Assessment and Evaluation of Business and Human Rights Reporting by Corporate India

An IIM Bangalore and NHRC Joint Study

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Table of Contents

List of Abbreviations

Abbreviations	Full Form
BHR	Business and Human Rights
BRR	Business Responsibility Report
CII	Confederation of Indian Industry
CSR	Corporate Social Responsibility
DIHR	Danish Institute for Human Rights
FTSE	Financial Times Stock Exchange
GSTN	Goods and Services Tax Network
GANHRI	Global Alliance of National Human Rights Institutions
ILO	International Labour Organization
MCA	Ministry of Corporate Affairs
MSME	Micro, Small and Medium Enterprises
NAP-BHR	National Action Plan on Business &Human Rights
NGRBC	National Guidelines on Responsible Business Conduct
NHRC	National Human Rights Commission
NHRIs	National Human Rights Institutions
NSE	National Stock Exchange
NVG	National Voluntary Guidelines
OECD	Organization for Economic Cooperation and Development
SDG	Sustainability Development Goals
SEBI	Securities and Exchange Board of India
UN	United Nations
UNGP	United Nations Guiding Principles

List of Figures

8296/2020/RU-4

Executive Summary

In 2011, UN Human Rights Council endorsed the UN Guiding Principles (UNGP)[1] on Business and Human Rights and placed accountability on corporations to refrain from negatively impacting rights even when Governments do not or are not able to enforce the necessary laws and also ensure that the victims of corporate abuses must have access to remedy. Widely known as "Protect- Respect-Remedy" framework, it defined foundational and operational principles for strengthening the human rights agenda. Pillar 1 ("Protect") defines the State's duty to protect against human rights abuses within their jurisdiction by third parties including business enterprises. Pillar 2 ("Respect") articulates the need for businesses to avoid infringement of human rights in their operations. Pillar 3 (Remedy) focuses on how they should address the negative human rights through remediation processes.

Ministry of Corporate Affairs (MCA), Government of India released National Voluntary Guidelines[1] (NVG) in 2011, which drew up on the UNGP and took a rights perspective to responsible business conduct. Principle 5 of NVG stated that "Business should promote and respect human rights". In 2019, National Guidelines on Responsible Business Conduct (NGRBC) was released and it explicitly acknowledged the centrality of Principle 5 by stating that *"human rights are rights inherent to all human beings, and that everyone, individually or collectively, is entitled to these rights, without discrimination. It further recognizes that <u>human rights are inherent, inalienable, interrelated, interdependent and indivisible</u>. It is **inspired, informed and guided by the Constitution of India** and the International Bill of Rights and recognizes the primacy of the State's duty to protect and fulfil human rights. The Principle is **further informed and guided by the UN Guiding Principles** on Business and Human Rights in its articulation of the responsibility of businesses to respect human rights."*

In the backdrop of the development of the NGRBC, National Human Rights Commission (NHRC) commissioned a study to understand the disclosures made by corporations pertaining to human rights within specific sectors. Prior research in the field of business and human rights has recognized that the operating context of the sector, the institutional context at the national level and the location of the organization in the value chain impact the nature of relevant human rights.

Keeping in mind the significant geographic and sectoral contextual differences within India, the focus of the study was to understand the salient business and human rights in four diverse sectors namely Pharma, Construction, IT services and Logistics. The three key research themes were: 1) to comprehensively assess commitment of corporates on labour/employee rights through analysis of corporate responsibility disclosures

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[1] https://www.mca.gov.in/Ministry/latestnews/National_Voluntary_Guidelines_2011_12jul2011.pdf

made by companies; 2) to understand the salient rights in the value chain of the identified sectors; and 3) to evaluate self-assessment tool of National Human Rights Commission, India (NHRC) with other responsibility frameworks. A combination of secondary and primary research was used to examine the research questions.

Our findings based on the disclosure analysis of Business Responsibility Reports (BRRs) of 100 NSE (National Stock Exchange) companies revealed that child labour, forced labour, freedom of expression and association/collective bargaining, non-discrimination, equal opportunity, equal pay, diversity and inclusion, workforce safety and health were the key labour rights areas that were being disclosed. We observed that the disclosures made by NSE 100 companies were not significantly different from the next 100 companies within a sector. Information pertaining to supply chain labour rights was poor. None of the top 100 companies provided information on the supplier code of conduct, the inspection frequency, accountability on rights violations and mitigation measures in case of violations in the supply chain. Since logistics and pharmaceuticals have long and complex supply chains, absence of information pertaining to labour standards in supply chain raises concerns from a rights perspective. Some labour/employee rights that transcend sectors include social security payments for contract employees, adequate health, safety and working conditions for supply chain employees and gender equality in employment across jobs.

From a policy perspective, since labour issues fall in the concurrent list and are legislated by the Centre/Union and states, implementation gaps are significant and this negatively impacts labour rights. Stronger implementation of existing laws through use of technology emerged as a solution, especially in the context of increased digitization of Government records. Finally, the need for multi-stakeholder partnerships between NHRC, Ministry of Corporate Affairs (MCA), Ministries responsible for implementing the rights, corporations and civil society is critical to effective translation of the Business and Human rights agenda for India.

Chapter 1: Introduction

While businesses have contributed to positive impacts on society, there has been growing evidence on their negative impacts. Often these impacts are known to be intergenerational in nature, especially pollution of natural resources like air and water that impacts the rights of the future generations. In 2011, UN Human Rights Council endorsed guiding principles[2](UNGP) on Business and Human Rights and squarely placed accountability on corporations by explicitly articulating that they must refrain from negatively impacting rights even when Governments do not or are not able to enforce the necessary laws and also that the victims of corporate abuses must have access to remedy. Widely known as "Protect- Respect-Remedy" framework, each of the three pillars defined foundational and operational principles for strengthening the human rights agenda. Pillar 1 ("Protect") defines the state duty to protect against human rights abuses within their jurisdiction by third parties including business enterprises. Pillar 2 ("Respect") articulates the need for businesses to avoid infringement of human rights in their operations. Pillar 3 (Remedy) focuses on how they should address the human rights with which they are involved.

The dominant discourse on the role of corporations in society has centered on Corporate Social Responsibility (CSR). Is there a difference between CSR and human rights? Articulating the difference, Prof John Ruggie (2009) states that every human being is holder of rights and hence both Government and Business have an obligation as duty-bearers to protect, respect and remedy the breach of these rights. The legal and policy norms through international treaties, agreements and national constitutions provide the mechanism for discharging this duty diligently. It is this right that enables human beings to live with dignity. Human Rights by its basic definition are indivisible, interdependent and inalienable. In this lens, the rights-based approach acknowledges the "Rights" of beneficiaries and reinforces the idea of duty bearers to respect, protect and guarantee the rights. Thus, it is two-way street where beneficiaries who are "Right holders" need to be informed about their rights and Government and other duty-bearers need to Protect-Respect-Remedy. Rights-based approach as defined by UN's guidance on Human Rights Based Approaches (HRBA) to programming states that dignity and well-being of human beings is the fundamental basis for rights- based approach. It requires rights holders to be empowered and to know and claim their rights.

In contrast, CSR approaches are characterized by voluntariness and discretion and are often perceived to be essentially about proactive corporate engagement in social causes and thus about corporate responsibilities beyond the (negative) realm of doing no harm. The strong focus on community relations and philanthropy persists with more recent calls for responsibility across stakeholders. CSR focuses on needs of the beneficiaries which are largely driven by good intentions; however, rights are legal and ethical obligations

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[2]https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

(Cornwall & Nyambu-Musembi 2006). Having said this, it is important to recognize that in several developing countries, there is a need for discretionary social development activities along with a rights perspective. Using a human rights-based perspective to CSR can positively accentuate the contribution of businesses to the Business and Human Rights (BHR) agenda.

Academics and practitioners have both contributed to the evolving literature on BHR. In this chapter, we provide a review of the literature in the field of Business and Human Rights from both academic and practice-based scholarship; we then present the first phase of secondary research that was undertaken.

Academic literature on human rights

Traditionally, human rights have been thought to relate exclusively to government conduct. In the 1970s, the UN and OECD launched parallel initiatives to regulate the business activities of MNEs through international codes of conduct. Both the UN Draft Code and the OECD Guidelines for Multinational Enterprises contained a paragraph connecting corporate conduct with human rights (*Wettstein, 2019*). The early debates on business and human rights tended to largely focus on clarifying potential bases of legal human rights accountability of corporations, the role of non-state actors under international human rights law and forms and foundations of corporate complicity. Gradually, several scholars and practitioners began to explore the moral foundations of corporate responsibility as opposed to the legal foundations. At the core, the focus is on the moral agency of companies and how it relates to human rights responsibility (Werhane 2016; Arnold 2016).

The publication of the UNGPs in 2011 dramatically enhanced the scholarship through assessment and appraisal of the UNGPs, both affirmatively (e.g., Buhmann 2013) and critically (Deva 2013; Bilchitz et al., 2013; Wettstein 2012, 2015). Management scholars have assessed the content of corporate human rights policies (*Preuss & Brown 2012*); explored human rights as a dimension of accounting (*McPhail & Ferguson 2016*); how companies make sense of human rights internally (*Obara 2017*), and how they are held to account for their human rights impacts by external reporting mechanisms (*Islam & McPhail 2011; Buhmann 2018*).

There is evidence to support that among the FTSE 100 companies, 42.8% of firms do not seem to address human rights at all (*Preuss & Brown, 2012*) in their disclosures. When it comes to the content of corporate human rights policies, the study found that shallow commitments dominated the disclosures made by companies. Companies were seen to focus on a narrow range of negative rights, i.e. on respecting human rights, rather than positive ones, i.e. initiatives to protect or fulfil human rights obligations. Literature on business and human rights has also tended to focus on specific issues like labour rights or environment rights or within a theme, for instance, human trafficking or supply chain or sector specific rights. It is now well

recognized that human rights are contextual in nature in terms of geography, operations and sector (*Jamalli & Neville 2011, Giuliani & Macchi 2014*).There is a paucity of academic research on disclosures on human rights.

Practitioner literature

Several National Human Rights Institutions and consulting firms have been engaged in promoting implementation of BHR. They often collaborate with UN to disseminate the UNGP framework. Examples include Shift[3], Business for Social Responsibility[4], Mazar[5] and Twenty Fifty[6] who provide advisory support and also periodically publish sector and right specific reports. DIHR[7] is the national human rights commission of Denmark and has been an early adopter of UNGP. Currently DIHR is engaged in partnerships with several state agencies, UN and EU projects to share its learning and insights on BHR agenda.

The benchmarking of policies, process and practices in the area of BHR is being done by Corporate Human Rights Benchmark, sectoral trends through analysis of public disclosures is being done by Shift; surveys of perceptions of corporate leaders is being done by Economic Intelligence Unit and Mazar. DIHR has contributed significantly to sector specific reports. Most of these organizations have their own frameworks for Human Rights Due Diligence (HRDD) and Human Rights Impact Assessments (HRIA) based on the UNGP.

To summarize, a review of the academic and practitioner literature indicates that the field of BHR is quickly evolving and that UNGP implementation has been led by practitioners. It is also evident that understanding and awareness of BHR is varied across actors in the system. Given its strong linkage to the legal frameworks of the country, there is a high degree of contextual embeddedness from a legal perspective and also the sectoral perspective. The practitioner literature is dominantly focused on helping businesses address the gaps in conceptualization and implementation at a firm and sectoral level. However, a "one size fits all" approach is likely to be ineffective in BHR. Academic scholarship in the field has not paid attention to the issue of human rights from an emerging market perspective. The dominant focus has been on the link between home states in the North and high-risk and conflict areas in the South. The rise of emerging-market multinationals from India and China has the potential to shape and alter the BHR discourse significantly. Emerging market researchers have a key role in shaping the global discourse on BHR.

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[3] https://www.shiftproject.org/who-we-are/
[4] https://www.bsr.org/en/about/story
[5] https://www.mazars.com/Home/About-us/Mazars-at-a-glance
[6] https://www.twentyfifty.co.uk/en/our-services/
[7] https://www.humanrights.dk/partners

8296/2020/RU-4

Human Rights have been enshrined in the Constitution of India in the form of Fundamental Rights and the Directive Principles of State Policy. India has also been a signatory to several of the UN conventions, thereby espousing a rights perspective. When UN launched UNGP framework in 2011, simultaneously, Ministry of Corporate Affairs (MCA), Government of India released National Voluntary Guidelines[8] (NVG). Principle 5 of NVG states that "Business should promote and respect human rights". Therefore, the discourse on responsible business conduct in India has at its core a human rights perspective. In 2019, National Guidelines on Responsible Business Conduct[9] (NGRBC), an updated version of the NVG was released. One of the key elements of the NGRBC is its alignment with Sustainability Development Goals (SDG) (2015), UNGPs, Paris Agreement on Climate Change (2015), India's ratification of ILO Core convention on minimum age and worst forms of child labour (2017), SEBI's mandate on Business Responsibility Reporting (2012) and Companies Act (2013). NGRBC also provides an opportunity for all businesses irrespective of their size, ownership, sector and location to disclose on their business responsibility. NGRBC explicitly acknowledges the centrality of Principle 5 by stating that *"human rights are rights inherent to all human beings, and that everyone, individually or collectively, is entitled to these rights, without discrimination. It further recognizes that human rights are inherent, inalienable, interrelated, interdependent and indivisible. It is **inspired, informed and guided by the Constitution of India** and the International Bill of Rights and recognizes the primacy of the State's duty to protect and fulfil human rights. The Principle is **further informed and guided by the UN Guiding Principles** on Business and Human Rights in its articulation of the responsibility of businesses to respect human rights."*

National Action Plan on Business & Human Rights in India

In 2014, UN's Human Rights Council called upon its member nations to develop National Action Plan on Business and Human Rights (NAP-BHR) for effective implementation of UNGPs. In 2018, Ministry of Corporate Affairs (MCA) organized several consultations workshops with relevant ministries, agencies and stakeholders regarding the action plan and has launched the zero draft. The NAP-BHR consultation process is underway at the time of preparation of the report. The interrelationships across NGRBC, UNGP and SDGs are being assessed and incorporated by the Ministry of Corporate Affairs.

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[8]https://www.mca.gov.in/Ministry/latestnews/National_Voluntary_Guidelines_2011_12jul2011.pdf
[9]https://www.mca.gov.in/Ministry/pdf/NationalGuildeline_15032019.pdf

8296/2020/RU-4

About NHRC and its role in Business and Human Rights in India

NHRC, as an institution has been influential in emphasizing state's duty to protect and provide access to remedies in case of violation of rights. NHRC plays a critical role in ensuring the implementation of laws that protect labour. It is also involved in organizing workshops and trainings to public servants/officers to familiarize them with existing laws and empower them as duty bearers. As a quasi-judicial entity, it plays a key role in protection of environment rights and ensures that violations by industries are addressed effectively. NHRC has also been instrumental in highlighting the issues in Government policies and acting on the complaints received on industry practices and processes that impacts society.

The Global Alliance of National Human Rights Institutions (GANHRI) is a global network of National Human Rights Institutions (NHRIs). GANHRI coordinates between the NHRI's across the world and the UN system and is a non-UN body. UNHRC's protect-respect-remedy framework acknowledges the role of NHRIs and encourages the NHRIs to build their capacity[10] to address the salient issues in the sphere of business and human rights. India's NHRC has been an active participant in this agenda. It has been regularly organizing conference and workshop with industry bodies such as CII to share the national and international developments in the area. In 2017, NHRC developed[11] draft of self-assessment tool to be voluntarily used by the businesses in India with respect to their responsibility conduct.

In the last decade, several governance and social responsibility related changes have characterized the landscape of companies. With Section 166 of the Companies Act, 2013 explicitly recognizing the fiduciary responsibility of the board to its stakeholders and SEBI mandating BRR for a certain class of companies, the interface between the business and society has become a responsible business agenda. The growing recognition that the SDG commitments needs to be honored through partnerships between various actors and the explicit role those businesses can play as a force for good is recognized in the NGRBC. It is against this backdrop, that the report with its emphasis on understanding the business and human rights agenda within the landscape of corporate India is located.

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[10]https://nhri.ohchr.org/EN/Themes/BusinessHR/UNForum/1/DocumentsPage/FINAL%20report%20of%20UN%20Forum%20on%20business%20and%20human%20rights.pdf
[11]https://mha.gov.in/sites/default/files/NHRCAnnualReportEng_2016-2017_27022019.pdf

Chapter 2: Objective and Methodology of the study

The objective of the study was to

1) Comprehensively assess commitment of corporates on labour/employee rights
2) Understand the salient rights in the value chain of select sectors
3) Evaluate NHRC's self-assessment tool with other responsibility frameworks
4) Provide recommendation for policy and practice with respect to business and human rights

The three objectives were addressed through a combination of secondary and primary research in different phases detailed in

Annexure 1: **Project** . The methodology and findings are presented for each research objective under different sections.

2.1 RESEARCH OBJECTIVE 1: ASSESSMENT OF CORPORATE COMMITMENT ON LABOUR RIGHTS

Methodology

To address the research question on corporate commitment to BHR through disclosure analysis, we used the top 50 and 200 NSE indices[12] to identify hundred companies belonging to seventeen sectors. Using top NSE50[13] index, we identified at least one large-cap company from each sector. In those cases, where there was no company from a particular sector in the NSE 50, the search was extended to NSE 200. Further, sectors have subcategories. For example, consumer goods sector has sub-categories such as cigarettes and tobacco, retail, personal and household which had very different sectoral context. The search accommodated the sub-categories representation also. Research (*Buhr & Freedman 2001*) states that the size of the corporation within a sector matters since companies of similar size tend to behave similarly in terms of disclosure. Therefore, all the companies chosen for analysis were large or mid-large cap based on the market capitalization.

