benchmark to make a constructive contribution to change.

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

The Draft List's coverage of Key Sector Risks provides a sufficient overview of issues that should receive priority attention as potential risks for business enterprises in the target industry sectors. The examples provided of potential triggers that could present rights challenges including the entry into new markets, the introduction of new products or policy changes is helpful. The Draft List notes, correctly, that "human trafficking and forced labour" are key risks in the Apparel sector, yet this issue is omitted as a key risk from the agricultural sector. There are numerous documented instances of forced labor and trafficking in the agricultural sector globally as well. Accordingly, it would be appropriate for "human trafficking and forced labor" risks to be assessed in the agricultural sector as a key risk. While there are perhaps fewer documented instances of trafficking in the extractives sector there have been instances of forced labor. Indeed, ethical labor recruitment is important across industry sectors. Where any industry relies on temporary, seasonal, or short term labor it should be understood that there could be potential risks worthy of attention and action to avoid adverse human rights impacts. The Draft List's inclusion of identification and consultation with stakeholders on salient human rights issues is commendable and could prove very constructive as stakeholders, including the labor force in the target sectors, hold valuable information about potential rights impacts.

3. Is the Benchmark fit for purpose for all stakeholders?

It remains to be seen whether the Benchmark is indeed fit for "all" stakeholders but it is indeed a constructive step in a direction towards increasing information and awareness. In the end, if applied accurately and in good faith the Benchmark may well best serve the business community by providing a measure of progress and performance in relation to policies prepared by business, with reference to international human rights standards but prepared primarily by the business enterprise in its discretion. Should the Benchmark succeed in producing information that allows for differentiation among the performance of different business enterprises based on a standard set principles it will succeed in empowering consumers and investors who wish to reward the more principled business entities in a given industry sector. The Benchmark holds promise for producing knowledge about rights impacts and better understanding of corporate performance relative to rights. However, to fit the purpose of informing choice for participants in the capital and consumer markets, the Benchmark should strive to provide rank-ordered data representing past and/or projected performance on rights impacts. The challenge for the Benchmark will be to take complex information about social phenomenon and simply it to enable an ease of comparison to aid evaluations. The World Bank Indicators on Doing Business appear to have done this to some success ranking governments on the ease of doing business. The Benchmark could become a complementary authoritative global instrument for human rights provided it maintains consistency, transparency and impartiality. The Benchmark lists stakeholders as investors, business, civil society communities and customers, and policy-makers and regulators. The civil society communities and customers expected impact as currently crafted envisions a community of consumers with choice. It would be worth noting that there are community constituencies at risk of being adversely affected by particular business practices. While it will be challenging to state an expected impact consider mention of such rights holders at risk as an important stakeholder constituency. In the end the most significant expected impact of the Benchmark would be respect for the rights of even the most vulnerable members of society.

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

The Draft List does well to request that reporting include "specific examples" of leadership. Effective leadership is critical to ensure responsible business conduct. I am less convinced that credit for "creating initiatives where none exists" should factor as presently weighted. Envision a scenario where a business enterprise simply creates numerous initiatives that are active in name only. It is more important to assess the efficacy of initiatives. I would consider placing more weight on engagement and inclusion than participation in creating initiative where granting stakeholders access to individuals or entities within the industry sector that can effectuate change and end or prevent rights abuses may be more relevant.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

It is important for the Benchmark to make clear that policy commitments should reference agreed international standards with respect to human rights protection that enjoy broad legitimacy that exist at present and that may emerge in the future.

B.2 Board Level Accountability (5%)

Upon identifying a problem a business enterprise may either disclose the issue and address it or attempt to conceal it. Provisions in the Draft List linking performance incentives to disclosure are commendable.

The inclusion of expertise in human rights at a board level could serve to bring a level of awareness to risks presented by particular policies and practices.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

Structuring incentives to align with human rights performance and integrating issues into overall enterprise risk monitoring by the Benchmark is an important move in the right direction. In some instances there could be cheating, but in others it could serve to aid the creation of a culture encourages transparency. Ideally, the identification and ultimate resolution of issues can be given credit. It would be unfortunate to create an incentive structure that dissuades disclosure where issues are identified. Consider weighting the response to a problem more than or equal to the presence of a problem. Engaging business relationships provides a real opportunity for progress on respect for human rights. As presently drafted the Benchmark indicators on engaging business relationships directs businesses in the targeted sectors to provide explanations to suppliers on how human rights performance will influence the business relationship. It would be constructive for buyers to understand how demands on particular suppliers may exacerbate or improve an underlying human rights situation in a given context. Understanding suppliers as stakeholders to include in assessments could prove constructive in creating change consistent with respect for human rights.

