



RSE DERECHOS HUMANOS
RESPONSABILIDAD SOCIAL EMPRESARIAL

Trabajamos a su lado para ofrecer precios económicos, variedad y calidad en más de 30 supermercados y 110 droguerías y también facilitar el acceso a créditos, para que más colombianos vivan plenamente.

Colsubsidio

La República [Colombia], 24 April 2008

Translated by Business & Human Rights Resource Centre from an original article in Spanish, "Mauricio Lazala - Derechos humanos en las empresas", La República, 24 April 2008:
<http://www.la-republica.com.co/RSE/pdf/derechos20080424.pdf>

Mauricio Lazala Derechos humanos en las empresas

Hace apenas diez años, nadie hablaba en el mundo sobre empresas y derechos humanos, como si una cosa no tuviera nada que ver con la otra. Así, el tema de derechos humanos se veía ajeno por completo al sector empresarial, mientras los principios OIG (relacionados con este tema) (Amnistía Internacional y Human Rights Watch, por ejemplo) nunca se interesaban siquiera por el sector privado, estando dedicadas con exclusividad al análisis de los gobiernos o Estados.

Pero, tal situación empezó a cambiar en la década anterior, cuando se permitieron los cámbios en las estructuras corporativas en firmas tan prestigiosas como

Enventos allí, con un simple click, reportes y boletines de prensa, informes de las mismas empresas y de organismos internacionales como la ONU, el Banco Mundial, el Fondo Monetario, el BID y la OEA, es decir, un amplio material informativo que cada día se actualiza a través de expertos en los cinco continentes, donde se tiene también el apoyo de varios "coligos" (en Hong Kong y Ginebra, para mencionar sólo dos).

Pero, ¿cómo se escogen las empresas? Cuando llega un reporte "rojo" -resguarda la libertad de un sindicato por presunta violación de derechos laborales en una empresa, ésta es consultada de inmediato



bastante amplio, del que la propia responsabilidad social empresarial resulta ser apenas una parte, naturalmente en contravía de lo que opinan otros expertos.

En efecto, para la entidad que él representa incluye los derechos humanos en sentido estricto, según confirman los principios básicos del citado Pacto Global: los derechos laborales, que son auténticos derechos humanos, según aparecen en los convenios de la OIT adoptados por todos los países miembros de la ONU. Derechos que van desde la libertad de asociación de los trabajadores y la negociación colectiva hasta el derecho de huelga y la prohibición del

derechos humanos en América Latina, está muy politizado, para nuestros empresarios le temen al asociarse con posturas de izquierda, en ocasiones radicales, que tienden a ver a las empresas como a los enemigos de sus trabajadores.

"Hay que despolitizar el tema", sentencia. Y hay que hacerlo, sobretodo porque el tema es económico y empresarial como el que más. ¿O es que la seguridad ocupacional se pregunta, vital en las empresas, no tiene que ver ante todo con los derechos humanos?"

"Los derechos humanos tienen una dimensión empresarial muy importante", agrega al tiempo que reclama de nuestras empresas pretarle

Interview – Mauricio Lazala: Human Rights and Companies

As recently as ten years ago, nobody talked about business and human rights, as if the one had nothing to do with the other. Human rights were not considered to be of concern to the private sector, while the main human rights NGOs (such as Amnesty International and Human Rights Watch) did not pay attention to the private sector, being dedicated exclusively to analysing state actions.

But that situation began to change over the last decade, especially after the well-known scandals involving prestigious companies like Nike, Shell and Exxon, precisely for what were considered flagrant abuses of human rights (whether in the form of labour or environmental impacts). From then on, the issue began to grow and in 2000 the United Nations Global Compact was launched, which clearly established the human rights, labour rights and environmental principles that participating companies should adhere to. Also around the beginning of the present decade, somebody in London (Christopher Avery) thought that there was no significant global organization dealing with the relationship between companies and human rights, arriving at the conclusion that he should create one. That is how the NGO "Business & Human Rights Resource Centre" was born. Its director for Latin America & Middle East is Mauricio Lazala, a Colombian national who has been living abroad for the past thirteen years, who studied political science in Israel and international law at the prestigious University of Cambridge in England. Lazala spoke with this newspaper during his recent visit to Bogota, where he participated in a forum on CSR, human rights and armed conflict organized by Fundación Ideas para la Paz.

The pros and the cons

If you go to the Resource Centre's website (www.business-humanrights.org) you can check the social and environmental impacts of companies like Coca-Cola, Wal-Mart, Nestlé and even Seguros Bolívar [local Colombian company], in a list of more than four thousand from all around the world – from multinationals to small and medium enterprises – that is not limited to participants in the Global Compact.