We collected data for the hundred companies for five years from 2013-14 till 2017-18. The information was collected from four sources: annual reports with specific emphasis on Chairperson's Message to Shareholders; Sustainability Reports; Business Responsibility Reports (BRR), and standalone policy documents providing information using a rights perspective. We extracted the information and compiled them company-wise and year-wise to observe trends. The websites of the firms were used to get additional documents that were not available in the report. These included human rights policies, whistleblower policies and Prevention of Sexual Harassment policies.

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[12]https://www.nseindia.com/products/content/equities/indices/nifty_200.htm, https://www.moneyworks4me.com/best-index/nse-stocks/top-nse200-companies-list/
[13]https://www.nseindia.com/products/content/equities/indices/nifty_50.htm

A detailed analysis of labour rights disclosures of the top 10 companies in the NSE 200 in the pharmaceutical, software services, construction and logistics sector was done to understand the sector specific rights. The disclosures for the companies (both domestic and multinationals) were analysed for 5 consecutive years. The analysis was done based on the quality and quantity of disclosures. Quantity pertains to the volume, extensiveness and comprehensiveness of the disclosures, providing relevant data and supporting evidence wherever required. Quality refers to the depth of information provided, contextual details pertaining to the sector, delegation of authority, decision-making and implementation processes followed along with designated personnel and mechanisms for tracking and reporting. The content analysis of the documents was undertaken manually, and themes were coded based on the identified human rights.

In order to enhance the reliability of the coding process for disclosure analysis, the inter-temporal and inter-coder reliability test was conducted. In case of themes, coverage and sectoral pattern analysis, after the original coding process, the same coder repeated the coding after six months. This set was given to another person outside the author team and inter-coder reliability test was executed. The inter-coder reliability was about 90% and wherever there were discrepancies the primary investigator and the two researchers discussed and arrived at a meaningful categorization of the theme drawing on the literature.

Findings

Human Rights Disclosure Analysis

Prior research by the authors in association with Wipro Foundation (*Srinivasan & Parvathy, 2019*) revealed that disclosures on human rights by the top companies in the NSE 200 had improved over the years since 2013. Prior to the SEBI mandate, very few companies provided comprehensive disclosures on the environmental/social aspects of their business. The mandate appears to have clearly influenced the quantity of disclosures. However, wide variations in disclosures persist across sectors and across companies within a sector. Employee/labour and environment were the two rights extensively disclosed. Pharma, Health and Chemicals; Production and Manufacturing and Energy sector disclosures are more comprehensive compared to other sectors. Energy sector has provided extensive contextual information about the nature of their operations and the human rights challenges that confront them. In all the other sectors, the link between the sector-specific contextual characteristics and its relationship to the salient human rights issues for the organization was weak or non-existent.

We observed that child labour, forced labour, freedom of expression and association/collective bargaining, non-discrimination, equal opportunity, equal pay, diversity and inclusion, workforce safety and health were the key labour rights areas that were being disclosed in the BRR. The most comprehensive disclosure in the BRR was on sexual harassment since this was mandatory as per the Prevention, Prohibition and Redressal Act, 2013. Employee health and safety compliance is a GRI reporting requirement too.

We also observed that the NSE top 100 companies did not fare better in disclosures than the next 100 companies within a sector. This finding is contradictory to the belief that the top 100 companies set the standards because of their visibility and better reputation and that others will tend to mimic the practices of the top companies. None of the top companies provided information regarding their supply chains and neither was any information available on the supplier code of conduct, the inspection frequency, accountability on rights violations and mitigation measures in case of violations. The disclosures pertaining to HR due diligence (HRDD) or HR impact assessment (HRIA) are nonexistent. Summary contains the data analysis pertaining to the findings presented here.

RESEARCH QUESTION 2: UNDERSTANDING THE VALUE CHAIN AND THE SALIENT HUMAN RIGHTS IN SELECT SECTORS

Data Analysis

There exists very little academic research on human rights in value chains in specific sectors. Secondary research revealed that consulting companies and human rights institutions have been releasing periodic reports on different sectors. The four selected sectors were construction, IT services, Pharmaceuticals and logistics representing both manufacturing and services sector. The choice of the sectors was deliberate to capture the significant variations in their value chains and the spectrum of associated rights.

We developed a semi structured interview schedule containing questions that covered the key human rights issues in the sector. (Interactions contain the key issues examined in the interviews).

We used this interview schedule in our consultations/interviews/workshops and focus group meetings with key representatives in each of the sectors. Some of the topics covered include their understanding of the vulnerable human right areas in the value chain, their role as duty bearers and current practices in organizations to strengthen human rights. We also asked the respondents to provide suggestions on how the human rights agenda could be meaningfully implemented in the future both at the organizational level and at the sector level. This information has been used extensively while formulating the recommendations. The research team independently met some subject matter experts/academics to either validate the responses

provided or to seek inputs on some key aspects where we could not gather enough perspectives from the respondents.

A meeting protocol was followed. Before the interview, the respondents were assured of the confidentiality of the data and were informed that the data collection was for the purpose of research. The respondent list is provided in Annexure. After the interviews and meetings, the proceedings were transcribed. There was a conclave where majority of the deliberations were in regional language. One member of the research team had necessary language proficiency to translate and transcribe. All the transcriptions are available with the authors. It can be made available on request.

The methodology that we had outlined earlier had to be changed to accommodate the different field realities in the case of logistics and IT. In the case of logistics, the research team spent a lot of time in one on one meeting with various actors in the sector. The sector is heterogeneous and fragmented and largely informal. During the course of the interviews, we were able to arrive at some broad classification of the sector and identify the salient human rights. In the case of the IT industry, access proved to be difficult. We had to use publicly available sources of data to validate some the insights that we gained from our meeting with academics. The research team decided to gather views of breach of employee rights through the website www.glassdoor.com. The website has a strong participation from employees in the IT sector and current and former employees post information both positive and negative about an organization. The website protects the anonymity of employees and enables them to voice their opinion. Some of the commonly mentioned issues in the website regarding the sector were: employees need to be treated with dignity; opportunity for newcomers to contribute meaningfully to the organization is not available, surveillance and tracking of individuals during breaks and poor compensation for apprentices. We examined secondary data for negatively impacted rights that are inherent to information technologies (IT) and their applications. We also observed that globally this was a new and emerging area of study.

The research team observed that group consultation meetings at a sectoral level were poorly attended. Participants mentioned that they were uncomfortable to share their experiences with others present in the room. Many of them expressed that the field of human rights was new to their organization and that they may not have the required information to provide us in the meetings. Many of them were not clear about their organizational position on several human rights dimensions and hence were wary of talking to researchers. We therefore decided to do one on one interviews and these proved to be a rich source of information. Many participants were candid and expressed their limitations and challenges in providing us details on what their organizations did, but they did provide good insights into the operational aspects of rights violations.

8296/2020/RU-4

Findings

Human Rights in Value Chain in Select Sectors

Our prior research on disclosure analysis revealed significant differences in the human rights disclosures at a sectoral level. In the case of the pharmaceutical sector, we observed that the quantity of disclosures on all aspects of human rights were high. All companies had a Human Rights policy either as a /standalone document or within their code of conduct. The sector also discloses comprehensively on unfair labour practices, gender discrimination, factory lockout due to wages, harassment at work and unsuitable working conditions as key risks in supply chain. The sector also disclosed that the supplier Code of Conduct covered human rights especially labour rights. However, disclosures on due diligence or impact assessment were weak. However, in the case of IT services industry, environment, Safety and Health reporting was high on quantity. However, disclosures on Freedom of association, collective bargaining were weak on data but rich in explanation as to why this right is not relevant for the industry. Automation and its impact on low and medium skilled jobs was discussed, however, the company's own strategy on mitigation of impacts from a rights perspective was missing. Data privacy and security concerns were mentioned from a customer point of view but their implications in the context of employees was not addressed.

In logistics sector, disclosures across all aspects of labour rights were poor. While all of them listed generic health and safety measures, none of them highlighted the working conditions, especially of workers in warehouses or truck drivers on the road, which were specific to the sector. All the companies have reported on absence of child labour and forced labour in their organization as well as in supply chain. However, since the sector is dominated by MSMEs and is highly fragmented, and there are no reports of HRDD or HRIA, it is difficult to consider the statements as facts for absence of child labour.

In case of construction sector, there was no exclusive human rights policy in place across organizations. The relevant rights pertaining to vulnerable populations, Displacement and Community Relocation, Housing, Affirmative Action and Operations in Conflict Zones were not discussed. Contractor and vendor due diligence along with regular audits are reported by the companies. However, no specific inference can be drawn about how this translates in the context of labour rights. Safety training appears to be an integral part of all corporate disclosures. Pre-employment and regular health check-ups are provided to workers and the disclosures report the number of employees and workmen covered under this scheme. However, number of contractual and permanent labours who were provided the health check-up was not mentioned. It is not clear if contractual employees were provided with such benefits. There was no mention of the number of contract labour employed or migrant labour in any of the reports. All the companies have reported on absence of child

8296/2020/RU-4

labour and forced labour in their organization and none of the companies have disclosed on having conducted impact assessments for child labour within their supply chains.

It is evident from the above analysis (Annexure 5: Status of Reporting in Selected Sectors) that the variations across industries on disclosures are high. Contextual dimensions of the sector/industry play a key role in identifying the nature of risks and the significance of the risks from a human rights perspective.

The following section contains sector wise analysis and findings. We present an overview of the sector, discuss its value chain or the key actors in the sector and then examine the human rights implications. We use a value chain approach for pharma and an actor mapping approach for construction, logistics and IT.

Sector Specific findings

Pharma

The Indian Pharmaceutical sector (PC&H) is one of the sectors and is expected to by 2022. India's exports stood at US$ 5.17 (up to August'19) and the expected to reach US$ 20 The Indian pharmaceutical world's third largest producer volume.[14] It is also the ninth and Healthcare fastest growing cross $37 billion pharmaceutical billion in FY20 exports are billion by 2020. industry is the of drugs by largest with respect to revenue[15] (Torreya Partners 2017) generation. It is estimated that 70% of the revenues come from Generic Drugs, 21% from Over the Counter drugs and 9% from Patented Drugs[16].

The sector comprises of nearly 25,000 fragmented companies with only 300 companies in the organized sector accounting for 70% of the total market share. Nearly 18,000 are small and medium companies which

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[14] Make in India, IBEF India Pharma Outlook and Brand India
[15]Torreya Partners. (2017). *Share of pharmaceutical revenue worldwide in 2017, by country. Statista.* Statista Inc. Accessed: October 09, 2019. https://www.statista.com/statistics/784420/share-of-worldwide-pharma-revenue-by-country/
[16]India Brand Equity Foundation. (2019). *Share of pharmaceutical market revenue in India in 2018, by sub segment. Statista.* Statista Inc. Accessed: October 09, 2019.

form the core of the supply chain of the pharmaceutical industry in India. [17]The top 10 multinational companies capture nearly 45% of the total market share.[18]Branded generics dominate, making up for 70 to 80 per cent of the retail market[19].

Value Chain

The structure of the Pharmaceutical and Healthcare sector is divided into two main streams:

a) Active Pharmaceutical Drugs/ Bulk Drugs and b) Formulations. These are further broken into branded and generics[20]. However, the value chain for the two streams remains the same. Active Pharmaceutical Drugs or Bulk Drugs are the core component of a drug, i.e. the substance responsible for the product being a medicine while Formulations are a combination of the Bulk Drug with one or many chemical substances. Formulations may be available in the form of tablets, capsules, syrups, drops, intravenous fluids. For the purpose of this study, both will be commonly referred to as Drugs.
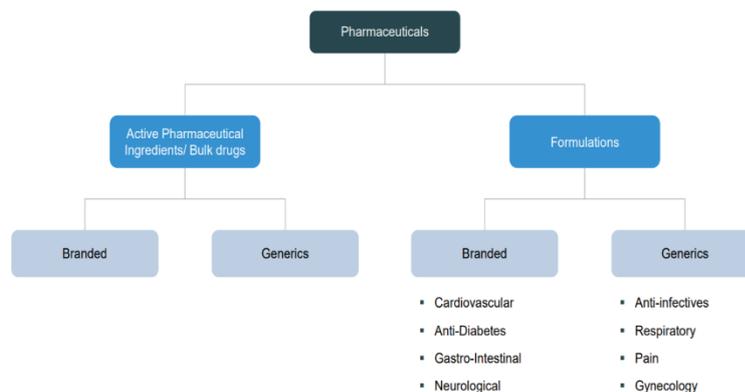
The stages of the pharmaceutical value chain are classified into Drug Discovery, Production, Distribution and Marketing.

Pharmaceuticals
- Active Pharmaceutical Ingredients/ Bulk drugs
  - Branded
  - Generics
- Formulations
  - Branded
    - Cardiovascular
    - Anti-Diabetes
    - Gastro-Intestinal
    - Neurological
  - Generics
    - Anti-infectives
    - Respiratory
    - Pain
    - Gynecology

Drug Discovery

Drug Discovery refers to the R&D involved in identifying the right combination of the Bulk Drug and Formulation that can actively cure a disease. In the last two decades, the regulations across the world have strengthened and competition has become fiercer in an attempt to discover new 'blockbuster drugs' which would bring in profits through patenting (*Argyris, 1993*). The process of drug discovery may take several years and multiple rounds of clinical trials ranging from animal testing to human testing.

Production

Pharmaceutical manufacturing is a process employed once the clinical trials are approved by the regulatory authorities. The dosage and side effects of the drug tested in the clinical trial phase is replicated during mass production.

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[17]https://www.ibef.org/download/Innovation-and-Patents-June-2017.pdf
[18]https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/mncs-back-in-control-of-50-of-indian-pharma-market/articleshow/5967023.cms
[19]McKinsey Study of 'India Pharma 2020 Propelling access and acceptance, realising true potential'
[20] Make in India, IBEF India Pharma Outlook and Brand India

8296/2020/RU-4

There are several business models for manufacturing and contract manufacturing has been growing. Supply chains of small and medium sized contract manufacturers who provide products are lower costs has been the strategy adopted by large companies to survive in an increasingly tough and unpredictable economic climate (Maguire 2017).

Distribution and Marketing

The distribution network of drugs in India is multifaceted. There are four types of networks: Manufacturers market the products by appointing a major distributor of drugs usually called as super stockist for a particular area; manufacturer only produces the drug and these are then sold and marketed through an intermediate agent or marketing agency. The drugs are rebranded and repacked by the marketing entity, which in turn creates its own distribution intermediaries; Direct to Pharmacy distribution network involving the direct sale of drugs to the hospitals or pharmacies by the manufacturing entity using medical representatives; and finally the franchisee model for distribution and marketing of drugs. The franchisees are identified by the manufacturer or marketing entity and they in turn appoint retails and stockists.[21] Regulations vary for each kind of distribution network.

Human rights in Pharma Value chain

The human rights violations in sourcing and manufacturing of products (that is, in the upstream side of global value chains) is well reported however, not enough analysis on human rights perspective to the marketing and distribution of products (that is, in the downstream side of global value chains) is adequately discussed Both ends of the value chain are handled by MSME. The stakeholder rights in the value chain can be seen in Annexure9: Stakeholder and Rights

Our findings from the interviews, focus groups and consultation revealed that:

a. The pharmaceutical sector is governed by the Ministry of Chemicals and the healthcare sector is governed by the Ministry of Chemicals and Ministry of Health.[22] The subject of 'Drugs', as per the Indian Constitution, is provided in the concurrent list which implies that the centre and the states have the powers to legislate the sector. When issues pertaining to right to life and access to affordable medicines emerge, other than in crisis context, decision-making gets blurred. Our observation was that while the price

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[21] John & Azam, 2016 *Distribution Structure in Indian Pharmaceutical Industry: Significance of Customer Relationship Management (CRM) and Distributor Relationships,* Pacific Business Review International, Volume 1 Issue 3

[22] Batham, Vikash, Rijit Sengupta and Vasanthi Srinivasan (2013), Rethinking Business Responsibility in India: A Review of Pharmaceutical & Private Healthcare Sectors, CUTS International, Jaipur

regulation aspect of right to life receives attention, prosecution on violations of clinical trials ethics which is a severe human rights violation does not receive as much attention.

b. Since pharma is an export-oriented industry, the first tier in the supply which supplies to global manufacturers is subject to stringent scrutiny and standards from different countries. However, the extent of scrutiny by Indian oversight bodies is weak or non-existent. In the same vein, our conversations with the MSME entrepreneurs who were Tier 1 suppliers revealed that they are not confident that their suppliers would adhere to labour rights.

c. Since several chemicals and compounds go in to the final medicine (tablet, capsule or syrup) and they are sourced from the same set of chemical manufacturers who may not be cognizant of the fact that the chemical is also being used in medicines and the fact that there are 25,000 companies in the informal sector, there is an urgent need to look at a simple and meaningful human rights due diligence across the supply chain.

d. Since the pharma industry is highly regulated, there are several laws which govern the key human rights issues. However, there is little coordination across the enforcing entities on achieving the human rights agenda. The dominant compliance orientation of both the enforcement agencies and the private sector leaves little scope for a meaningful human rights discourse.

e. Lack of uniformity in the labour laws across states poses serious threat to labour rights. Businesses employ labour from the neighbouring states, where the minimum wage is lower or to set up the factory or manufacturing unit in the neighbouring state. The current attempt at consolidation of labour laws should mitigate some of these effects in the long run.

f. The pharmacists play a key role in the downstream of the value chain. They are often sole proprietors who could run multiple stores and employ significant number of employees. There is no information publicly available on labour rights at the distribution level. Another contentious group has been the Marketing executives of the pharmaceutical companies. The labour rights of marketing executives in terms of welfare and wages has been expressed as a concern. In some states, they have a union which does collective bargaining agreements.

g. Industry association representatives mentioned that the regulation on Access to Medicine which is directly related to the Right to Health makes it mandatory for governments to ensure that essential medicines are available, accessible (including financially affordable), acceptable, and of appropriate quality. Such regulations place enormous financial pressure on the small and medium entrepreneurs impacting their profitability. Several members of the association mentioned how over the years the drugs and formulations under price control have increased. As one respondent mentioned "this is a sensitive issue to talk publicly. Is not the right of an entrepreneur to earn fair profits as critical as the right of a citizen to get access to medicines?"

h. The vulnerability of the MSME's was brought out by the representatives with data through price control of drugs. While large manufacturers manage the price control through diversifying their portfolio of customers, the SME's in the supply chain do not have the access to global markets and with stiff competition within the country, they make trade-offs on labour rights. Automation has been enabling them to substitute labour with technology.

i. The need for use of technology by regulators and controllers was mentioned by all respondents. Inspections should be an audit and self-certification should be the norm. Period audit of disclosures by regulatory authorities could result in early identification of violations. It was also suggested that with the increasing digitization of Government departments, it may not be necessary for companies to provide data to different entities. Consolidation of such data across the different entities would make compliance and reporting easy for potential violations of human rights.

j. Finally, the disclosure analysis data on large companies not reporting on supply chains was validated by the MSME's that while several of the large companies asked for supplier codes of conduct to be signed in the contract process, seldom was an audit done by the large company.