C.2. Human Rights due Diligence (15%)

Due diligence could contribute to constructive change depending on how information about risk is acted upon by business enterprises in the target industry sectors. Over time and different iterations of the Benchmark it would be advisable to weigh more heavily those interventions likely to have the most impact perhaps acting on the outcomes of risk assessment and monitoring the efficacy of those actions may prove more meaningful. Put another way, what is done with due diligence is what is likely to make the most difference.

C.3. Remedies and Grievance Mechanisms (10%)

No answer given

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

No answer given

D.2. Adverse Events (20%)

No answer given

E. MEASUREMENT THEME: Reporting and Transparency - 10%

There is considerable variance at present with respect to what is reported or disclosed by business enterprises concerning social impacts. Indeed, much of what is shared with respect to social impacts remains at the sole discretion of the business where it is not required by regulators. The Benchmark's basic list of the types of information that could be probative of potential problems including qualitative

details to accompany quantitative items shows an appreciation for the complexity of assessing social impacts across different contexts and could prove a significant contribution to improving conditions. Counting and crediting corrective action on grievances and independent verification of reports is critical and commendable. Greater weight should be given to reporting and transparency on policy implementation and corrective action in particular.

(III) ADDITIONAL FEEDBACK AND COMMENTS

I commend the Benchmark for an important contribution to ensuring that respect for human rights are incorporated into business practices. I appreciate the challenging nature of this undertaking and the opportunity to comment. I understand that the final version of the methodology will contain cross references to other relevant reporting frameworks--it is important that the Benchmark complement tools that are presently available. It is equally important that the Benchmark offer unique and useful information that can aid different constituencies in making decisions that are consistent with our shared responsibility to ensure that human rights for everyone everywhere enjoy respect. Because we are still learning how to create measures for complex social phenomenon such as human rights impacts the Benchmark could consider placing more weight on reporting and transparency to provide an incentive for broad disclosure. Broad disclosure would allow a range of stakeholders to work with data and potentially provide innovative solutions for the challenges facing business enterprises in efforts to address human rights risks and avoid complicity in rights abuses. Improving the quality of information gathered is an imperative and over time the Benchmark could provide a useful contribution if relevant proxies to measure social performance can be identified over time. It is not the quantity of information but rather the quality and relevance to reducing risks that should drive methodological development of the measure.

Organisation: Verisk Maplecroft

Name: Hannah Broscombe

Sector: Company

Country: United Kingdom

(I) BROAD CRITICAL ISSUES

1. Have we got the principles behind the weighting of the measurement themes correct to ensure a balance between policy and performance? If no, what needs changing?

Recommendation #1: reduce to 5% the weighting given to leadership and to governance in the benchmark because:

Leadership indicators – It is difficult to measure and compare the quality of company engagement with governments, industry etc. systematically across companies, or to account for external limitations on companies' ability to engage.

Governance indicators – Suggest greater weight is given to visible and practical evidence that these governance documents are being applied in management systems

Recommendation #2: transfer the extra 10% taken from Leadership and Governance to Management Systems, so that this is weighted 40%, equally with Performance.

These two sections are critical to measure what actions companies actually take to comply with UNGPs

2. Have we covered the Key Sector Risks that we should be considering for the Extractive, Agriculture and Apparel Sectors?

