

Corporate Duty to Respect Human Rights in India

An Empirical Study on the State of Human Rights Practices by Business firms in India

Final Project Report

16th August, 2019

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Declaration

This report is final output of the research project sponsored by National Human Rights Commission of India (NHRC), Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi. The project title is “Corporate Duty to Respect Human Rights in India-An Empirical Study on the State of Human Rights Practices by Business firms in India”. We declare that the report is an original piece of work and based on analysis of secondary and primary empirical research. We have taken care to acknowledge the references of various previous publications. Any missing reference may be treated as inadvertent mistake. Information about identity of firms/companies, officials, respondents surveyed have been kept masked as per the various discussions with the NHRC officials from time to time.

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Abbreviations

Abbreviation	Description
NGRBC	National Guidelines on Responsible Business Conduct .
NVGs	'National Voluntary Guidelines
FGD	Focus Group Discussion
HRCA	Human Rights Compliance Assessment
CHRB	Corporate Human Rights Benchmark
UNGC	United Nations Global Compact
BoP	Bottom of Pyramid
CSR	Corporate Social Responsibility

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1. Introduction

Business enterprises have not only become a very important part of modern day economy but also society as whole. As the business firms create employment opportunities apart from creating wealth/improving the standard of living of society. Business and Human rights got into focus in 2011 when UN Guiding Principles on Business and Human Rights, a set of guidelines for States and companies were published by UN. These guidelines were to prevent, address and remedy human rights abuses committed in business operations.

In India, Government has shown its commitment by taking several initiatives in this direction. Ministry of Corporate Affairs, Government of India, in July 2011, came out with the 'National Voluntary Guidelines (NVGs) on Social, Environmental and Economic Responsibilities of Business'. In the same vein, in 2012, SEBI published formats for “Business Responsibility Reporting” and asked firms to self-report on nine principles. These related to worker’s conditions, human rights, health, safety among many others (details in annexure).

In 2018, zero draft report on National Action plan on business and human rights by Ministry of Corporate Affairs, Government of India, was published and subsequently in 2019, and new principles called “National Guidelines on Responsible Business Conduct (NGRBC). These guidelines specify nine principle meant to enable businesses to conduct themselves responsibly. These principles and core elements are draw from and extend Ruggie’s framework (2007, 2008) of protect, respect & remedy framework

Off late various media reports have indicated that in many industries in India, workers continued to suffer inhuman conditions, gender discrimination, caste discrimination, sexual harassment and are being paid wages, below than prescribed minimum wages. Even there are many anecdotal stories of exploitation of workers by the channel partners of many large state run firms, who work predominantly to serve the social good. In this context a study on understanding the state of human right practices being followed by firms in India can bring the issues to the forefront. Based on Ruggie’s framework (2007, 2008) adopted by UN, the current proposed study ‘s main objective is to empirically study the state of human rights practices of manufacturing business firms, with different ownerships, in India.

The focus is to be on specifically studying the state of “Corporate’s duty to respect of human rights” of their employees, in Indian manufacturing firms. This is to be accomplished by studying the perception of human rights practices of business firms, held by stakeholders – management as well as worker/employee perspective.

The following report is organised in eight chapters. Chapter two gives the details of research objectives and methodology to explore these objectives. Chapter three has comprehensive review of literature. Chapter four gives the details of exploratory study Phase 1 and Chapter 5 is about descriptive study Phase 2. Chapter six is about data collection and chapter seven is

on data analysis. Chapter eight presents the findings and conclusions and recommendations of the research study. Chapter 9 is on limitations and further research directions.

2. Research Objectives & Methodology

2.1 Research Objectives

To empirically study the state of human right practices of business firms, with different ownerships, in India.

- A) To empirically study the perception of existing practices of business firms held by stakeholders- management, employees.
- B) To analyse the gaps between “what is” and “what should be”.
- C) To analyse, if the practices and gaps differ based on firms’ ownership status?

2.2 Research Methodology

The research was carried out in three phases.

1. Secondary Research-Review of literature
2. Exploratory- Case study-policy frameworks of firms regarding human rights. And Qualitative research (In-depth interviews).
3. Descriptive- Qualitative & Quantitative research (questionnaire survey) of firm’s workers/employees and other stakeholders.

2.3 Sampling:

The responses of stake holders across large scale 5 manufacturing firms/companies were studied. The sectors like, automobiles, engineering, oil & gas, pharma etc. were contacted for the research

Respondents were Key informants in firms- from top management, management executives Junior/middle level managers in HR & administration), employees/workers in these organisations were interviewed.

3. Review of Literature

Ruggie's Framework

Ruggie's (2008) report presents a conceptual and policy framework analysis to steer the business and human rights debate in the accurate direction and to help create awareness among all the relevant stakeholders. The three core principles of Respect, Protect and Remedy enshrined within the framework function in a symbiotic collaborative fashion as they support and supplement each other in achieving sustainable progress and growth.