Construction

The Global Construction 2030 report forecasts the volume of construction output to grow by 85% to $15.5 trillion worldwide, mainly with three countries- India, US and China. The forecast indicates the three countries will account for 57% of the global growth.The sector accounts for INR 2.48 trillion in market size and is the second largest contributor to the GDP after agriculture, employing nearly 32 million. The sector generates substantial employment and provides growth impetus to other manufacturing sectors like cement, iron and steel, chemicals, bricks, paints, tiles etc. whose combined value is INR 1.92 trillion annually[23]. Due to the rise in housing demand and infrastructure development, the sector has grown at a compounded Annual Growth Rate (CAGR) of 1.3 percent[24]. It is one of the largest receivers of FDI inflows in India and thereby a potential employer for millions in the future.

Value Chain

The sector in India is broadly divided into two:

a. Real Estate- Residential, commercial or corporate, industrial and SEZ's

b. Infrastructure- Transportation, urban Development, Utilities

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[23]http://www.cidc.in/articles2.html
[24]https://www.ibef.org/industry/infrastructure-sector-india.aspx

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                          Construction
                           Industry
              Real Estate
                           Residential

                           Commercial

                           Special
                           Economic
                           Zones
                          Infrastructur
                               e
            Utilities    Urban        Transportati
                         Infrastructur     on
                              e
            Power                     Railways

            Irrigation                Civil Aviation

                                      Roadways

                                      Ports
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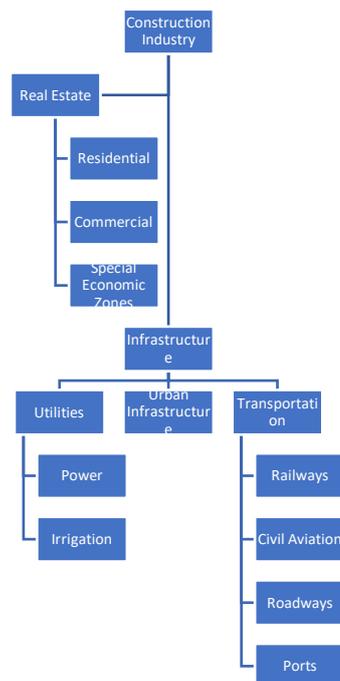
As provider of employment to large number of unskilled/semi-skilled workforce, all stakeholders recognize that the key challenge is labour rights. Our focus for the study was urban infrastructure and real estate. The sector is governed by 52 laws ranging from labour laws, establishment laws, environmental laws and associated industry laws. Of the list, BOCW (Building and Other Workers Construction (Regulation of Employment and Conditions of Service) Act, 1996 governs the rights of the workforce- migrant or contract.

The BOCW Act is a comprehensive central legislation for regulating safety, welfare and other conditions of service. This act is applicable to every establishment that employs or employed ten or more workers. However, it is exempted for the construction of residential houses less than INR 10 Lakh. The health and safety provisions of the act are seen to be in conformity with International Labour Organization Convention No 167 concerning safety and health in construction sector. It provides for the formation of safety committees in every establishment employing 500 or more workers and the Act also proposes for every state to constitute a Welfare Board to provide social security and schemes offering financial assistance to beneficiaries in case of accident, death, health insurance, pension, education and medical expenses, maternity benefits to female beneficiaries. Additionally, it describes the standard of living and working conditions for every construction worker such as fixed hours, wages for overtime, accommodation, sanitation etc. [25]

In addition to this, the BOCW Welfare Cess was enacted for levy and collection of cess from the employer, stored in the form of a fund with the Welfare Board. The Act places the responsibility of the welfare of the

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[25]https://www.academia.edu/26343493/Rethinking_Welfare_When_Builders_Take_Care_of_the_Workers

labourers with the Builders, employers and contractors. However, it does not specify the nature of availing social security benefits through effective utilization of cess.

In a conclave on improving the safety issues for construction workers of Karnataka conducted by Centre of Public Policy, IIM Bangalore with all duty bearers namely Labour welfare minister, Labour Secretary, Labour Commissioners, Governing Body Representatives, NGOs, Trade Unions , Builders , District Traffic Commissioner, Commissioner of Police, Public Representatives and academia, it was noted that migrant workers constitute a significant part of the workforce and therefore, providing social security to them is a challenge. The stakeholder rights in the value chain can be seen in Annexure9: Stakeholder and Rights

Some of the key insights gained about the sector are:

a. Labour is a subject in the Concurrent List, where both the Central & State Governments are competent to enact legislation subject to certain matters being reserved for the Centre. Thus, every state envisages rules specific to the requirement of the state. With such a system, it becomes difficult to make any amendments in the law needing immediate effect. The states have welfare boards and a welfare fund for collection of CESS. However, there are dormant funds which are not released to the workers.

    Further investigation on this issue reveals that of the Rs 38,685.23 crore ($5.6 billion) collected since 1996 as welfare cess, only Rs 9,967.61 crore ($1.4 billion) or 25.8% has actually been spent, according to the 38th report of the Standing Committee on Labour, presented in Parliament in July 2018. The national average of cess distributed through all the schemes is just Rs 499 per worker, per year.

    More than half, or 19 of the 36 states and union territories, spent less than 25% of their collected funds. Kerala was the only state to have spent more than the collected funds and Goa, 90% of its funds. Meghalaya (2%), Chandigarh (4.7%) and Maharashtra (6.8%) had the lowest usage of the funds.

    While the industry is paying the cess specifically for upliftment of human rights of workers, there is no apparent mechanism at the Government level to ensure that indeed the cess is being used to enhance or strengthen labour rights in the sector.

b. A key implementation issue in the entire process is how migrant labour will avail the facilities provided by the schemes. Due to the lack of inter-state portability across different welfare boards, migrant workers do not see the benefit of registering themselves with the state board. Neither is it made mandatory for the

8296/2020/RU-4

contractors and companies to transfer their workers. With increased digitization of the citizen centred processes and the Unique Identity through *Aadhar*, technology could help fix some of the issues.

c. Labour department officials do prosecutions and inspections; however, given the high workload, shortage of human resources and poor interdepartmental coordination along with weak data sharing and meagre penalties hamper protection of human rights in the sector. The labour department's analysis of the causes of accidents on the construction site reveals that inadequate construction planning and implementation, lack of proper training or education, low enforcement on safety, unsafe equipment, unsafe site conditions and not using personal safety equipment by workers. Several of these causes fall within the purview of business responsibility.

d. Another related area of concern was the accidents that occur in the sector and the fatalities associated with it. As the union representative noted, "*India is reported as the country with the highest accident rate with 165 injuries per thousand workers and our workers are also highly vulnerable to diseases due to poor welfare provisions. 9 out of 100 meet with accidents annually*". Lost lives due to avoidable accidents needs to be treated as a human rights issue.

e. In the disclosure analysis by listed companies in the construction sector, we observed that they adhered to labour rights for their own employees but refrained from mentioning anything about labour rights in their contractor/outsourced entities. Provision of essential amenities like toilets and drinking water were challenges mentioned on construction sites.

IT services

The IT services industry in India stood at US$177 billion in 2019 witnessing a growth of 6.1 per cent year-on-year and is estimated that the size of the industry will grow to US$ 350 billion by 2025.[26] Indian IT & ITeS companies have set up over 1,000 global delivery centres in about 80 countries across the world and employ nearly 75 percent of the global digital talent present in the country, making it the digital capabilities hub of the world.[27]A majority of employment is generated through the exports business and exports contribute about 78 percent of the total employment in the sector. The sector presently employs about 3 million directly and 9.5 million indirectly in verticals such as transportation, logistics, real estate and hospitality, security services

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[26]https://www.ibef.org/industry/information-technology-india.aspx
[27]https://www.ibef.org/industry/information-technology-india.aspx

8296/2020/RU-4

etc.[28] The report by KPMG (2017) suggests the sector is expected to employ about 5.1 million professionals directly by 2022. [29]

As per government data[30], the workforce is increasingly becoming diverse in terms of socio-economic status, language and regional backgrounds. As of 2017-18, 34% of the employees are women. As per the CII-PwC study (2010), the small and medium enterprises in the sector are increasingly focused on building global alliances. With the emergence of information technology as an enabler for all other industries, we need to examine labour rights not just the IT industry but also the usage of IT in other industries.

Value Chain

IT sector in India can be classified in to

- Software and Hardware Products
- IT Services – software applications and support for other industries
- Business Process Outsourcing (BPO) – a set of business processes are executed by the company on behalf of a client

Our interviews with key stakeholders revealed a dominant belief that there are no significant human rights issues for the sector. In fact, one of the industry respondents mentioned that unlike manufacturing and core industries, IT was a relatively clean industry. However, it is evident that given the differences in the context of the three segments mentioned above, there are differences in the rights pertaining to the sector. The table in perspective provides some of the human rights risks involved with the software and hardware products and IT services that are part of IT value chain with respect to the stakeholders. The stakeholder rights in the value chain can be seen in Annexure9: Stakeholder and Rights.

Business Process Outsourcing (BPO):

BPO employs English speaking computer literate graduates and does not require strong technical or domain knowledge. Most of these jobs are 24/7 support jobs for customers located across the globe. The customer support is also known to be high on emotional labour and stress because they often have stringent turnaround times associated with it. The rights relevant in the sector includes occupational health hazard due to shift work, absence of collective bargaining and privacy issues for employees. Due to shift work, the body clock of the workers undergoes rapid changes resulting in health issues which are both physical and mental. There have been several reports of surveillance of employee's movements, interactions and calls continuously through CC TV's. The appraisal process is highly automated in the sector with log time, problem resolution

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[28]https://www.msde.gov.in/assets/images/industry%20reports/IT-and-ITeS.pdf
[29] KPMG 2017, *'Human Resources and skill requirements in the IT & ITeS sector'* GoI, NSDC, Volume 15
[30]https://meity.gov.in/content/employment

speed and total time clocked being the measure of performance. The industry depends on technology for increased efficiency and has resulted in highly controlled work regime (*Ramesh, 2004*).

The negative effect on the environment has been classified (OECD, Vickery 2012[31]) as

- o Direct Impacts – Due to Technology (Energy consumption, Use of Resources, Emissions and Pollution, Electronic waste disposal). The entire value chain of IT – hardware manufacturer to service provider to retailers contribute to environmental impact.
- o Indirect Impact / Enabling Impact – Due to Applications (change in business and operation strategies, economic structure). In this case, manufacturer/designer and service provider play a key role in development of application. The providers need to have a keen look on producing a sustainable product that is optimal, efficient and green friendly.
- o Systematic Impact – Change in behavior due to technology adoption (Change in lifestyle, social values). This is a slow process and but once ingrained into the system, it tends to become the norm. Hence data privacy and security, performance of systems, choice of components play a key role.

The research team attended a workshop on human rights being conducted by a company and observed that there was a lack of awareness on human rights. According to the participants, human rights in the sector were about lack of opportunity for women employees returning after maternity break, work-life balance and sexual harassment. Even after extensive probing by the facilitator, none of the human rights issues pertaining to data privacy, data integrity and safety, environmental impact of the operations, e-waste disposal emerged in the discussion. Our requests for interviews with business leaders in the industry were not fruitful.

The IT union appeared to indicate an interest to participate in the study but subsequently did not provide time for an interview. The sustainability heads of two MNC's mentioned that the policy was being administered by the global Headquarters and there did not appear to be any local specific initiatives to address BHR. Indian companies shared their CSR contribution and remarked that since they employed skilled people and paid well, there could not be any human rights violations in the industry.

We relied on academics and consultants to provide us with perspectives on the human rights issues in IT industry. People who are familiar with the sector report that environment, health of employees, no provision for collective bargaining, work life balance, data security and privacy, surveillance of emails of the employees, collection of personal data at different times through swipes and logins can be viewed from a

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[31]*Smarter and Greener? Information Technology and the Environment: Positive or negative impacts?*

human rights lenses. One of our respondents who is a subject matter expert was of the view that privacy of the employees are highly undervalued in this sector. *"Business Process Outsourcing Sector (BPO) is ground space for abuses. The privacy of employees is lacking. Instances of reading of mails of employees, tracking the break hours, tracking the calls, Reaching employees in their non-working time etc. are all employee rights abuse".*

Some of the key issues that emerged include:

- Protecting confidentiality of the data, using data without prior consent for unrelated purpose, gathering data without informing the purpose for which it will be used, tracking individual's movements using the data without their knowledge, private information being used against the law of the land, invasion of privacy due to facial recognition software are all examples of human rights.

- In the case of employee rights, since most of the companies in the IT sector are located in SEZ, they are not covered by laws as per the legal framework applicable to other companies. Associated rights risks include long working hours, lack of freedom of expression and freedom to form association and gender pay gap. Employee rights of the large contract staff (from employee leasing organizations) was not mentioned in any of the interviews. This data needs to be gathered from the staffing organizations.

- The risk to human rights posed by Artificial Intelligence (AI) is poorly understood. IT services/BPO sector have access to large volumes of data on employees, within their organization. While the technology aims to create systems that can think/act/see/observe like humans to assist humans in making better, faster and accurate decisions, our concern is that AI is not a single technology. It encompasses the following technologies which pick human behaviors namely
    - o Ability to see by capturing picture or video
    - o Ability to listen by transcribing or services like Alexa/SIRI
    - o Ability to comprehend the language (Translation, Transliteration)
    - o Ability to map and connect the movement of people and relationship between people and knowledge based on the usage of internet
    - o Ability to read (content-based targeting)

Globally, data sets used for prediction do not contain enough data points on historically weak and marginalized communities who do not have access to organizations and employment. Absence of data from such samples can distort the prediction and likely to further marginalize the groups. Similarly, mass surveillance and use of face recognition software have the potential to create bias, discrimination and thereby impact the right of employees and customers.

8296/2020/RU-4

Logistics

The logistics sector in India is expected to grow at the rate of 8 to 10% over the medium term as per ratings agency ICRA report of October 2019[32]. The industry is estimated to be around US$ 160 billion. According to Logistics Performance Index (LPI) of the World Bank, India was ranked 35th in the world at 3.42 in 2016. The score indicates a promising future. The Government of India has identified 2 schemes: *Bharatmala* and *Sagarmala*. The former scheme expects to connect coastal and ports, increase economic corridors, and the latter leads to port modernization and connectivity.The Government of India has established a separate logistics division under Ministry of Corporate Affairs to formulate National Logistics Policy. The growth and penetration of internet and e-commerce is increasingly aiding the growth of the industry.

The logistics industry in India is unorganized and informal. Some challenges to the logistics sector are the fragmented industry structure; high cost of logistics; a disadvantage modal mix; lack of skilled manpower, vendors or business owning their own logistics section, and the adoption of technology. The skill gap analysis of the sector reveals that there are multiple gaps across the profiles in all mode of transport. The core issues in existing skill gaps in sector as: Poor image, poor working conditions, less pay, rapid technology development but no capability building infrastructure.

Value Chain

The value chain for the industry is provided in the Figure below.