Extractive – may particularly face risks in the areas of indigenous people's rights, land grabs, environmental impact, decent work (working conditions and wages), freedom of association and collective bargaining, occupational health and safety

Agriculture – may particularly face risks in the areas of children's rights (child labour, minimum age of work, right to education), health and safety, human trafficking/forced labour/modern slavery, decent work (working conditions and wages, also for parents and guardians)

Apparel – may particularly face risks in the areas of health and safety, decent work (working conditions and wages), freedom of association and collective bargaining, gender inequality and discrimination

3. Is the Benchmark fit for purpose for all stakeholders?

Yes

(II) FEEDBACK ON MEASUREMENT THEMES AND INDICATORS

A. MEASUREMENT THEME: Leadership - 10%

In addition to working with the government, which is one of the third parties identified under this topic, it may be worthwhile to assess whether corporate actors work with human rights state institutions (ombudsman) that are independent from the government. This can include raising human rights concerns with these institutions and supporting local human rights capacity building within these institutions.

B. MEASUREMENT THEME: Governance - 10%

B.1 Policy Commitments (5%)

Suggest that companies also commits to respecting ILO Convention No. 156 on workers with family responsibilities – particularly relevant to companies with large migrant workforces.

B.1.3. Typo in this section: Commitment to specifically respecting the rights of human rights of individuals belonging to specific groups or populations that require particular attention (E)

Extractives sector should also show commitment to women's and children's rights, particularly those operating in conflict zones.

B.1.6 AG Engagement with local communities in relation to land ownership, resources and human rights violations

AP Engagement with suppliers (suggest Tier 1 & 2 initially), demonstration of policies concerning engagement with workers in supply chain

All sectors should demonstrate the existence of a whistleblowing policy to encourage individuals to speak up both at stakeholder and board level.

B.2 Board Level Accountability (5%)

EX Companies should identify senior members of contracted staff with responsibility for human rights

B.2.5 How are tensions with other incentives that drive individual performance goals which may be at odds with human rights managed? (e.g. time and cost pressures, targets, internal metrics etc.) Companies should demonstrate this for a Score 2.

C. MEASUREMENT THEME: Management Systems - 30%

C.1. Embedding policy (5%)

In reference to C.1.1, remove reference to buying teams. Human Rights impacts a broad range of teams / functions, including buying, procurement, responsible sourcing, finance, human resources, sustainability etc. The inclusion of buying teams is too narrow.

In reference to C.1.2, the company should outline how it mainstreams / ensures the human rights policy is integrated into core business practices. E.g., via training.

In reference to C.1.3, the company should reference the frequency of risk monitoring. Does the company assess human rights risks through all investment; procurement; recruitment etc.

In reference to C.1.4, remove reference to incentives. Instead human rights risk management should be a key performance indicator, not an optional on incentive. Recommend that KPIs and year-on-year performance are reported publically.

In reference to C.1.12, it seems arbitrary to have 'at least two of'

C.2. Human Rights due Diligence (15%)

In reference to C.2.1, reference to 'process(es)' is too weak. Recommend inclusion of a human rights due diligence system.

In reference to C.2.1, HRDD contains 6x key steps – policy, assessment, management, track , report remediate. It is incorrect to place sole focus on risk assessment as this is just one step.

In reference to C.2.2, This should focus on assessment of potential and actual human rights risk

In reference to C.2.3, recommend inclusion of vulnerable groups / specific stakeholders.

In reference to C.2.4, include requirement around reporting to different stakeholder groups E.g., different stakeholder require different information – affected groups, internal employees, governments, shareholder, consumers, supplier base

C.3. Remedies and Grievance Mechanisms (10%)

In reference to C.3.5, look for evidence of companies proactively working to implement a collaborative and sustainable solution. E.g., early warning systems at a local level.

D. MEASUREMENT THEME: Performance - 40%

D.1. KPIs & Good Practices (20%)

D.1.2: Consider rewording as the current text has some grammatical errors - The Company does not retain the workers' personal documents or deny them access to personal documents. In addition the Company does not restrict workers freedom of movement outside of work hours, and does not require workers to stay at and pay for company accommodation.

D.1.3 : Consider re-wording as the following text is not clear- The Company can report on use of a diminishing percentage of temporary workers except in justified circumstances such as using temporary workers for temporary or seasonal work.

All sections: There seems to be a large number of grammatical errors in this section. Some questions lack clarity e.g. : The Company refrains from restricting workers through the retention of identity cards, passports, training certificates, ATM cards, bankbooks and other important personal documents, restricting freedom of movement outside of working hours or through compulsory use of accommodation provided by the employer or violence or intimidation.