You will find, on a simple click, reports and press releases, documents produced by companies themselves and reports by international organizations such as the UN, the World Bank, the International Monetary Fund, the Inter-American Development Bank and the OAS. That's to say, a wide range of information that is updated every day by experts in several continents, as the Resource Centre has researchers in places such as Hong Kong and South Africa.

But, how are the companies chosen? When a report arrives – he explains – for example an allegation by a trade union of a labour rights abuse in a company, the Resource Centre immediately contacts the company to give it the opportunity to respond. The company sends its report (the response rate is 75%, that is three out of every four companies contacted), which is then published together with the accusation on the above-mentioned website, thus presenting both sides of the coin. "The person who consults this information on the internet is the judge, not us", Lazala comments, after clarifying that both parties' comments are published without the usual

journalistic editing, putting trust in the ability of the users to evaluate the two sides. This trust is well-founded. Suffice it to say that the six thousand subscribers throughout the world [to the Resource Centre's weekly bulletin] include important companies, socially responsible investment firms, prestigious media outlets and NGOs, all of whom applaud the impartial, objective and balanced character of Business & Human Rights Resource Centre. "We are not a NGO that chases companies. The best proof of that is that we have both 'negative' and 'positive' stories", he declares.

No to politicization

The above fully demonstrates that human rights are an issue that matters more and more to companies. But it is worth clarifying that we are talking about human rights in a broad sense, in which corporate social responsibility (CSR) is only one part, naturally contradicting the way other experts view CSR. In effect, for the organization that Lazala represents, human rights are a concept encompassing:

- the basic principles that are spelled out in the Global Compact's charter;
- labour rights, which are also human rights according to the ILO conventions adopted by many UN state members. These rights range from workers' freedom of association and the right to collective bargaining, to the right to strike and the prohibition of child labour;
- and environmental rights, based on the fact that human beings have the right to health and for their health not to be affected by third parties (such as private companies).

Lazala states, however, that among the norms that establish such rights one must distinguish between those that are more mandatory in nature and involve governments – ILO conventions and OECD Guidelines for example – and those that are voluntary and business-led – like the Global Compact or the Equator Principles adopted by the financial sector. On the Resource Centre website, he says, there are sections for each relevant initiative, agreement and convention.

Unfortunately, he adds in critical tone, the subject of human rights in Latin America is very politicised. Our businessmen fear the term 'human rights' as they associate it with left-wing and, on occasion, radical political positions that view companies as enemies of their workers. "We must depoliticise the subject", says Lazala. And it is necessary to do so, he emphasises, because human rights have as much to do with economics and enterprise as anything else. Does not workplace health & safety - he asks – which is so vital for companies, have to do above all with human rights? "Human rights have a very important corporate dimension", he adds, while calling on our companies to pay more attention to human rights issues.

Practical guide

Since human rights are sometimes a vague concept, especially from the point of view of companies, the Business & Human Rights Resource Centre website lists 152 corporate human rights policy statements that companies have adopted and made public. The site has also selected the top 21 human rights reports by companies, so that you can consult them and decide which could serve as a guide and allow your company, in short, to adopt appropriate human rights practices with regard to your various stakeholders, or throughout your supply chain.

What to do in relation to the armed conflict?

For Mauricio Lazala, companies must play a central role in the context of armed conflict, with the aim of helping to solve it. In his view, companies can take positive steps to participate in conflict resolution, and even more: they have a responsibility to do so. If they do this, they will obtain great benefits, just as the costs are significant if they do not.

Unfortunately – he says – some companies have been part of the problem, not of the solution, because they actively participate in the conflict and in the resulting violation of human rights, sometimes by operating outside the law.

This is the case of Chiquita, the powerful North American banana company that faces at present a multi-million dollar lawsuit – for 7.83 billion dollars! – on behalf of relatives of victims of paramilitary groups in the Urabá region, to mention a key case. The case of Chiquita seems to be just the tip of the iceberg, since full investigations on these matters are only now starting to take place and they could lead to a scandal similar to the “parapolítica” [politicians under arrest and investigation for linkages with paramilitaries], which some are calling “paraempresarialismo”...

It is necessary to avoid, therefore, illegal activities [such as making payments to armed groups]. How? To express it in corporate language: by minimising risks by reporting any extortion attempt to the police, by not paying “vacunas” (extortion), and even by quitting "hot" regions.

Why? Again, because the violation of human rights is quite costly, while their protection generates numerous benefits: retention of qualified personnel, competitive advantage, reduction of the costs of potential lawsuits that can be drawn out for a long time, the strengthening of reputation and brand, and greater preference by consumers.

Now over to the businessmen.