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[32]https://www.financialexpress.com/industry/indian-logistics-sector-to-grow-at-8-10-per-cent-over-medium-term-says-domestic-ratings-agency-icra/1240941/
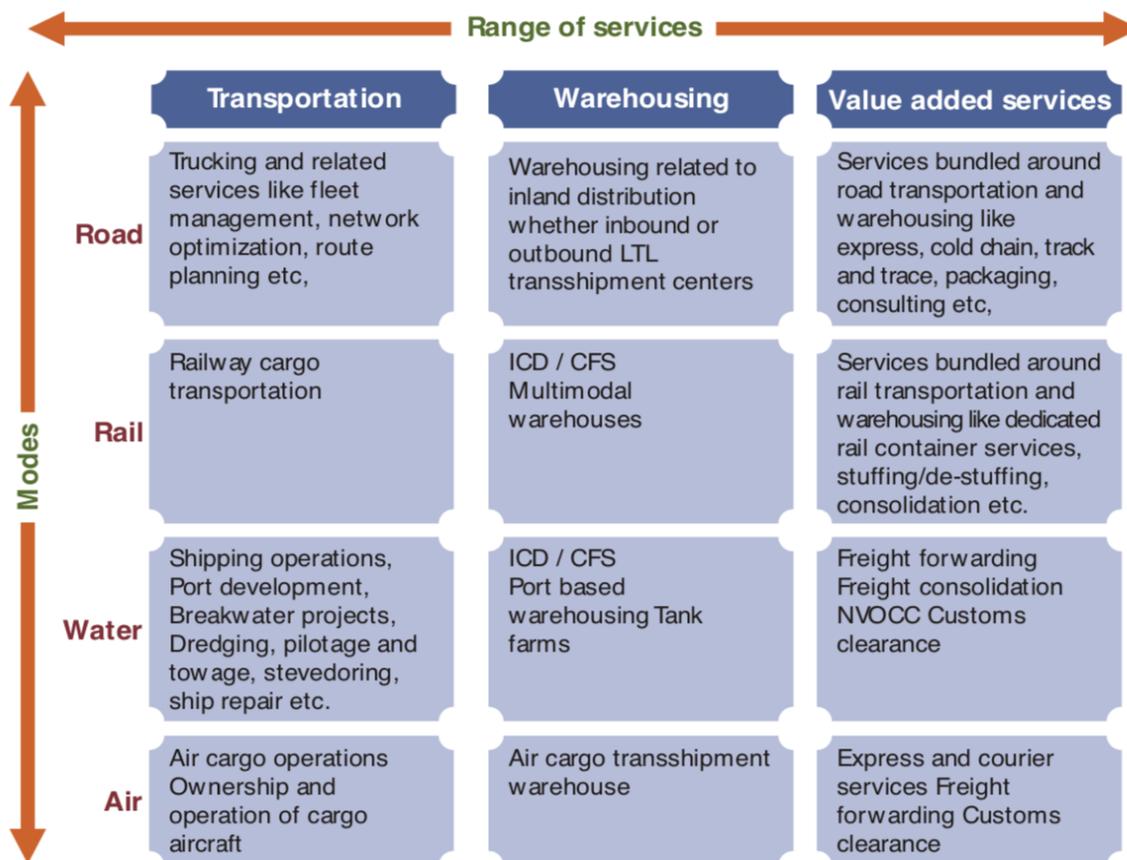
Figure 1 : Adapted Source KPMG Industry Report 2007

For the purpose of the study we focussed on transportation and warehousing to identify the human rights dimensions. Within the transportation sector, trucking and rail cargo constitute about 90% of the sector. The warehousing segment has storage or distribution comprising of inbound or outbound goods, temporary storage, freight forward, pick and pack where value added services like price tags are added, promotional offers are included or repackaging of special goods are done. The sorting hubs tend to be smaller warehouse, where order processing is routed through and last mile delivery of the shipment is made.

The warehousing segment in India is highly fragmented with several MSME actors. In the last decade, the sector has absorbed a great deal of technology in optimization of routes, driver selection, track and trace, express and timely delivery, speciality storage solutions and packaging solutions.

Interviews with respondents in the sector revealed that given the fragmented nature of the industry and a large part of the logistics sector in the informal sector, labour rights are keys to social and economic development of employees. The stakeholder rights in the value chain can be seen in Annexure9: Stakeholder and Rights

Our key observations are:

- The Motor Transport Workers Act, 1961 sufficiently addresses all aspects pertaining to health, welfare and employment conditions of employees in the sector. However, implementation is the challenge.

- The human rights issues associated with the sector include human trafficking, employing child and bonded labour in the warehouses. The vulnerability increases given the long and fragmented supply chains at the back end.

- The increased requirement of human resources has increased outsourcing and contract-based employment opportunities. Social security related issues already discussed in other sectors become even more relevant since employees are largely unskilled or semi-skilled and come from vulnerable and marginalized populations.

- In recent years, several technology start-ups are finding ways to address issues related to human rights for drivers. The optimized routes albeit for faster and accurate delivery reduces the burden on drivers. Similarly, several organizations treat drivers like pilots with medical test at multiple locations and provision of enough rest periods for them. These are positive initiatives which need large scale institutionalization; however, more needs to be done in the warehouses.

- The working conditions, safety and equality in job opportunity and wages are key issues in the warehousing sector.

- While some large players insist on signing the code of conduct for suppliers, the practice is that the commercial contract is what is expected to be honoured. As one respondent mentioned "*Commercial contracts typically do not have statements on corruption, bribery and human rights.*"

- The presence of MSME's in this sector is very high and the human rights related issues are similar to other sectors.

- Several respondents spoke about the opportunity to harness the power of technology usage in enforcing labour rights in the sector.

Table below summarizes the salient rights across the different sectors:

8296/2020/RU-4

Level of Impact	Sector/Rights	IT	Logistics	Construction	Pharma
Individual Employee	Safety workplace	Medium	High	High	High
	Sexual Harassment	Medium	High	High	Medium
	Health , work-life-balance	High	Medium	High	High
	Equality in Pay	Yellow	High	High	High
	Equality in opportunity	Yellow	High	High	High
	Discrimination	Medium	High	High	Medium
	Employee Privacy	High			
Group of Employees	Forced Labour	Least	High	High	High
	Contract or Bonded Labour	High	High	High	Medium
	Child Labour	Least	High	High	Medium
	Freedom of union	High	Medium	High	Medium
	Human Trafficking	Least	High	High	High
Indirect influence	Supply chain	High	High	High	High
Community/Society	Corruption and Bribery				
	Environmental impact	High	Medium	High	High
	Customer Privacy	High	Medium	High	High
	Data Privacy	High	Medium	High	High
	Land acquisition, settlement	High	High	High	High
	Economic and Social Disruption	High	High	High	High
	Indigenous people	Medium	High	High	High
Critical to Sector		Right to Privacy, Right to recreation	Working Conditions, Human Trafficking, Land acquisition, Wastages and Emission	Safety and Health, Forced Labour and Equal pay, Access to housing, Child Labour	Ethical Trials, Waste , Access to medicines
Legend		High			Least

Source: compiled by the authors

In summary, there are some employee rights issues that cut across sectors. Social security issues pertaining to contract employees, adequate health, safety and working conditions for supply chain employees and gender equality are rights issues that transcend sectors. It is also evident that the issues that cut across sectors are on the concurrent list and hence implementation falls through the cracks, both across ministries and across the Centre and State. Across sectors, the business responsibility in respecting human rights in supply chain is poor and there is great opportunity to strengthen the same. The implications of the findings of the study for different actors are provided in the section on Recommendations.

RESEARCH OBJECTIVE 3: OBSERVATIONS ON NHRC'S SELF-ASSESSMENT TOOL

Background:

In 2017, NHRCI along with industry federations had developed a Self - Assessment Tool on business and human rights that was meant to be used by organizations on voluntary basis. The tool focused on five key rights namely health and safety, child labour, equal opportunity, diversity and inclusion and environment and sustainability based on the UNGP and NVG. There was also a section which focussed on policy commitment, governance and management of the identified human rights.

Methodology

8296/2020/RU-4

For the purpose of evaluation of the tool, we followed a three phase approach. We first evaluated the tool on based on whether it served the purpose that it intended to serve which is to ensure that companies are able to report effectively on the human rights actions. As a second objective, we examined the overlaps, redundancies and unique questions between NGRBC and the tool.

As first step, the research team attempted to complete the NHRC tool using publicly available data on a limited sample of NSE 100 companies. We relied on publicly available data such as annual, business responsibility and sustainability reports, company policies and corporate websites. Our intention was not to rate as per the tool or to assess performance of organizations but to find out the availability of data for the queries in the tool. After we completed this exercise, we compared the queries in the proposed BRR format (NGRBC) with those in the NHRC tool.

Our key finding was that the tool had significant overlap in themes with the proposed BRR. However, NGRBC also covers topics such as consumers, ethical business and stakeholders which were not a part of the tool. It was also observed that, NGRBC requires proof/evidence of the systems and processes that are in place whereas the tool focuses on declaration by the company on policy commitment, governance structure and monitoring mechanism for the themes. The focus on labour related issues is more prominent in the tool while environment and sustainability are comprehensively covered under the NGRBC principles. Further, NGRBC provides intent, core elements, essential indicators and leadership indicators for each principle. A detailed comparison with NGRBC Principles is provided in Annexure 7: Comparison with NGRBC

While responding to the queries of self-assessment tool using publicly available documents, it reaffirmed our observation from the disclosure analysis that listed companies have tended to provide more information on these issues over the years. However, their possible indirect role in violation of human rights in their supply chains (suppliers/vendors and dealers/sales organization) are not reported anywhere. Violations, penalties and other non-compliances are not disclosed. It is also being observed that reporting on capacity building, human rights due diligence and adverse impacts due to operations is meagre. The detailed findings can be found in Annexure 8: Critical Analysis of the tool

The disclosure analysis at the sectoral level, in-depth analysis of the four sectors and the evaluation of the self-assessment tool provide rich data, information and insights across stakeholders to arrive at the findings which are discussed in the next chapter.

Chapter 3: Key Findings and Discussions

We present a consolidated set of findings that are based on disclosure analysis, primary data collection through interviews and consultations and our analysis of the self-assessment tool. There were five key findings: first, salient rights vary according to sector and operating context; second, across all sectors, supply chain is the highest risk in terms of severity from a human rights perspective; third, technology is to be viewed as a key factor in the human rights agenda and can be used to assess, track, audit and mitigate human rights risks for organizations, Government and NHRC; fourth, there is a need for greater clarity on the role of the different actors operating in the business and human rights system; finally there is a need for a third party think tank which works closely with policy makers in tracking and providing publicly available data on the performance of business on the human rights agenda. Each of the findings is discussed in greater detail below.

Salient rights vary across sectors

Our study shows that the most salient human rights vary according to the sector and operating context. An enterprise's sector determines many of the activities it engages in, and some of which may carry particular risks. There are significant differences in industry sectors in terms of the types and magnitude of human rights challenges. For example, in the logistics sector, the warehouses have salient labour rights issues which are very different from those compared to the road transport. In warehouse, the working conditions, safety, equal opportunities for women is a more critical issue whereas the road transport sector has risks associated with driver's safety and health. Similarly, an enterprise's geographical operating context impacts the rights that become salient. For example, in logistics sector, forced labour is not an issue in the established warehouses but is a cause of concern in remote areas where warehouses are located. In the case of construction sector, the identity of the migrant workers is a key issue. Unless, the identity tracking is resolved, the labour laws cannot be effectively enforced. These contextual factors play a key role in defining adverse human rights impacts in a due diligence process. Therefore, more research is needed to ensure that human rights are drilled down to the sectoral and sub sectoral level.

Salient rights are a contested construct. As the UN interpretive guide on "The corporate responsibility to respect human rights" states that corporate human rights risks are risks that its operations may lead to one or more adverse human rights impact. In traditional risk assessment, risk is conceptualized based on severity) and probability of the consequences of an event for the organization. In the context of human rights risk, severity is the predominant factor. Probability may be relevant in helping prioritize the order in which potential impacts are addressed. This distinction requires a fundamental shift in mind set on the part of companies from a "stake holder mindset" to a "rights holder mindset".

Supply chains constitute most severe risk from human rights perspective

Secondly, supply chains are the most severe risk for companies across sectors. Supply chain partners are also MSME's and their ability to absorb compliance costs is low. During the study, several respondents mentioned that they were "ethically complicit" in human rights violations since they recognized that their supply chains may not be adhering to human rights in their business operations but chose to do nothing about it. Some of the commonly raised questions in the focus group were: how far should we go down in the supply chain and how do we ensure that the labour rights are not compromised in the thousands of suppliers that the company has?

Our interactions revealed that if companies could map their supply chains and identify those supply chains which have the highest risk from severity and vulnerable group's perspective, they could conduct Human rights impact assessments and find ways to prioritize their impacts and mitigate them. More research is needed to develop sector specific human rights frameworks to assess risks.

Technology as a key actor to protect human rights

Thirdly, respondents in our study spoke of technology as a main actor in enabling effective implementation of the business and human rights agenda. In the logistics sector, technology is being used by start-ups to track drivers and the hours they spend on the road; in construction sector, several participants spoke about the need for swipe cards, biometrics to keep track of migrant workers for social security purposes. In the pharmaceutical sector, companies used technology extensively to track their Tier 1 supply chain. Use of technology internally by companies could help them to manage their human rights disclosures more effectively. Technology can also be used by Government entities to monitor and track on labour rights more meaningfully. National Human Rights Institutions need to become more digitally integrated and use technology in their auditing, enforcement and investigations. As was evident from our analysis of human rights risks arising out of technology, due care needs to be exercise in terms of data privacy and security related aspects.

Strengthening the human rights actor system

Fourthly, as business and human rights agenda takes centre stage, the relationships across the various actors in the system needs to be strengthened. The MCA through the reporting requirements and disclosures from NGRBC become custodians of data pertaining to business and human rights. Periodic tracking and

monitoring will ensure that violations are identified and proactively the data can be used to anticipate severity of adverse impacts.

The companies will need to demonstrate corporate intentionality to the human rights agenda by ensuring that a HR policy is developed, periodic human rights due diligence and impact assessments are done and that mitigation strategy for adverse impacts on most vulnerable communities are documented and handled effectively. Companies also need to assess the severity of adverse impacts of their operations and therefore, build a remediation process in their business strategy. The current discourse in organizations on the BHR is focused on Sustainability and Enterprise Risk Management (ERM). Recent findings by World Business Council for Sustainable Development[33]shows that organizations report issues of severity in materiality matrix in sustainability report but do not indicate the same as risk factors to the mainstream investor or annual reports. The risk officers are of the opinion that failure to manage sustainability materiality risk leads to negative impact on company's performance. Companies need to make these trades off carefully in their role as duty bearers.

The role of National Human Rights Commission has to be strongly aligned to both the protection and remediation of human rights. The functions of the Commission apart from enquiry into complaints of violation of human rights or negligence in the prevention of such violation by a public servant, is to spread human rights awareness and education amongst both the rights and duty holders.

Strengthening policy deployment through research and data gathering

Finally, there is a need for a think tank that works closely with the Government in the implementation of the business and human rights agenda. As policy deployment begins to happen, periodic tracking of disclosures made by companies can push non-compliant entities to comply. Evidence based periodic reports on the state of implementation of business and human rights agenda will ensure seriousness to the cause across different actors. Apart from this, given the high degree of interdependencies between central and state government on labour, which is in the concurrent list, harmonization of policies and highlighting of conflicts between centre and state on business and human rights agenda on an ongoing basis will ensure effective implementation.

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[33]WBCSD Report of 2016: Sustainability and enterprise risk management: The first step towards integration

Chapter 4: Recommendations and Insights

At the outset, we recognize that business and human rights is an emerging field of discourse both at a global and national level. The insights from the study provided specific recommendations for the various actors:

a. Listed companies which report on the BRR framework need to have supplier related codes of conduct with specific actions on enforcement. Periodic training and monitoring of the supplier codes and reporting on compliance will help in ensuring that supply chain actors adhere to the labour rights during implementation.

b. Work contracts under GSTN could be used to track the supply chain entities. Linking the GSTN number of the client to the work contract or GSTN number of the vendor will allow mapping of supply chain partners. Since NGRBC has conceived of light disclosures for MSME's, it is expected that tracking disclosures at both ends of the chain will help to reduce the labour rights violations.

c. MCA 21 allows for registration of all types of companies. Mandating all companies to register through MCA 21 and provide data on the number of employees (permanent and contract) in their companies will allow for easy tracking of compliances. All documents and reports shared by companies on the MCA 21 needs to be machine readable so that data analysis can be done more effectively

d. Labour commissioners and inspectors to be sensitized to the human rights agenda as a part of their capability building for effective implementation of BHR agenda.

Insights

Leadership commitment and values

At every stage of the study, we came across organizations which were demonstrating higher levels of commitment to the BHR agenda. In every sector, we had one organization whose disclosures on human rights were both qualitatively and quantitatively superior to their competitors. Our interviews with such organizations lead us to believe that leadership values and commitment together with organization culture play a key role in the creation of rights-based perspective. Another observation was that MSME's that were a part of the global supply chain and had higher interactions with global players had greater respect for policies and practices pertaining to human rights compared to those who were largely domestic players. The inspections and certifications by the global supply chain processes appear to instil in the SME leaders a commitment to adhere to the norms and standards with intentionality.

As we embarked on the study, we realized that human rights are a wicked problem. The characteristics of "wicked problem" (*Rittel and Weber, 1973*) are non-definition, having no stopping rule, having no immediate solution, solutions dependent on multiple stakeholders and uniqueness. Like all wicked problems, human rights issues are characterised by a lack of lucidity, ambiguity in understanding, have no single mutually agreeable solutions and require several actors to come together to deliver outcomes which are often subjective. The "Protect-

Respect-Remedy" framework will require a great deal of co-operation and partnerships across several actors within the Government, civil society and business for effective implementation. The NAP-BHR process that is currently underway provides an opportunity to translate these partnerships into action.