D.2. Adverse Events (20%)

D.2.1 Working hours: allegations that involve forced overtime (the allegations must explicitly detail the forced overtime) OR allegations that result in the death of a worker - Could also just include employees working excessive hours i.e. over 60 hours a week.

D.2.2 Medium Severity - this section would benefit from some examples related to severity, such as those in D.2.1.

E. MEASUREMENT THEME: Reporting and Transparency - 10%

Under indicator E.1.5, engagement with stakeholders and local communities could be more specific. For example, within the extractives industry impact assessments are strengthened when they include engagement and consultation with stakeholders such as the local community and indigenous peoples.

Under indicator E.1.9, in addition to measuring the prevalence of grievances, the indicator should aim to also incorporate a measure of whether those grievance mechanisms exist and are functioning in order for grievances to be received, processed, investigated and remedied. While the indicator is focused on monitoring grievance channels, a greater emphasis may be put on the quality of those channels and mechanisms for receiving complaints and grievances, and ensuring that they are accessible and non-discriminatory (e.g., avoid language and literacy barriers).

(III) ADDITIONAL FEEDBACK AND COMMENTS

- 1) Grammatical errors throughout the whole document

- 2) Guidance for sector scoring doesn't always include all sectors. This could create subjectivity/inconsistency when scoring.

- 3) Difficult layout to follow and layout and structure of question is confusing

Organisation: Equipe RSE, UMR DRES 7314 (CNRS/UNISTRA)

Name: Kathia Martin-Chenut et René de Quenaudon

Sector: Société civile

Country: France

(I) QUESTIONS GENERALES

1. La pondération des thèmes vous semble-t-elle, en principe, un bon équilibre entre politique et performance? Si on, que devrions-nous changer ?

Même si au premier regard nous aurions une tendance à envisager un poids équivalent pour politique et performance, la différence peut se justifier. Bien que les systèmes de gestion constituent un indicateur important, il est également difficile à mesurer en pratique et reposerait sur une trop grande subjectivité (d'où la prévalence accordée en termes de barème à l'indicateur "performance" plus concret, plus spécifique). Mais l'indicateur "performance" repose essentiellement sur des données relatives au travail. Ne faudrait-il pas envisager un reporting spécial en matière sociale ou encore considérer que le reporting extra-financier permet d'ores et déjà de prendre en compte ces données?

2. Avons-nous considérés les principaux risques sectoriels que nous devrions couvrir pour les secteurs extractif, agroalimentaire et habillement?

En ce qui concerne le EX et le AG, il serait souhaitable soit d'élargir aux populations traditionnelles (plus large en englobant les peuples autochtones et tribaux et allant au-delà) soit à minima inclure les peuples tribaux à côté des peuples autochtones.

Une attention particulière doit être portée aux droits procéduraux (notamment le droit à une consultation effective) et à la liberté de circulation de ces peuples.

3. Le benchmark est-il adapté à son objectif pour toutes les parties prenantes

Il serait souhaitable de mieux identifier les parties prenantes (notamment en ce qui concerne « les entreprises). Les salariés, par exemple, ne sont pas identifiés parmi les parties prenantes susceptibles d'attendre des effets positifs de la prise en compte des indicateurs, alors même que certains indicateurs portent expressément sur les conditions de travail (et pas uniquement l'abolition du travail forcé ...).

(II) COMMENTAIRES SUR LES THEMES ET INDICATEURS

A. MEASUREMENT THEME: Leadership - 10%

Même si les indicateurs liés à ce thème semblent très généraux, c'est dans leadership que les pratiques engendrant des effets positifs peuvent être appréhendés. Certes, lors de l'établissement du périmètre (p. 6 du document cadre pour les consultations multipartites) il est indiqué que l'indice se concentrera uniquement sur les mesures adoptées par les entreprises pour empêcher et limiter les incidences négatives sur les droits de l'homme. Or, cette approche nous semble trop limitée et la simple logique d'évitement des risques nous semble regrettable. Il est évident que les entreprises ne doivent pas assumer des tâches/des fonctions inhérentes à l'autorité publique, mais toute initiative positive devraient être aussi prise en compte dans l'évaluation.