NAP-BHR are policy documents in which a state articulates priorities and actions that it will adopt to support the implementation of international, regional, or national obligations and commitments with regard to a given policy area or topic. In the Indian context, the Fundamental rights enshrined in the Constitution provide a strong principle-based framework for NAP-BHR. India has had a history of regulations which are extremely progressive in spirit. The challenge however is the implementation of the laws by the different enforcement entities both at the State and Central level. The focus of NAP-BHR should be on harmonizing the regulations so that the burden of compliance is reduced. With a strong focus on implementation, the NAP-BHR document can focus on key labour rights, environmental rights and protecting the rights of vulnerable groups as action points.

Limitations of the Study

- Access to data and getting participation in the round tables has been the primary challenge in the study. The usage of the word "Human Rights" acted as deterrence in engaging in the conversation. This could be due to lack of awareness on the topic or could be due to unwillingness and perception that the term has a negative connotation.
- A publicly accessible document on human rights complaints against organizations was not available. The comparison of the complaints against the disclosure could have given more insight on how corporates respond to public attention and work towards corporate reputation.

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Annexure

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Annexure 1: Project Background

In January 2018, IIM Bangalore (IIM-B) and National Human Rights Commission of India (NHRC) opined[34] the need to assess and evaluate Business and Human Rights Reporting by Corporate India. When NHRC invited the expression of interest from reputed research institutions, IIM-B submitted the formal proposal in September 2018 to initiate study with exclusive focus on labour/employee rights. The proposal aimed at comprehensive assessment of Labour/Employee rights commitment through corporate responsibility reporting that analyses the dimensions of employee rights that are relevant and meaningful for reporting. The initial scope included 3 sectors: IT services, pharma and logistics.

Subsequently, NHRC approved the research project titled "Assessment and Evaluation of Business and Human rights Reporting by Corporate India" vide letter dated 23rd October 2018. The project duration was planned as eighteen months and it was decided that the study shall bring out the variables involved in employee/labour rights, stakeholders involved in the system, commitment management, aspects of employee/labour rights that are currently being looked into, possible risks and violations in Indian context. The methodology proposed included evaluation of reports and engagement with representative of 3 selected sectors.

The progress of the project has been tracked periodically by NHRC and IIM-B. On 10th March 2019, a preliminary insight of the project was presented by IIM-B through mail. This presentation highlighted on the need and business case for corporations to be held accountable for human rights and interim findings of rights coverage of the select sectors. A status meeting followed on 11th June, where NHRC committee (Communicated through mail dated 13-June-2019) felt the need for change in scope of deliverables and suggested the following: 1) Addition of construction sector as part of sectoral analysis; 2) Critically examine the value chain of the sectors from rights perspective; 3) Source of data collection to include stakeholders perspective on this agenda; 4) Inclusion of other impacts from rights perspective with special focus on labour rights; 5) Labour laws governing the rights issues to be identified across selected sectors;

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[34] https://nhrc.nic.in/press-release/national-conference-business-and-human-rights

8296/2020/RU-4

6) Possible roles of NHRC as an institution in Business and Human Rights; 7) identify the policy recommendations in the implementation of Business and Human Rights agenda in Indian context. The committee highlighted the need for the sensitization of the private sector on their performance on human rights.

On 19th November 2019, an interim report was submitted by IIM-B which covered findings on the evaluation of companies in select sectors on rights coverage and reporting pattern, identify the critical rights through value chain analysis, evaluation of Business Responsibility Reporting (BRR) and NHRC self -assessment tools. The final report being submitted by IIM- B on 15-February-2020 is consolidation of all the findings of the project.

Research Attributes	Brief Details
Objective of Research	Comprehensive assessment of Labour/Employee rights commitment through corporate responsibility reporting that analyses the dimensions of employee rights that are relevant and meaningful for reporting
Scope of Research	Scope: Sample set specific industries - IT Services, Pharma, Logistics, Construction
Research Methodology	• **Evaluation of Reports -** To analyse the dimensions/variables with respect to Labour/Employee rights • **Interviews with industry leaders -** To understand the criticality of labour/employee rights in value chain • **Workshop /Focus group meeting -** A multi-stakeholder workshop to validate the framework that we intend to propose

Delivery Timeline

The project has been executed in three phases. Phase 1 involved secondary analysis of the non-financial disclosures of companies listed in top 100 NSE with respect to human rights agenda with focus on select sectors. The objective of this phase is to identify the coverage of rights, the level of disclosure among companies and sectoral pattern on reporting. Phase 2 had the focus on selected sectors IT services, Pharma, Logistics and Construction where the value chain of sectors has been analyzed. The objective of this exercise has been to identify the rights associated with the sector and their criticality in each part of value chain. This phase also focused on 1) Guidance frameworks such as UNGP, NGRBC, SDG in order to understand the explanation of business and human rights, its importance and the contextual reference 2) Reporting frameworks such as Global Reporting

Initiative (GRI), BRR, NHRC's self- assessment tool 3) compendium of labour laws relevant for each sector. The next phase involved focus group meetings and interviews with corporate leaders belonging to the selected sectors. The interactions with potential stakeholders and subject matter experts on the subject such as members of academia, social organizations, industrial bodies, governance agencies and union representatives are also presented. The findings of phase 1 and 2 were submitted through presentations and interim report. The final report is consolidation of the findings followed by analysis and recommendations. All the interactions between NHRC and IIM-B are documented. The internal discussions within the team of IIM-B were documented for reference. The final report includes the annexure of data, documented transcripts of interviews and workshops. All project related data such as project plan, minutes of meeting, proposal and interaction mails will be addendum documents.

Annexure 2: Disclosure Analysis, Findings and Summary

ANALYSIS OF DISCLOSURES AMONG SELECT NSE 200 COMPANIES

Prior research by the authors in association with Wipro Foundation (*Srinivasan & Parvathy, 2019*) revealed that disclosures on human rights by the top companies in the NSE 200 had improved over the years since 2013. An analysis of the 100 companies across seventeen sectors revealed that Human rights were reported in the BRR since this was mandated by SEBI. Prior to this mandating, very few companies did such comprehensive disclosures on the environmental/social aspects of their business. However, wide variations in disclosures still persist across sectors and across companies within a sector. Employee/Labour and environment were the two rights extensively disclosed. (Report available on request)

For the purpose of this project, we extracted the data pertaining to labour rights from the above mentioned report and mapped them using the UN Guiding Principles. We also did an exclusive analysis on labour rights for the selected sectors. We observed that supply chain, child labour, forced labour, freedom of Expression and Association/Collective Bargaining, Non- Discrimination, Equal Opportunity, Equal Pay, Diversity and Inclusion, Workforce Safety and health were the key areas that were being disclosed in the BRR. The most comprehensive disclosure in the BRR was on sexual harassment since this was mandatory as per the Prevention, prohibition and Redressal Act, 2013. The high degree of disclosures on labour rights among the companies could be because of the reputational risks associated with labour/employee rights violations. Employee health and safety compliance are expected by stakeholders and also by the GRI reporting requirements since most of the companies are global and need to demonstrate higher standards of disclosure.

We did a detailed analysis of labour rights disclosures of the top 10 companies in the NSE 200 in the pharmaceutical and software services sector. The disclosures for the companies (both domestic and multinationals) were analysed for 5 consecutive years. The analysis was done based on the quality and quantity of disclosures. Quantity pertains to the volume, extensiveness and comprehensiveness of the disclosures, providing relevant data and supporting evidence wherever required. Quality refers to the depth of information provided, contextual details pertaining to the sector, delegation of authority, decision making and implementation processes followed along with designated personnel and mechanisms for tracking and reporting.

Annexure 3: Questionnaire for Interactions

Formats and Purpose of Interviews

Format	Objective	Profile	Discussion Outcome
Interviews	Stakeholder's Perspective - To get their view point on human rights, awareness, expectations	Heterogeneous Suppliers, Community, Internal Stakeholders	Individual opinion on understanding of business human rights and its current status
	Corporate Perspective	Key Functional or Business Heads	Policy creation and implementation approach
	- To get the key functional heads view on strategy level challenges		

Focus Group Meetings	Corporate Perspective
	
	- To get awareness, intention and challenges with respect to topic
	- View on rights
	- View on stakeholders
	
	Policy and strategy
		Homogenous Corporate profiles involved in policy creation process
		    Legal Counsellors employed in corporates
		    Risk /Sustainability officers
			Collective status on awareness, expectation, intention and challenges

Plan

Interviewee	What should be checked with them with respect to human rights

Corporates	Awareness and Clarity
	Intention
	Implementation Process
	- Policy
	- Plan
	- Relevant issues and Relevant Rights
	- View on Rights holders
	- Engagement model
	    o (Integrating the policy with strategy)
	    o Collaborative Initiative
	- Challenges
	- Reporting and Communication

Suppliers	Awareness Accountability as duty bearer, answerable Implementation Process - Who are Rights Holders
Related Community	Expectations from Corporate Awareness – view on distinction from CSR

Key Stakeholders	Perception on Human Rights and their rights, their view on duty bearer, Unmet Expectations , Representations and Demands Mode of Interaction with corporate in policy creation and implementation

Interview Targets

	External Stakeholders		Internal Stakeholders
Corporates **(Delivering to clients who are end consumers)**	**Suppliers** **(Delivering to corporates)**	**Related Communities**	
Risk Officers	Head Hunters	NGO	Employees
Legal Counsellors	Staff Augmenters	Auditing Firms	Employee union
Responsibility /Sustainability Officers	Facility Providers - Food Court - Security - Administration - IT support - Facility Management	Legal Advisory Firms, Industry Forum representatives (CII, NASSCOM etc)	
Functional Heads		Academic Community	
		Government bodies such as MCA, NHRC	

Questionnaires for Interviews

BUSINESS HEADS OF CORPORATES /RISK OFFICERS/SUSTAINABILITY HEADS

S. No	*What do we ask?*	*What do we interpret?*
1	What is the key principle that acts as guiding factor in defining policies in your organization?	To gauge if core principle and the alignment to their organization's vision
2	What is your organization's understanding on the term "human rights"?	Level of conceptual understanding and perception of human rights among corporates
3	Do you think a separate policy is required for "Human Rights?" and why do you create separate policies?	To understand company's approach on BHR (Compliance driven or stakeholder expectation or business case or Champion of cause or non-issue)
4	Where did you get the awareness on human rights and the need for business to incorporate the same? In other words , What is your reference ir guiding framework for the policy?	Institution driving adoption: NGRBC or UDHR or SEBI compliance or as part of GRI/Sustainability reporting or see it as logical thing to do
5	Do you think business should be held responsible for human rights?	Opinion on human rights and business. This will reveal the commitment and intent
6	What is the motivation for your organization to implement rights based policies?	To understand commitment and intent
7	What are the rights that are currently focused upon in your organization?	Relevant rights, how do they see it as beneficial, gives insight on any

		process/due diligence involved in understanding the same
8	Why do you think these rights are required? (Based on the above answer)	-Same as above-
9	Was there any introduction or change in process required in implementing rights based policies?	-Same as above-
10	What is the communication within the organization like – Do you refer as human rights or social responsibility or CSR?	Is "Human Rights" reference seemed to give an opinion that it will cause image damage? For instance, extractive sector may think, using this word may drive a message among stakeholders that we are being unlawful. And therefore they may camouflage and use different word.
11	Does your organization treat CSR act and Human Rights differently?	Clarity
12	What according to you are the factors to be considered as human rights issues in your organization	To see if they align to the reporting parameters such as health and safety, environment etc or they align to the contextual, value chain based factors.
13	How do you seamlessly merge new policy such as human rights into the organization? Who has the responsibility to implement the policy? How is accountability ensured?	Reference to the process, or to dedicated units or risk process or reporting etc. This shall provide clarity on the areas where it get covered
14	How do you ensure that your suppliers or customers or collaborative partners are aware about your policy on human rights?	Communication of commitment
15	How do you identify the rights, rights holders etc in your organization?	<< This is a repeat of several queries above, helps in ascertaining their overall view>>
16	How critical is your view on alignment to SDG? Do you think BHR policy is part of SDG goal? What is the overarching factor – NGRBC of GoI or SDG or Sustainability reporting factor that is seen as global standard for business reputation?	Organization's standpoint

STAFF AUGMENTERS (TEAM LEASE) / HEAD HUNTERS

S. No	*What do we ask?*	*What do we interpret?*
1	What is the key principle that acts as guiding factor in defining policies in your organization?	To gauge if core principle and the alignment to their organization's vision and that of their clientele's
2	As a human capital supplier to various sectors, What is your organization's understanding on the term "human rights"?	Level of conceptual understanding and perception of human rights among corporates
3	As a supplier to organizations (Clients), how do you align yourself with clients' supplier code of conduct, specially human rights policies?	To understand the ownership and awareness
4	Do you think a separate policy is required for "Human Rights for suppliers?	To understand company's approach on BHR
5	Do you think human capital suppliers should be held responsible for human rights?	Opinion on human rights and business. This will reveal the commitment and intent
6	What are the relevant human rights issues with respect to staff supply?	Relevant Rights
7	Do you track any human rights related violations that are reported against your clientele? If so, how do you deal with allegations if any?	Internal Process
8	What is the process of tracking worker related problems associated with multiple locations and multiple sectors? How common are the issues and how are they addressed through your policies and contract?	Contextual problems in human capital supply

9	Who is obligated to respect human rights in the chain of supply in case of violation?	Accountability

NGO/UNION REPRESENTATIVES

S. No	*What do we ask?*	*What do we interpret?*
1	What is the level of implementation of human rights policy among corporates?	Their view
2	Who do you think are the major rights holders (based on their role this question needs to be framed) or who is the most affected stakeholder due to corporate's business operation?	Identify rights holders
3	What are the key issues that you think are basic rights that has to be responded immediately by corporates or being overlooked very often by corporates ?Where do you think the breach occurs more often?	Relevant Rights
4	What is the level of interaction with respect to human rights related issues by corporates with stakeholders?	Corporate Intention
5	How responsive are they in accepting the suggestions or criticism raised by you on human rights issues	Corporate Intention
6	What are the implementation barriers even if the policy is in place?	Implementation challenges

SUPPLIERS

S. No	*What do we ask?*	*What do we interpret?*
1	What is the key principle that acts as guiding factor in defining policies in your organization?	To gauge if core principle and the alignment to their organization's vision and that of their clientele's
2	As a human capital supplier to various sectors, What is your organization's understanding on the term "human rights"?	Level of conceptual understanding and perception of human rights among corporates
3	Do you think a separate policy is required for "Human Rights for suppliers?	To understand company's approach on BHR
4	Do you think suppliers should be held responsible for human rights?	Opinion on human rights and business. This will reveal the commitment and intent
5	What are the relevant human rights issues with respect to your operations?	Relevant Rights
6	Who is obligated to respect human rights in the chain of supply in case of violation?	Accountability
7	What is your course of action in case of rights violation in your firm or in your outsourced firm if reported by the client organization?	Accountability and Remedial Measures. Positive or Negative action
8	Do you consult with your client organization in case of any violation reported in your business – in order to improve your operations or reputation? What is the level of client involvement? What is the contractual agreement with respect to such positions?	Contract agreement Client interactions
9	What according to you is the framework or guidance that helps you in framing human rights policy for your business?	

INDUSTRY FORUMS/GOVERNMENT BODIES/ACADEMIC COMMUNITY

S. No	*What do we ask?*	*What do we interpret?*
1	What do you think is the role of corporate with respect to human rights	To get Conceptual Clarity for the study
2	What is the key rights that should be respected by corporates	
3	What is the framework that can be best adopted by corporates in Indian context	
4	How important do you think is the contextual factor such as sector or location or nature of role of business plays a role in determining the rights violations	
5	What is the level of understanding on rights-holders vs Stakeholders?	
6	What are the steps taken to increase corporate awareness? Policy creation? Impact Assessment Process? Remedial Mechanism?	