B. MEASUREMENT THEME: Gouvernance - 10%

B.1 Engagements politiques (5%)

L'approche globalisante des droits de l'homme retenue par le document est très importante afin qu'il n'y ait pas un respect « à la carte » de ces droits. Et le choix retenu de l'engagement de respecter les droits de l'homme en général, les droits fondamentaux au travail, les droits des groupes vulnérables et les droits des populations locales, en indiquant à chaque fois les instruments internationaux concernés, nous semble pertinent.

Pour obtenir la note 1 de l'indice « B.1.5. Engagement à intégrer les droits de l'Homme aux relations commerciales (E) », il suffit que l'entreprise s'engage, dans sa politique en matière de droits de l'homme, à couvrir au moins deux conventions de l'OIT sur les principales normes du travail. Cela est imprécis et insuffisant. C'est imprécis car il faudrait remplacer « principales normes du travail » par « les normes des huit conventions fondamentales de l'OIT », ce qui est beaucoup plus clair. C'est insuffisant car lesdites huit conventions forment les standards mondiaux en droit du travail. Car, comme le dit l'OIT, ce socle n'est pas fractionnable ; on ne peut pas faire moins.

B.2 Responsabilité du conseil d'administration (5%)

Peut-être prévoir auprès des membres du conseil d'administration qui peuvent véhiculer un discours en faveur des droits de l'homme, un comité RSE, ayant une représentation des principales parties prenantes de la entreprise, qui aurait la charge de vérifier le respect des engagements en matière des droits de l'homme par les décisions courantes ou exceptionnelles.

C. MEASUREMENT THEME: Systemes de Gestion - 30%

C.1. Adoption de politiques (5%)

Au premier regard la séparation entre adoption de politiques et diligence raisonnable nous a semblé artificielle. Sauf si cette séparation se justifie par le fait de mettre en exergue les risques des violations dans la chaîne de valeur. D'ailleurs, l'introduction de la partie C « système de gestion » induit en erreur et ne traduit pas de manière satisfaisante le contenu des indicateurs qui suivent. Un effort de clarification serait souhaitable.

C.2. Diligence responsable en matière de droits de l'Homme (15%)

No answer given

C.3. Réparation (10%)

Quant à la réparation, la pondération mériterait d'être fixée à la hausse.

Concernant l'indice « C.3.2. Efficacité de ce mécanisme (E) », à certains égards, il est plus facile d'obtenir la note 2 que la note 1. En effet, pour obtenir celle-ci, il faut que l'entreprise s'engage à ne pas punir ceux qui expriment des revendications. Mais cette exigence d'impunité, tout à fait justifiée, ne se retrouve pas pour obtenir la note 2.

Concernant l'indice « C.3.5. Remédier aux incidences négatives identifiées (S) », il est indiqué à la fin : « (*) Nous avons besoin de suggestions quant aux incidences négatives les plus notables afin que la note 2 reflète l'engagement de l'entreprise à offrir des voies de recours complètes et adaptées et à tirer des leçons de son expérience lorsque celle-ci souhaite obtenir cette note sans donner d'exemples. Les parties consultées seront invitées à contribuer à des lignes directrices en la matière ». Voici une proposition : « Si

la question se rapporte au champ couvert par les chapitres précédents, on peut y inclure les incidences négatives dans le domaine social. Voici un exemple: une société transnationale délocalise une partie des activités se déroulant dans un Etat où les huit conventions fondamentales de l'OIT sont respectées pour les installer dans un ou des Etats où les huit conventions de l'OIT n'ont pas été ratifiées ou sont violées bien qu'ayant été ratifiées. »

D. MEASUREMENT THEME: Performance - 40%

D.1. Indicateurs Cles de Performance et Bonnes Pratiques (20%)

No answer given

D.2. Incidences Negatives (20%)

No answer given

E. MEASUREMENT THEME: Rapports / Transparence - 10%

No answer given

(III) COMMENTAIRES ET RETOURS ADDITIONNELS

No answer given

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(I) QUESTÕES CRÍTICAS

1. Os princípios nos quais se baseia a ponderação dos tópicos de medição lhes parecem corretos? A ideia é garantir um equilíbrio entre políticas e desempenho. E se não estiverem corretos, o que é preciso mudar?