EMPLOYEES OR MIDDLE LEVEL MANAGERS

Section A

<<Basic Details of Respondent such as Name, Email, Job Title, Role, Organization, Sector, Global Presence>>

Section B

S. No	*What do we ask?*	*What do we interpret?*
1	Does your company have human rights policy? If yes, is it standalone policy? Others specify	To gauge if core principle and the alignment to their organization's vision
2	Do you think human rights policy is redundant in your organization? If yes, how has it been accommodated? If no, why do you think it was not accommodated?	Awareness
3	What according to you are the key human rights issues with respect to your organization	Awareness
4	What is your role or association with respect to this policy?	Employees view on their role as rights holder or duty bearers
5	Do you think your rights are being respected by your organization?	Clarity
6	What are the steps taken by your organization in addressing the human rights issues?	Awareness

Focussed Group Discussions for Corporate:

Questionnaire for Construction Sector
General Questions:

S. No	Question	Interpretation
1	What are your comments on the implementation of the labour acts such as BOCW (Building and Other Construction Workers) Act in Karnataka? (Probe: Social security contributions by workers & employees are stored as dormant money in trust funds)	The question seeks to understand the opinion from various stakeholders
2	To what level in the supply chain is scrutiny possible?	Transparency and coverage of rights
3	What are the vulnerabilities in the industry?	Confirmation on findings
4	Who is obligated to respect human rights in the chain of supply in case of violation?	Accountability

5	The BOCW Act does not mandate the registration of workers for the welfare fund; do you feel this gap could be addressed by strengthening the reporting procedures such as NGRBC?	Policy recommendations
6	There is very little or low reporting by large companies on presence of an employee associations. What in your opinion are the challenges to trade unions and worker organisations?	Trade Union policy intervention

Annexure 4: Profile of Interviewees

Code Name	Role	Organization
P1	Academician -Subject Expert on IT	Leading Mgmt Institute
P2	Academician -Subject Expert on OB &HR	Leading Mgmt Institute
P3	Academician -Subject Expert on OB &HR	Leading Mgmt Institute
P4	Academician -Subject Expert on Strategy	Leading Mgmt Institute
Y1	Head, Sustainability & Social Initiatives	Leading IT Company
P5	Academician -Subject Expert on OB &HR	Leading Mgmt Institute
Y2	CMD	MSME-Pharma
Y3	Non-Executive Board Member	MSME-Pharma
Y4	Assistant Manager	Leading Logistics Company
Y5	Partner & Head- Sustainability	Leading Consulting Firm
Y6	Co-founder EVP	Staffing Agency
Y7	Director	MSME-Pharma
Y8	Compliance Officer	Leading IT MNC
Y9	Compliance Officer	Leading IT MNC
Y10	IPS	Police
Y11	CEO	Leading Pharmaceutical Company Foundation
Y12	Ex-Labour Commissioner	
Y13	Labour Minister	
Y14	Director	Department of Karnataka
Y15	Chairman	Leading Construction Association
Y16	President	Construction Union
Y17	DCP	Police
Y18	General Secretary	Construction Union
Y19	Secretary	Construction Union
Y20	President	Construction Union
Y21	President	Construction Union
Y22	President	Construction Union

8296/2020/RU-4

Y23	President	Construction Union
Y24	Secretary	Construction Union
Y25	President	Construction Union
Y26	CHRO	Leading Logistics Company
Y27	CEO	MSME-Logistics

Annexure 5: Status of Reporting in Selected Sectors

Findings based on Rights Coverage across sectors

- Child and forced labour has qualitative reference in all companies due to BRR reference.
- Diversity and Inclusion parameter has coverage in terms of gender distribution especially male and female. Reference to women in board
- Health and Safety has more quantitative information on how the process is being handled.
- Supply chain present in few sectors. Coverage of this right is due to BRR and presented with few details.
- Opportunity for Growth is widely discussed topic. However, detailed action plans and policy document not available
- Freedom of Association /Trade union/Collective Bargaining is the least covered right. Those covering the topic just indicate presence of union and percentage of employees that are part of it
- Supply chain present in few sectors. Coverage of this right is due to BRR and presented with few details.
- Opportunity for Growth is widely discussed topic. However, detailed action plans and policy document not available
- Freedom of Association /Trade union/Collective Bargaining is the least covered right. Those covering the topic just indicate presence of union and percentage of employees that are part of it
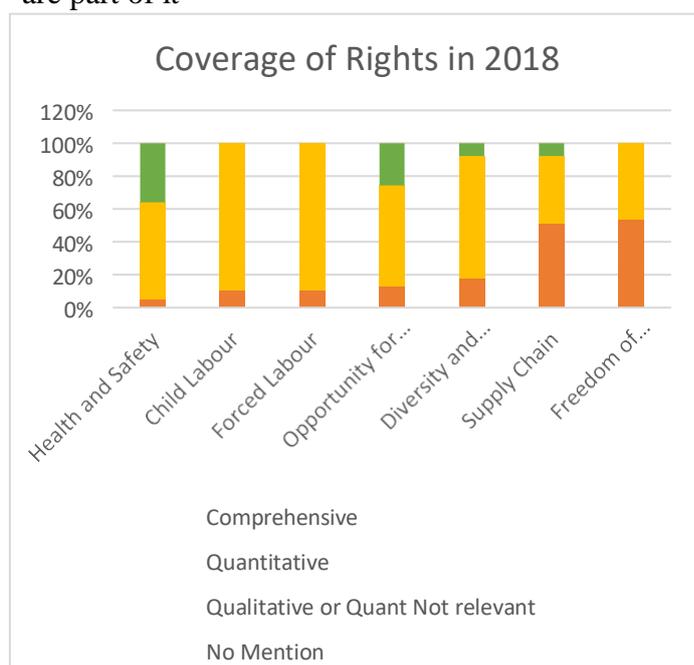
Sector Based Finding on Rights:

Pharma
- Focus more on health and safety
- Recognizes that human capital is the most important and focuses more on opportunity for growth for employees. Stresses on equal opportunity for women
- Supply chain referred as part of BRR. However no reference to assessment, forced or child labour in supply chain
- Unions recognized in this sector
- Highly unorganized and fragmented with 25000 companies and only 330 are organized
- Potential job opportunity creator with 45% growth expectation by 2025
- Reports of unfair labour practices, gender discrimination, reports of factory lockout due to wages, harassment at work, unsuitable working conditions etc

Construction:

- Least coverage on all factors
- Infrastructure companies report better than real estate companies
- Child and Forced labour is not reported in many reports even as part of BRR.

ITES:

- Focus more on health and safety
- Recognizes that human capital is the most important and focuses more on opportunity for growth for employees and as equal opportunity employer for women.
- Supply chain referred as part of BRR. However no reference to assessment, forced , outsourced or contractual labour in supply chain
- Absence of union / collective bargaining forums
- Exemption of standing orders act in some state and thereby issues in working hours, lay off, leave obligation and lack of union bodies being highlighted by labour departments of governments and other forums
- Impact of automation on job market and current employees

Logistics:

- Least coverage on all factors
- Many companies were outside NSE index 100 and therefore BRR reporting only from 2016-17
- Child and Forced labour is not reported in many reports even as part of BRR.

Annexure 6: Value chain in IT sector from rights perspective

	Company Employees	**Supply Chain Employees**	**Local Community**	**End users**	**Vulnerable Group**
Suppliers	Security Service causing threat to life to employees	Component Manufacturers for hardware. The employees should not be subjected to forced or bonded labour, child labour etc.	Disposal of waste, usage of land and water for premises. These has impact on right to water and health	Right to privacy, Right to fair customer service	Same as local community
Device and Component Manufacturers	Formation of trade union	Unsafe working conditions	Installation of signal towers or equipment manufacturing units that pollutes and risks community health	Same as above	Discrimination against employees based on caste / religion or gender
Network Management	Work in shifts should not affect Right to life	Same as above	Same as above	Same as above	Same as above

Annexure 7: Comparison with NGRBC

Comparison of NGRBC with NHRC Tool

	BRR	**NHRC Tool**
On Themes and Principles	Interdependent, Interrelated and Non-divisible, and businesses are urged to address them holistically	Themes derived and categorized based on UNGP and NVG framework
Respecting Human Rights	Through Principle 5 that states business should respect human rights. This is guided by the Constitution of India, International Bill of Rights and UNGP.	Through Section 1 maps out policy commitment of organization on human rights.
	Core Elements: To ensure - Employee awareness of human rights - Management team in place for impact assessment and implementation of human rights policy - Due diligence carried out for all stakeholders - Promote awareness across its value chain - Effective Grievance Mechanism is in place. Principle wise : To declare Essential Indicators - Employee Training - Stakeholders identification - Stakeholders complaints - Review of contracts of suppliers for human rights Leadership Indicators - Supplier awareness of human rights - External stakeholders identified - External stakeholder grievance mechanism - Corrective actions taken - Scope and Coverage of Due Diligence	Core Topics: To verify - Commitment of organization through policy, code of conduct - Explicit Themes covered under Human Rights by Organization - Management team at operational and senior level to lead human rights responsibility - Coverage of Stakeholders - Impact assessment at all functions - Implementation of measures - Systems and process for implementation - Remedial Measures and Grievance Mechanisms - Promote awareness in its supply chain - Employee Training on human rights - Performance Monitoring on Human Rights
Health and Safety	Through Principle 3 that states businesses should respect and promote the well- being of all employees, including those in value chains. Cites SDG 8 that covers equality, dignity, non-discrimination and decent work.	Through Section 1.3, assess the policy commitment and due diligence of health and safety

| | Core Elements : To ensure
- Compliance to all regulatory requirements of employees and examine the compliance of value chain partners
- Equal opportunity (Join / associate/ separation), Freedom of Expression, Collective Bargaining for all labours
- No child, forced, involuntary labour (both paid or unpaid)
- Ensure work-life balance
- Fair, Timely, Transparent Payment without discrimination
- Workplace that is safe, hygienic and accessible to all
- Promote career growth
- Humane workplace safe from violence and harassment
- Provisions for grievance redressal

Principle wise : To declare
Essential Indicators
- Complaints on discrimination, harassment
- Recognized unions
- Cases on child/forced labour in firms and their value chain
- Ratio of high pay vs low pay
- Details on accidents
- Training on safety, skill upgrade

Leadership Indicators
- Assessment of value chain partners
- Work life balance issues / implementation policy
- Accident – affected persons accommodated back at work
- Remedy actions for forced labour | Core Topics: To verify
- Availability of policy on health and safety
- Commitment and involvement from senior management
- Dedicated team to manage health and safety of employees
- Compliance to regulatory requirements
- Integration of policy into operations
- Risks and Control Measures
- Safety as a factor for employee acquisition
- Employee awareness of safety, Escalation procedures
- Safety of expectant mothers
- Accessibility to basic amenities |
| Child Labour | Through Principle 3, child labour is addressed for both companies and their value chains | Through Section 1.4, child and labour is covered |

	Essential Indicators	Core Topics : To verify
	- Value chain audition for child and forced labour - Cases of child /forced labour in both firm and value chain	- Child labour in supply chain - Prohibition of forced or compulsory labour - Team allocation for child labour impact assessment - Engagement model with suppliers who have child labour - Integrate impact assessment of child labour into all functions - Track child labour - Remediation Measures
Equal Opportunity	The overarching core concept states that all the principles should be adhered without any discrimination and Principles 3, 4, 5, 8 have equal opportunity covered in several points.	Through section 1.1 equal opportunity is covered
	Principle 3: Equality in wages, Proportion of high to low salary, Harassment, Safety in workplace, Work life balance, Principle 4: List of vulnerable and marginalized groups Principle 5: External stakeholders groups Grievance mechanisms for human rights of external stakeholder groups Principle 8: Social impact assessments	- Policy Commitment for all genders (Male, female, LGBTQ) – Equal opportunity, Good working place - Hire with no discrimination - Workplace accessibility - Equality in salary - Safety in workplace, Growth opportunity without any discrimination - Initiatives for vulnerable communities - Workplace safety for expectant mothers
Diversity and Inclusion	Through various principles, primarily 3,4,5,8 as described above.	Through section 1. equal opportunity is covered
	Covered in other principles	Core Topics: To verify Policy for recruitment of disabled Diversity in board Gender Diversity in workforce Non-Discrimination in workforce Employment for vulnerable community Assessment of value chain Child care benefits , Paternity leave, eldercare benefit,

		Work life balance
Environment and Sustainability	Through Principle 6 and 2 it covers environment, sustainability.	Through section 1.5 covers environment.
	Core Elements: To ensure - Policies to address impact to environment in all locations due to business operations - Sustainability in business practice - Performance monitoring for environment aspects such as water, air, land use , biodiversity, forest, energy , waste etc - Climate change - Innovate, resource efficient, low carbon technologies for positive impact on environment - Provision of details on environment impact aspects to all the services and products across all stakeholders - Circular economy Principle 2 and 6 Indicators - Investment in technologies to improve social and environmental impacts - Recycle parameter details - List of products/service posing environment risks - Impact communication to all stakeholders - Responsible sourcing - Labelling of services/products - Resource usage - Adverse effect due to business - Collective Action due to environment - Impact assessments	Core Topics : To verify - Product and Service Information with respect to social and environment impact - Commitment for Sustainable sourcing - Tracking on energy consumption, water usage, air emission, waste - Employee awareness on environment - Waste Disposal Methods - Environmental Audit Performance - Management Team for Environment Responsibility

Annexure 8: Critical Analysis of the tool

Repetitive/Redundant Questions

Section A: Respecting Human Rights

Set 1	Set 2

Q1. Does your organization have a publicly, available commitment to respect human rights? If YES, please indicate if this is
    a. A stand-alone human rights policy
    b. A reference to the organization's human rights commitment within another corporate policy (e.g. Code of Conduct or Sustainable Policy
    c. Any other, please specify
	Q6. Does the organization have a code of conduct with respect to Human Rights?

Q9. Does the organization have systems and processes in place to identify and assess actual and potential human rights impacts?	Q10. Does the organization have any system in place to prevent or manage negative human rights impacts?

Section B: Health & Safety

Set 1	Set 2	Set 3
Q1. Does your organization have a publicly available policy commitment towards health and safety?	Section A Q2. Does the organization's Corporate Policies include public commitment towards Equal Opportunities ☐ Gender Equality ☐ Discrimination Health & Safety Prohibiting Child Labour Vulnerable populations eg. migrant labour, indigenous people etc. Forced Labour & Human Trafficking Sexual Harassment Work Hours Freedom of Association and Trade Union Rights ☐ Displacement and Community Relocation Housing ☐ Access to water Right to Privacy Freedom of Expression and/or / ☐ Digital Rights Affirmative Action Operations in Conflict Zones ☐ Environment & Sustainability	
	Corporate Social Responsibility Any other, please specify	

Q2. Is there a level of commitment from senior management toward improving the workplace health and safety culture?	Q3. Is the senior management involved in ensuring health and safety to your employees?	
Q4. Does the organization have an individual assigned to lead, implement, monitor and evaluate health and safety policy and provisions?	Q15. Does line management and individuals share responsibility of safety?	
Q5. Do you check to confirm that all policies and procedures are being followed on regular basis (yearly)?	Q11. Do you review your Health and Safety program at least once a year and make improvements as needed? If yes, do you always make improvements as needed?	
Q7. Does the organization assess all the risks to new and expectant mothers arising out of their work activity?	Q19. Does the organization ensure that all reasonable steps are taken to remove or reduce any risks associated with the health and safety of new and expectant mothers?	
Q8. Do you have definite procedures in place to identify and control hazards?	Q9. Have you implemented appropriate control measures to identify hazards?	Q14. Is there a hazard reporting procedure in place that encourages employees to report all unsafe conditions and unsafe practices to their supervisors?

Section C: Child Labour

Set 1	Set 2	Set 3	Set 4
Q1. Does the organization communicate publicly about how it addresses its impacts, including children, in its sourcing supply chains?	Section A Q2. Does the organization's Corporate Policies include public commitment towards Equal Opportunities Gender Equality Discrimination Health & Safety Prohibiting Child Labour ☐ Vulnerable populations eg., migrant labour, indigenous people		

	etc. Forced Labour & Human Trafficking ☐ Sexual Harassment Work Hours ☐ Freedom of Association and Trade Union Rights Displacement and Community Relocation ☐ Housing Access to water Right to Privacy Freedom of Expression and/or / Digital Rights Affirmative Action ☐ Operations in Conflict Zones ☐ Environment & Sustainability ☐ Corporate Social Responsibility ☐ Any other, please specify		
Q2. Does the organization prohibit the use of forced or compulsory labour at all its Units?	Q3. Does the organization ensures that no employee at its workplace is made to work against her / his will or to work as bonded/forced labour, or subjected to coercion of any kind?		
Q4. Does the organization's child labour due diligence process cover adverse impacts that the organization may directly cause?	Q6. Does the organization's child labour due diligence process covers adverse impacts on those, which may indirectly arise through its business relations?	Q7. Does the organization has system in place to identify, prevent, mitigate, and accounts for how it addresses its impacts on children in its sourcing supply chains?	Q11. Does the organization have a system of tracking the effectiveness of its child labour programs?

8296/2020/RU-4

Section D: Equal Opportunity

Set 1	Set 2	Set 3
Q1. Does your organization have policy commitment in providing equal opportunity to males, females and transgender?	Section A Q2. Does the organization's Corporate Policies include public commitment towards Equal Opportunities ☐ Gender Equality ☐ Discrimination Health & Safety Prohibiting Child Labour Vulnerable populations eg. migrant labour, indigenous people etc. Forced Labour & Human Trafficking ☐ Sexual Harassment ☐ Work Hours Freedom of Association and Trade Union Rights ☐ Displacement and Community Relocation ☐ Housing Access to water Right to Privacy ☐ Freedom of Expression and/or / Digital Rights Affirmative Action ☐ Operations in Conflict Zones Environment & Sustainability Corporate Social Responsibility ☐ Any other, please specify	
Q1. Does your organization have policy commitment in providing equal opportunity to males, females and transgender?	Q5. Does the organization have policy to hire transgender?	Q6. Does the organization provide same salary to men, women and transgender who hold the same credentials?
Q2. Does your organization have a policy commitment to uphold a good working environment where all people are treated with dignity and respect?	Q3. Is there any system in place to ensure that the organization hire people with different ethnicity, caste, religion and sex?	
Q4. Does your organization provide viable infrastructure and enabling environment to people with disability?	Q10. Can an eligible personnel who are disabled expect similar job assignments as non-disabled personnel?	

Q7. Does the organization focus in providing a work environment that is free from any form of discrimination, including but not limited to sexual harassment?	Q11. Has the organization taken all the necessary measures for safety and security of females?	

Section E: Diversity and Inclusion

Set 1	Set 2
Q2. Does the organization have a diverse Board of Directors?	Q3. Does the organization have a Key Managerial Diverse leadership team?

Revised Draft Tool

Policy Commitment

Section	Question

Section A: Respecting Human Rights	Q1. Does your organization have a publicly, available commitment to respect human rights? If YES, please indicate if this is
	    a. A stand-alone human rights policy
	    b. A reference to the organization's human rights commitment within another corporate policy (e.g. Code of Conduct or Sustainable Policy
	Any other, please specify

Section A: Respecting Human Rights	Q2. Does the organization's Corporate Policies include public commitment towards Equal Opportunities Gender Equality Discrimination Health & Safety ☐ Prohibiting Child Labour Vulnerable populations eg. migrant labour, indigenous people etc. Forced Labour & Human Trafficking Sexual Harassment ☐ Work Hours Freedom of Association and Trade Union Rights Displacement and Community Relocation Housing Access to water Right to Privacy ☐ Freedom of Expression and/or / Digital Rights Affirmative Action ☐ Operations in Conflict Zones ☐ Environment & Sustainability Corporate Social Responsibility Any other, please specify
Section D: Equal Opportunity	Q2. Does your organization have a policy commitment to uphold a good working environment where all people are treated with dignity and respect?

Section E: Diversity and Inclusion	Q1. Does your organization have a policy for actively recruiting people with a disability? If YES, also provide with the percentage of people recruited with disability
	a. Active Recruitment b. Moderate Recruitment c. Never Recruited

Section F: Environment and Sustainability	Q1. Please indicate whether the organization has a set code of conduct for the following product and service information and labelling
	  a. Sourcing of components of a product or service
	  b. Content, particularly with regards to substances that might have an environmental or social impact
	  c. Safe product or service use
	  d. Product disposal and environment/social impact
	  e. Others, please specify
	  f. No such requirement

Governance

Section	Question

Section A: Respecting Human Rights	Q3. Has the organization allocated lead responsibility for human rights at:
	  a. Operational level
	  b. Senior management level
	  c. If at any other level, please specify

Section A: Respecting Human Rights	Q4. Does the organization have a board member or board committee officer to oversee human rights issues?
Section A: Respecting Human Rights	Q7. Has the organization identified functions whose actions and decisions may pose risks to human rights?
Section B: Health and Safety	Q2. Is there a level of commitment from senior management toward improving the workplace health and safety culture?
Section B: Health and Safety	Q5. Do you check to confirm that all policies and procedures are being followed on regular basis (yearly)
Section B: Health and Safety	Q7. Does the organization assess all the risks to new and expectant mothers arising out of their work activity?
Section B: Health and Safety	Q10. Do you assess working environment the risks involved for your staff regularly?
Section E: Diversity and Inclusion	Q2. Does the organization have a diverse Board of Directors?

8296/2020/RU-4

Section E: Diversity and Inclusion	Q5. Do employees actively include coworkers with different Social and Economic backgrounds in workplace tasks?
Section E: Diversity and Inclusion	Q7. Which of the following initiatives are being taken by your organization to encourage employment and employability among vulnerable, marginalized and disadvantageous sections of the society? a. Embedding of spirit of positive discrimination b. Innovative ways to increase numbers: e.g. incentivizing recruiters, voluntary quantitative commitments c. Assessing at the entire ecosystem (upstream and downstream) for employment opportunities. d. Training in employment- intensive areas (in house or in partnership with it is, NGOs etc. e. Post training engagements e.g. job creation/selection f. Any other , please specify
Section E: Diversity and Inclusion	Q8. Does the organization provide child care benefits?

Implementation Mechanism

Section	Question
Section A: Respecting Human Rights	Q8. Has the organization implemented any procedures where the most severe and repetitive human rights violations are dealt by the board?
Section A: Respecting Human Rights	Q9. Does the organization have systems and processes in place to identify and assess actual and potential human rights impacts?
Section A: Respecting Human Rights	Q11. Does the organization communicate with its business partners including supply chains to signal the importance of human rights?
Section A: Respecting Human Rights	Q12. Are there any training conducted for staff and business partners on the issue of human rights?
Section A: Respecting Human Rights	Q13. Does the organization have any system in place to track the effectiveness of its actions on human rights?
Section A: Respecting Human Rights	Q14. Does the organization encourage establishment of a formal grievance redressal mechanism for the impacted stakeholders (like vendors and suppliers)?

Section B: Health and Safety	Q4. Does the organization have an individual assigned to lead, implement, monitor and evaluate health and safety policy and provisions?
Section B: Health and Safety	Q6. Have you integrated safety, into all aspects of your work?
Section B: Health and Safety	Q9. Have you implemented appropriate control measures to identify hazards?
Section B: Health and Safety	Q12. Is safety a factor when acquiring new equipment or changing a process?
Section B: Health and Safety	Q13. Do the personnel in the organization have a right to remove themselves from imminent serious danger without seeking permission from the organization?
Section B: Health and Safety	Q16. Is there any disciplinary action taken against employees who violate their safety procedures?
Section B: Health and Safety	Q17. Do you keep the records of education and training each employee has received?
Section B: Health and Safety	Q18. Does the organization provide, for use by all personnel, access to clean toilet facilities, access to portable water, and where applicable, sanitary facilities/dormitory facilities and food storage?
Section B: Health and Safety	Q20. Do you address concerns and recommendations made by the workers, health and safety committee (or representatives) and others?
Section C: Child Labour	Q3. Does the organization ensures that no employee at its workplace is made to work against her / his will or to work as bonded/forced labour, or subjected to coercion of any kind?
Section C: Child Labour	Q4. Does the organization's child labour due diligence process cover adverse impacts that the organization may directly cause?
Section C: Child Labour	Q7. Does the organization has system in place to identify, prevent, mitigate, and accounts for how it addresses its impacts on children in its sourcing supply chains?
Section C: Child Labour	Q8. Does the organization have processes and actions in place to prevent child labour from materializing, or at least reduce, as far as possible, the extent to which it may do so?
Section C: Child Labour	Q9. Does the organization refrain from engaging with vendors and suppliers who resort to using child labour and forced labour in their operations?

Section C: Child Labour	Q10. Does the organization integrate findings from its impact assessments across relevant internal functions?
Section C: Child Labour	Q12. Is the organization's child labour due diligence an ongoing process i.e. does it recognize that risk to children may change overtime at the organization's operations and operating context also change?
Section C: Child Labour	Q13. Does the organization have processes and actions in place for/or cooperate in legitimate processes of remediation?
Section D: Equal Opportunity	Q4. Does your organization provide viable infrastructure and enabling environment to people with disability?

Section D: Equal Opportunity	Q8. Does the organization provide equal opportunity to men and women for the following
	   a. Human Resource Development
	   b. Career Development
	   c. Trainings/Skill Development
	   d. Promotion

Section D: Equal Opportunity	Q9. Which of the following initiatives are being taken by your organization towards enhancing 4 Es (Employment, Education, Employability and Entrepreneurship) among the disadvantages section of the society?
	   a. Creating awareness among the marginalized about employment opportunities within/outside the organization
	   b. Providing knowledge about government schemes on employment
	   c. Providing technical skills to enhance their employability
	   d. Creation of customized scholarship schemes for meritorious candidates
	   e. Encouraging members from these communities to become business associates provided all other conditions are satisfied.
	   f. Any other initiative, please specify

Section D: Equal Opportunity	Q10. Can an eligible personnel who are disabled expect similar job assignments as non-disabled personnel?
Section D: Equal Opportunity	Q11. Has the organization taken all the necessary measures for safety and security of females?
Section D: Equal Opportunity	Q12. Whether the organization has any specific provisions for new and expecting mothers?

Section E: Diversity and Inclusion	Q4. Does the organization have practices in place to recruit gender diverse workforce?
Section E: Diversity and Inclusion	Q5. Do employees actively include coworkers with different Social and Economic backgrounds in workplace tasks?
Section E: Diversity and Inclusion	Q6. Does the organization provide career development programs targeted to under-represented population of employees?
Section E: Diversity and Inclusion	Q7. Which of the following initiatives are being taken by your organization to encourage employment and employability among vulnerable, marginalized and disadvantageous sections of the society? Embedding of spirit of positive discrimination a. Innovative ways to increase numbers: e.g. incentivizing recruiters, voluntary quantitative commitments b. Assessing at the entire ecosystem (upstream and downstream) for employment opportunities. c. Training in employment- intensive areas (in house or in partnership with it is, NGOs etc. d. Post training engagements e.g. job creation/selection e. Any other , please specify
Section E: Diversity and Inclusion	Q8. Does the organization provide child care benefits?
Section E: Diversity and Inclusion	Q9. Whether the organization has provisions for paternity leave for the employees and workers?
Section E: Diversity and Inclusion	Q10. Does the organization provide Elder care benefit towards sick/disabled parent?
Section E: Diversity and Inclusion	Q11. Does the organization provide flexible working hours by allowing workers to work from home as a part of their regular work?
Section F: Environment and Sustainability	Q2. Is the organization committed to sustainable sourcing/green procurement? a. Yes, the organization is committed to green sourcing b. No formal commitment, but the organization prefers suppliers with responsible environment practices c. There is no such commitment at present

Section F: Environment and Sustainability	Q3. Please indicate whether your organization is involved in tracking and reducing one or more of the following
	    a. Energy Consumption
	    b. Water usage
	    c. Air emission
	    d. Waste
	    e. Not involved in tracking and reducing the above at present
	    f. Any other, please specify

Section F: Environment and Sustainability	Q4. Does your organization organize training sessions to promote environment awareness among employees at your site to encourage them to be environmentally responsible?
	    a. Yes, training sessions are implemented on irregular basis
	    b. Yes, training sessions are implemented on irregular basis
	    c. No
	    d. No, but we plan to implement such training sessions. Please specify : (Month/Year)

Section F: Environment and Sustainability	Q6. Please mention waste disposal methods that were used by your organization in the past financial year and respective waste quantities?
	    a. Landfill
	    b. Discharge to water
	    c. Recycled waste
	    d. Incinerated waste
	    e. Composed waste
	    f. Waste to energy
	    g. Other, please specify
	    h. No information available

Sectoral Analysis

Question	Interpretation
Does the organization assess all the risks to new and expectant mothers arising out of their work activity?	Pharma response: Reference to Maternity benefit act IT response: Reference to leave plans, data on parental leave, returning mothers , work life balance, safety at work
Do you assess working environment the risks involved for your staff regularly?	This is mostly interpreted as fire safety training and no other possible unexpected /unforeseen incidents are covered.

Does your organization have a policy commitment to uphold a good working environment where all people are treated with dignity and respect?	Most of the responses are with respect to gender equality especially in terms of opportunity and growth. Responses based on roles, ethnicity, caste, religion and gender in terms of treatment is not noticed in these 2 sectors.
Does the organization provide same salary to men, women and transgender who hold the same credentials?	It is referred as opportunity and growth. However, for the same specific role, the quality in salary is not explicitly stated.

FUNCTIONAL EVALUATION OF SELF-ASSESSMENT TOOL

In this section, we will critically analyse the NHRC's self - assessment tool with respect to the current business and human rights agenda in Indian context. As an outcome of the analysis, we shall propose the suggestions for NHRC in shaping up the tool.

It is required to critically analyse the self-assessment tool (NHRC tool) in the following aspects:

- o Usability of the tool
    - Does it solve the purpose for which it has been created?
- o Given the wider acceptance of BRR and with NGRBC framework,
    - What is the key issue that is overlooked in NGRBC but covered in NHRC tool?
    - Is there any alternate way to represent NHRC tool?
    - What could be the value addition to NHRC tool?
    - What could be the usage and intention of the tool?
    - What could be the possible format?
    - How can it be complementary to NGRBC's framework?

Methodology

As first step, we administered the NHRC tool on limited sample companies belonging to NSE Top 100. We relied on our accessibility to publicly available data such as annual, business responsibility and sustainability reports, company policies and corporate websites. Our intention was not to rate as per the tool or to assess performance of organizations but to find out the availability of data for the queries posted in the tool. This step aims to provide the details on

- o Where is the data available?

        o Presence or absence of information in various formats

- o Which material has the high availability of data?
- o Which query is responded to the most? Which queries are not addressed?
- o What is the level of disclosure?

Companies from the Pharmaceutical sector were selected to study the effectiveness of the self-assessment tool developed by NHRC. The data for the questions was compiled using information available in the public domain. The objective was to answer:

- How much can be answered using Information available in the public domain?
- How many questions posed have a similar response?
- How many questions remain unanswered with the publicly available information?
- Is the information obtained satisfactory to gauge the HR situation in an organization?

Next, we compared the queries in proposed BRR format (NGRBC) and NHRC tool. This study aims to give

- o Redundancy of query
- o Queries or themes not addressed in NGRBC framework

As third step, we try to identify the possible format that could be complementary in nature.

Findings:

- Where is the data available?
    - o Presence or absence of information in various formats
    - o Annual Report covers the details on Health and Safety, Equal Opportunity, Diversity and Inclusion with respect to internal stakeholders
    - o Sustainability Report, if available, covers the details on human rights policy and environment and sustainability parameters in detail
    - o BRR covers the responses sought for in NVG format.
    - o Websites have policies predominantly on environment, occupational hazards and Sexual harassment.

- Which material has the high availability of data?
    - o Policy wise – Health and safety, Environment and Sustainability has more coverage.

- o Standalone policies on human rights, if available are present in the website in group companies.

- o Human Rights policy as a section is present in sustainability report.

- o Comprehensive details on waste disposal, energy consumption, water usage are provided in most of the companies and are available in BRR.

- o Child Labour is present only as part of response to BRR.

- o Equal opportunity, Diversity and Inclusion gets covered sparingly through BRR response and Growth opportunity section of annual reports.

- Which query is responded to the most? Which queries are not addressed?

    - o Queries of NHRC tool that are mapped as essential indicators in NGRBC get captured.

    - o However, the details of systems, policies, impact assessment processes are not responded in BRR.

- What is the level of disclosure?

    - o Not comprehensive as can be observed in status of reporting analysis section earlier.

Effectiveness

We assessed the functional effectiveness on the tool and the same can be found in our detailed annexure shared in .docx format

Overall Observations

1. Questions asked are Yes/No type questions created with an assumption that the users are straightforward with no influences from the organisation they represent.

2. The scope of the terminologies such as Diversity, Discrimination and others have not been defined, permitting the user to interpret the questions in a manner he/she deems fit.

3. The section headers are not restrictive of the content under the header, as questions spill over to the succeeding sections.

4. Questions have been rearticulated in diverse ways, although the interpretation and response to the question remains the same.

5. Stakeholder Representation: While there has been some justice done in the Health and Safety section, the stakeholders considered are incomplete, ruling out Trade Unions and Contractors completely.

We have also shared the section wise changes that are possible in the tool. The other observations are listed below:

Observations:

- All the themes are covered in both NGRBC and NHRC tool.

- NGRBC additionally covers on consumers, ethical business and on stakeholders. This is not addressed in NHRC tool

- The points indicated in blue above are found in NHRC tool but not covered in NGRBC.

- While NGRBC focuses more on capturing parameters that acts as a proof of the existence of systems and parameters adhering the principles, NHRC tool focuses on the policy commitment, governance structure and monitoring mechanism for the themes.

- NHRC tools' focus on labour related issues are more detailed in nature.

- NGRBC covers environment and sustainability is more comprehensive than NHRC tool.

- Across all the themes, some of the queries in the tool are repetitive in nature conceptually. In other words, the questions tend to have minor difference but cover the same details. Thus, the responses for these queries will have the same responses.

- NGRBC framework encourages more details as responses and not to restrict the BRR format with the one provided by NGRBC. NHRC tool allows self-evaluation in the form of yes/no getting translated to score. With repetition in queries, most of the responses tend to be yes and not reflect the reality.

- NGRBC gives the intent, core elements for every principle. For each principle, the essential indicators to be met and shared by corporates. Leadership indicators are preferred. NHRC's tool doesn't convey the intent of each of themes.

What can be done?

- o Usability of the tool
    - Since the queries are already been captured by NGRBC and due SEBI mandate, the tool can be perceived as redundant and repetitive process.

- o Given the wider acceptance of BRR and with NGRBC framework,
    - What is the key issue that is overlooked in NGRBC but covered in NHRC tool?
        - Systems and Process capture. While NGRBC seeks for evidence of the implementation, NHRC tool looks at the policy governance and commitment.
    - Is there any alternate way to represent NHRC tool?
        - The tool could be guide for impact assessment or for auditing

tool.

- What could be the value addition to NHRC tool? How can it be complementary to NGRBC's framework?

    - If it is to be pitched as impact assessment tool, the format of the tool has to be extended to cover robust details of impact assessment

    - If it is projected as auditing tool, the queries currently present in NHRC tool must be made as concise.

Annexure 9: Stakeholder and Rights

Pharmaceutical Sector Rights

We listed the rights and the stakeholder relevant to the sector. We observe that based the level of influence, the association of the stakeholder on the rights varied. Therefore, we classified few levels for pharma sector such as a) MSME or Client Controlled – where the organization is player in supply chain, b) Organization specific – both listed/unlisted and supply chain MSME c) Organization, Client and Government issues d) Multi-stakeholder – that involves organization, government and community. We then mapped the rights associated with the stakeholder based on the above classification.