O subtópico referente ao tópico liderança não está claro. Deve ser descrito em termos de objetivos e metas quais os aspectos considerados no subtópico liderança.

O subtópico divulgação e transparência também não possui uma meta em percentual associada. No rodapé está descrito que os indicadores da área de medição de divulgação de informações e desempenho não serão classificados como essenciais ou desejáveis. Então qual seria a necessidade desse indicador?

2. Os principais riscos setoriais dos setores extrativista, de vestuário e agrícola (de alimentos e bebidas) foram considerados?

A nomenclatura questões salientes de direitos humanos não está muito clara. Talvez o termo seriverdades de direitos humanos fosse um termo melhor. Por que a preocupação somente com povos indígenas na avaliação dos riscos setoriais do extrativismo e agrícolas? E os ribeirinhos, pescadores, etc. ?

3. O Índice está adaptado ao objetivo de servir a diversos atores?

(E os formadores de opinião tais como a mídia, a academia, por exemplo?)

(II) COMENTARIOS SOBRE TÓPICOS DE MEDIÇÃO E INDICADORES

A. LIDERANÇA - 10%

Qual foi o critério para atribuição do peso 10% ao tópico liderança? Deixar claro o critério no documento de referência.

B. GOVERNANÇA - 10%

Qual foi o critério para atribuição do peso 10% ao tópico Governança? Deixar claro o critério no documento de referência.

B.1. Compromissos políticos (5%)

Não deveria entrar uma parcela referente a ética corporativa? Quais seriam essas responsabilidades do conselho administrativo?

B.2. Responsabilidade do conselho administrativo (5%)

Por que o peso de 5% para a responsabilidade do conselho administrativo? Qual foi o critério estabelecido? Deixar claro o critério no documento de referência.

C. SISTEMAS DE GESTÃO- 30%

Qual o critério para distribuição dos pesos nos subtópicos do sistema de gestão? Não seria pertinente um subtópico que representasse a aderência dos sistemas de gestão às normas internacionais que tratam do assunto?

C.1. Incorporação da política (5%)

Por que foi atribuído o peso de 5%? Qual o critério? Deixar claro o critério no documento de referência.

C.2. Devida diligência em direitos humanos (15%)

Por que foi atribuído o peso de 15%? Qual o critério? Deixar claro o critério no documento de referência.

C.3. Mecanismos de resolução de queixas e de reparação (10%)

Por que foi atribuído o peso de 10%? Qual o critério? Deixar claro o critério no documento de referência.

D. DESEMPENHO - 40%

Por que o peso relativo ao tópico desempenho foi de 40%? Deixar claro o critério no documento de referência.

D.1. Indicadores de desempenho e práticas específicas do setor (20%)

Por que o peso do subtópico indicadores de desempenho e práticas específicas do setor foi de 20%? Deixar claro o critério no documento de referência. Exemplificar o que seriam práticas específicas do setor no documento de referência.

D.2. Eventos adversos (20%)

O que seriam eventos adversos? Deixar claro no documento de referência. Por que o peso desse subtópico foi de 20%? Deixar claro no documento de referência.

E. DIVULGAÇÃO DE INFORMAÇÕES - 10%

Por que os indicadores da área de medição de divulgação de informações e desempenho não são classificados como essenciais ou desejáveis? Por que não foi inserido um subtópico relacionado às lições aprendidas no tópico divulgação de informações? Por que o peso desse tópico é 10%? Por que não colocado o peso no subtópico divulgação e transparência? Deixar claro no documento de referência.

(III) COMENTÁRIOS E OBSERVAÇÕES ADICIONAIS

Na página 5 do documento de referência está mencionado que o índice usará informações de domínio público para classificar empresas (com poucas exceções). O que seriam essas poucas exceções? Exemplificar.

Nessa mesma página foi mencionado que o índice garantirá que empresas de diferentes setores sejam comparadas entre si. Logo em seguida o documento menciona que o índice se concentra nos principais aspectos da atuação de qualquer empresa em relação ao respeito aos direitos humanos e aos fatores específicos de cada setor, quando pertinente. Portanto, se existem fatores específicos de cada setor, como o índice garantirá a comparação de empresas de setores distintos? Isso trará um viés a pesquisa. Esclarecer no documento de referência.