Level of Influence	Rights	Employees	Contract Labour and Sub-contractor	Healthcare professionals	Investors	Customers	Security Personnel	Civic Bodies	Trade Unions	Governments	Vendors	Retailers & Distributers	Clinical Trial Representatives	Community
MSME or Client Controlled	Child Labour	√	√	√			√				√	√	√	√
MSME or Client Controlled	Forced Labour	√	√	√			√				√	√	√	√
MSME or Client Controlled	Gender Equality	√	√	√		√	√				√	√	√	√
MSME or Client Controlled	Workplace Health and Safety	√	√	√			√					√	√	
Organization Specific	Equal Opportunity	√	√	√			√				√	√	√	√
MSME or Client Controlled	Working Hours	√	√	√			√				√	√	√	
Organization Specific	Equal Wages	√	√	√			√					√	√	
MSME or Client Controlled	Indigenous rights													√
MSME or Client Controlled	Healthy and affordable food	√	√				√				√	√	√	√
Multi-stakeholder	Training and education	√	√	√		√	√				√	√	√	√
Organization Specific	Parental leave	√	√	√			√				√	√	√	√
MSME or Client Controlled	Availability of a skilled workforce	√		√			√				√	√	√	√

MSME or Client Controlled	Access to affordable housing	√		√				√				√	√	√	√
Organizati on, Client and Government issues	Access to water	√		√	√	√	√	√	√	√	√	√	√	√	√
Organizati on, Client and Government issues	Clean Air and emissions	√		√	√	√	√	√	√	√	√	√	√	√	√
Multi- stakeholde r	Disaster/e mergency planning and response	√		√	√			√						√	√
Organizati on, Client and Governme- nt issues	Electricity access	√		√	√	√	√	√	√	√	√	√	√	√	√
Organizati on, Client and Governme nt issues	Water recycling and reuse	√		√	√	√	√	√	√	√	√	√	√	√	√
Organizati on, Client and Governme nt issues	biodiversi ty														√
Organizati on, Client and Governme nt issues	Noise	√		√	√		√								√
Organizati on, Client and Governme nt issues	Pollution	√		√	√	√	√	√	√	√	√	√	√	√	√
Organizati on Specific	Unfair trade practices	√		√	√	√					√	√			
MSME or Client Controlled	Responsib le sourcing of equipmen t										√	√			
Organizati on, Client and Governme nt issues	Access to land			√	√							√			
Multi- stakeholde r	Intellectu al Property	√		√	√						√	√			
Multi- stakeholde r	Access to Medicine	√		√	√		√	√			√	√		√	√
Multi- stakeholde r	Testing				√									√	√

8296/2020/RU-4

Classification	Rights	Employees	Contractor	Subcontractor	Investors	Customers	Security Personnel	Construction Workers	Civic Bodies	Trade Unions	Governments	Vendors	Retailers	Builders	Community
Multi- stakeholder	Pricing Rights			√	√	√					√	√			
Organization Specific	Job security	√		√	√						√			√	√
Multi-stakeholder	Right to Life	√		√	√	√	√	√	√		√	√	√	√	√
Organization Specific	Right to freedom of association	√		√						√	√	√	√		
Multi- stakeholder	Freedom of Speech	√		√	√	√	√	√	√	√	√	√	√	√	√
Multi-stakeholder	Right to equitable life	√		√	√			√			√	√	√	√	√
Organization, Client and Government issues	Maintenance of standard of living	√		√										√	√
Organization, Client and Government issues	Right to privacy	√		√	√	√	√	√	√	√	√	√	√	√	√
Organization, Client and Government issues	Access to financial services	√		√	√	√	√	√	√	√	√	√	√	√	√

Construction Sector Rights

We listed the rights and the stakeholder relevant to the sector. We observe that based the level of influence, the association of the stakeholder on the rights varied. Therefore, we classified few levels for construction sector such as a) Workers (Labour) b) Multiple Stakeholders c) Environment. We then mapped the rights associated with the stakeholder based on the above classification.

Classification	Rights	Employees	Contractor	Subcontractor	Investors	Customers	Security Personnel	Construction Workers	Civic Bodies	Trade Unions	Governments	Vendors	Retailers	Builders	Community
Stakeholder	Right to Life	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Labour	Child Labour	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Labour	Forced Labour	√	√	√											√
Labour	Gender Equality	√	√	√	√			√	√			√		√	√
Labour	Workplace Health and Safety	√	√	√			√	√				√	√	√	√

8296/2020/RU-4

Labour	Equal Opportunity	√	√	√			√	√				√	√	√	√
Labour	Working Hours	√	√	√			√	√				√	√	√	√
Labour	Equal Wages	√	√	√			√	√					√	√	√
Stakeholder	Freedom of Movement	√	√	√		√	√	√				√	√	√	√
Stakeholder	Right to freedom of association	√	√	√				√				√		√	√
Stakeholder	Right to Speech, Freedom of expression and Opinion	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Ethics	Unfair trade practices	√	√	√	√	√	√	√				√	√	√	
Labour	Maintenance of standard of living		√	√				√						√	√
Environmental	Access to water	√	√	√			√	√						√	√
Environmental	Clean Air and emissions	√	√	√		√	√	√	√	√	√	√	√	√	√
Stakeholder	Right to privacy	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Ethics	Responsible sourcing of equipment	√	√	√								√	√	√	
Stakeholder	Access to financial services	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Environmental	Access to land		√	√									√	√	√
Labour	Disaster/emergency planning and response	√	√	√	√		√	√			√	√	√	√	√
Environmental	Electricity access	√	√	√			√	√				√	√	√	√
Labour	Indigenous rights							√							√
Labour	Healthy and affordable food	√	√	√			√	√				√	√	√	√
Labour	Training and education	√		√			√	√					√	√	
Labour	Parental leave	√	√	√			√	√							
Environmental	Water recycling and reuse														√
Environmental	biodiversity														√
Labour	Availability of a skilled workforce	√	√	√								√	√	√	

Labour	Access to affordable housing	√	√	√			√	√				√	√	√	√
Environmental	Noise	√	√	√	√	√	√			√	√		√		√
Labour	Job Security	√	√	√		√	√				√	√	√		

IT Sector Rights

The Annexure 9 provides the broader list of rights associated with the sector. We listed the rights and the stakeholder relevant to the sector. We observe that based the level of influence, the association of the stakeholder on the rights varied. Therefore, we classified few levels for ITES sector such as a) MSME or Client Controlled – where the organization is player in supply chain and could be facility or hardware supplier or manpower provider b) Organization specific– both listed/unlisted and supply chain MSME c) Organization, Client and Government issues d)Multi-stakeholder

Level of Influence	Rights	Employees	Outsourcing or Contract	Investors	Customers	Security Personnel	Civic Bodies	Governments	Vendors	Community
Facility Mgmt or Supply chain	Child Labour	√							√	√
MSME or Client Controlled	Forced Labour	√	√			√			√	√
MSME or Client Controlled	Gender Equality	√	√		√	√			√	√
MSME or Client Controlled	Workplace Health and Safety	√	√			√			√	
Organization Specific	Equal Opportunity	√	√			√			√	√
MSME or Client Controlled	Working Hours	√	√			√			√	
Organization Specific	Equal Wages	√	√			√			√	
MSME or Client Controlled	Indigenous rights									√
MSME or Client Controlled	Healthy and affordable food	√	√			√			√	√
Multi-stakeholder	Training and education	√	√		√	√			√	√
Organization Specific	Parental leave	√	√			√			√	√
MSME or Client Controlled	Availability of a skilled workforce	√	√			√			√	√
MSME or Client Controlled	Access to affordable housing	√	√			√			√	√
Organization, Client and Government issues	Access to water	√	√	√	√	√	√	√	√	√

Stakeholder	Right									
Organization, Client and Government issues	E-Waste, Clean Air and emissions	√	√	√	√	√	√	√	√	√
Multi-stakeholder	Disaster/emergency planning and response	√	√			√				√
Organization, Client and Government issues	Electricity access	√	√	√	√	√	√	√	√	√
Organization, Client and Government issues	Water recycling and reuse	√	√	√	√	√	√	√	√	√
Organization, Client and Government issues	biodiversity							√		√
Organization, Client and Government issues	Noise	√	√		√			√		√
Organization, Client and Government issues	Pollution	√	√	√	√	√	√	√	√	√
Organization Specific	Unfair trade practices	√	√	√					√	
MSME or Client Controlled	Responsible sourcing of equipment				√				√	
Organization, Client and Government issues	Access to land		√					√		√
Multi-stakeholder	Intellectual Property	√			√				√	
Multi-stakeholder	Testing	√	√						√	
Multi-stakeholder	Pricing Rights			√	√				√	
Organization Specific	Job security	√	√						√	√
Multi-stakeholder	Right to Life	√	√	√	√	√	√	√	√	√
Organization Specific	Right to freedom of association	√	√						√	
Multi-stakeholder	Freedom of Speech	√	√	√	√	√	√	√	√	√
Multi-stakeholder	Right to equitable life	√	√			√			√	√
Organization, Client and Government issues	Maintenance of standard of living	√	√						√	√
Organization, Client and Government issues	Right to privacy	√	√	√	√	√	√	√	√	√
Organization, Client and Government issues	Access to financial services	√	√	√	√	√	√	√	√	√
Organization, Client and Government issues	Data Privacy and Integrity	√	√	√	√	√	√	√	√	√

Logistics Sector Rights

We listed the rights and the stakeholder relevant to the sector. We observe that based the level of influence, the association of the stakeholder on the rights varied. Therefore, we classified few levels for logistics sector such as a) Workers (Labour) b) Multiple Stakeholders c) Environment d) Ethics.

We then mapped the rights associated with the stakeholder based on the above classification.

Classification	Rights	Employees	Contractor	Subcontractor	Investors	Customers	Security Personnel	Warehouse Workers/Drivers	Civic Bodies	Trade Unions	Governments	Vendors	Retailers	Community
Stakeholder	Right to Life	√	√	√	√	√	√	√	√	√	√	√	√	√
Labour	Child Labour	√	√	√	√	√	√	√	√	√	√	√	√	√
Labour	Forced Labour	√	√	√										√
Labour	Gender Equality	√	√	√	√		√	√				√		√
Labour	Workplace Health and Safety	√	√	√			√	√				√	√	√
Labour	Equal Opportunity	√	√	√			√	√				√	√	√
Labour	Working Hours / Conditions	√	√	√			√	√				√	√	√
Labour	Equal Wages	√	√	√			√	√					√	√
Stakeholder	Freedom of Movement	√	√	√		√	√	√				√	√	√
Stakeholder	Right to freedom of association	√	√	√				√				√		√
Stakeholder	Right to Speech, Freedom of expression and Opinion	√	√	√	√	√	√	√	√	√	√	√	√	√
Ethics	Unfair trade practices	√	√	√	√	√	√	√				√	√	
Labour	Maintenance of standard of living		√	√				√						√
Environmental	Access to water	√	√	√			√	√						√
Environmental	Clean Air and emissions	√	√	√		√	√	√	√	√	√	√	√	√
Stakeholder	Right to privacy	√	√	√	√	√	√	√	√	√	√	√	√	√

Category	Indicator													
Ethics	Responsible sourcing of equipment	√	√	√								√	√	
Stakeholder	Access to financial services	√	√	√	√	√	√	√	√	√	√	√	√	√
Mobility Rights	Access to land		√	√									√	√
Labour	Disaster/emergency planning and response	√	√	√	√		√	√			√	√	√	√
Environmental	Electricity access	√	√	√			√	√				√	√	√
Labour	Indigenous rights							√						√
Labour	Healthy and affordable food	√	√	√			√	√				√	√	√
Labour	Training and education	√		√			√	√					√	
Labour	Parental leave	√	√	√			√	√						
Environmental	Water recycling and reuse													√
Environmental	biodiversity													√
Labour	Availability of a skilled workforce	√	√	√								√	√	
Labour	Access to affordable housing	√	√	√			√	√				√	√	√
Environmental	Noise	√	√	√		√	√	√			√	√		√
Labour	Job Security	√	√	√			√	√				√	√	

References

Argyris, C. (1993) Knowledge for Action: A Guide to Overcoming Barriers to Organizational Change. Jossey-Bass, San Francisco.

Arnold, D. G. (2016). Corporations and human rights obligations. Business and human rights Journal, 1(2), 255- 275.

Bilchitz, D., & Deva, S. (2013). The human rights obligations of business: a critical framework for the future. In Human rights obligations of business: beyond the corporate responsibility to respect? (pp. 1-26). Cambridge University Press.

Buhmann, K. (2013). Navigating from 'trainwreck'to being 'welcomed': Negotiation strategies and argumentative patterns in the development of the UN Framework. Human rights obligations of business: Beyond the corporate responsibility to respect.

Buhmann, K. (2018). Neglecting the proactive aspect of human rights due diligence? A critical appraisal of the EU's Non-Financial reporting directive as a pillar one avenue for promoting pillar two action. Business and Human Rights Journal, 3(1), 23-45.

Buhr, N., & Freedman, M. (2001). Culture, institutional factors and differences in environmental disclosure between Canada and the United States. Critical Perspectives on Accounting, 12(3), 293-322.

Cornwall, A., & Nyamu-Musembi, C. (2004). Putting the 'rights-based approach' to development into perspective. Third world quarterly, 25(8), 1415-1437.

Deva, S. (2013). Treating human rights lightly: a critique of the consensus rhetoric and the language employed by the Guiding Principles. In Human rights obligations of business: beyond the corporate responsibility to respect? (pp. 78-104). Cambridge University Press.

Giuliani, E., &Macchi, C. (2014). Multinational corporations' economic and human rights impacts on developing countries: a review and research agenda. Cambridge journal of economics, 38(2), 479-517.

Islam, M. A., & McPhail, K. (2011). Regulating for corporate human rights abuses: The emergence of corporate reporting on the ILO's human rights standards within the global garment manufacturing and retail industry. Critical Perspectives on Accounting, 22(8), 790-810.

Jamali, D., & Neville, B. (2011). Convergence versus divergence of CSR in developing countries: An embedded multi-layered institutional lens. Journal of Business Ethics, 102(4), 599-621.

Maguire, Jiang 2017 Modern Pharmaceutical Regulations: Quality Assessment for Drug Products, Chapter 40

McPhail, K., & Ferguson, J. (2016). The past, the present and the future of accounting for human rights. Accounting, Auditing & Accountability Journal.

Obara, L. J. (2017). 'What Does This Mean?': How UK Companies Make Sense of Human Rights. Business and Human Rights Journal, 2(2), 249-273.

Preuss, L., & Brown, D. (2012). Business policies on human rights: An analysis of their content and prevalence among FTSE 100 firms. Journal of business ethics, 109(3), 289-299.

Ramesh, B. P. (2004). 'Cyber Coolies' in BPO: Insecurities and Vulnerabilities of Non-Standard Work. Economic and Political Weekly, 492-497.

Wettstein, F. (2012). CSR and the debate on business and human rights: Bridging the great divide. Business Ethics Quarterly, 22(4), 739-770.

Wettstein, F. (2015). Normativity, ethics, and the UN guiding principles on business and human rights: A critical assessment. Journal of Human Rights, 14(2), 162-182.

Wettstein, F., Giuliani, E., Santangelo, G. D., & Stahl, G. K. (2019). International business and human rights: A research agenda. Journal of World Business, 54(1), 54-65.

Werhane, P. H. (2016). Corporate moral agency and the responsibility to respect human rights in the UN Guiding Principles: do corporations have moral rights?. Business and Human Rights Journal, 1(1), 5-20.

Note: Additionally the annexes can be accessed in .doc format through following (.doc) hyperlinks (after converting in word file only)

Annexure1: Project Details

Annexure_Project
Background.docx

Annexure 2: Disclosure Analysis, Findings and Summary

Annexure_Disclosu
reAnalysis_Part1.d

Annexure_Disclosu
reAnalysis

Annexure_Phase 1
Report_Concise.do

Annexure 3: Questionnaire for Interactions

BHR_Questionnaire
_V0.docx

Annexure 4: Profile of Interviewees

Annexure_Participa
nts_Profile.xlsx

Annexure 5: Status of Reporting in Selected Sectors

Status of
Reporting on

Annexure 6: Value chain in IT sector from rights perspective

	Company Employees	**Supply Chain Employees**	**Local Community**	**End users**	**Vulnerable Group**
Suppliers	Security Service causing threat to life	Component Manufacturers for hardware. The employees	Disposal of waste, usage of land and water for premises.	Right to privacy, Right to fair	Same as local community

	to employees	should not be subjected to forced or bonded labour, child labour etc.	These has impact on right to water and health	customer service	
Device and Component Manufacturers	Formation of trade union	Unsafe working conditions	Installation of signal towers or equipment manufacturing units that pollutes and risks community health	Same as above	Discrimination against employees based on caste / religion or gender
Network Management	Work in shifts should not affect Right to life	Same as above	Same as above	Same as above	Same as above

Annexure 7: Comparison with NGRBC

Annexure_Compari
son of NGRBC with

Annexure 8: Critical Analysis of the tool

Annexure_
Evaluation of Tool

Annexure_Function
al Evaluation of

Annexure9: Stakeholder and Rights

Annexure_Stakehol
derRights_Pharma.

Annexure_Construc
tion_StakeholderRi

Annexure_Stakehol
derRights_IT.docx

Annexure_Logistics
_StakeholderRights