The UN Framework for Business and Human Rights, proposed by Ruggie (2008, 2011) and adopted by UN in 2011 is based on three principles- Protect, Respect and Remedy. Protect means that its state duty to protect against human rights abuses by third parties, including business, through appropriate policies, regulation, and adjudication. Respect means that its corporate responsibility to respect human rights, which means to act with due diligence to avoid infringing on the rights of others and to address adverse impacts that occur. Remedy means greater access by victims to effective remedy, both judicial and non-judicial.

UN guiding Principles & Implementation of Ruggie's framework

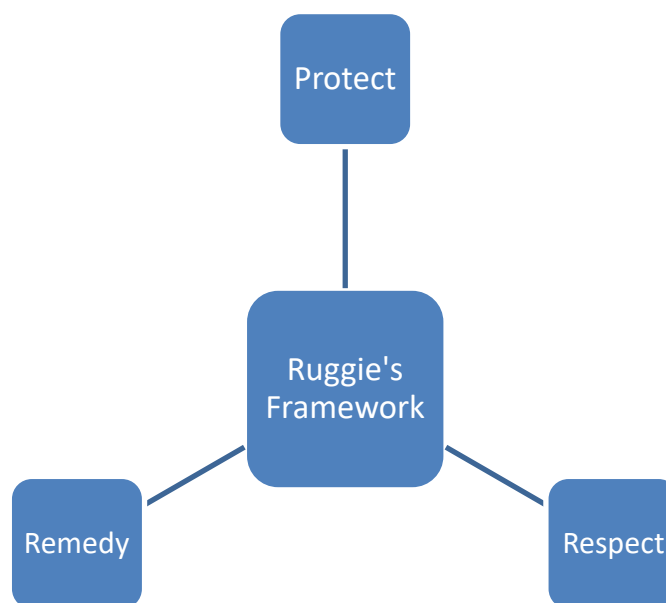
UN policy document essentially aims to bring forth an effective and systematic approach towards the desired implementation of the UN Ruggie "protect, respect and remedy" framework within the interface of business and human rights. It methodically elucidates the state duty to protect, the corporate responsibility to respect and the judiciary's commitment to ensuring the access to timely and appropriate access to remedy any human rights related issues in the corporate sector. It does so by enlisting and elaborating the foundational and operational principles for all three key functions apart from the three key general principles that form the essence of the document.

There are two foundational principles and eight operational principles with many sub-parts under each heading designated to the first rubric of the state duty to protect human rights. Among these, the general state regulatory and policy functions, the state business nexus, the need for supporting business respect for human rights in conflict affected areas and the

importance of ensuring policy coherence emerge as crucial factors which are adequately supplemented with critical commentary as well.

As for the second rubric of the corporate responsibility to respect human rights, there are five comprehensive foundational principles that fall under its purview and there are nine operational principles among which policy commitment, human rights due diligence, remediation and issues of context clearly stand out and significantly help in putting forward the core philosophy that is embedded in this rubric by way of a detailed and long drawn explanation coupled with apt commentary as well.

Last of all, the third rubric of access to remedy has been explained by way of one central foundational principle ensuring appropriate redress by way of judicial, administrative and legislative tools. Moreover, this rubric is governed by six key operational principles including state based judicial mechanisms, state based non judicial grievance mechanisms, non-state based grievance mechanisms and effectiveness criteria for non-judicial grievance mechanisms which prescribe and define the role of the judicial machinery as a key player within this discourse.



Corporate Responsibility to Respect Human Rights:

“Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”

In describing the term “Respect” Ruggie used term “responsibility” and not “duty”, indicating that respecting rights is **not currently an obligation** that international human rights law generally imposes directly on companies. It is a global standard of **expected conduct**. A company’s responsibility to respect applies across its business activities and through its relationships with external stakeholder connected with those activities. These include partners in the business value chain- suppliers, dealers/distributors, and other non-State actors and State agents. Ruggie also suggested that companies need to consider the country and local contexts for challenges to human rights.

Corporate responsibility to respect includes Working conditions of employees, Trade Unions, Environment, Health, Safety, Security, Discrimination, Corruption, forced labour, Land rights etc. the list is not exhaustive.

Various issues raised by many scholars about Ruggie’s (2008) framework --- UN adopted 2011 UN guiding principles – These are SOFT law, can be ignored and not Hard law, which cannot be ignored, and needs compliance. These Principles not binding to Businesses and States won’t force laws on business in absence of a treaty. UN guiding principles affecting business practices but there is No treaty, enforcement & Businesses escape. Issue is whether one should have Hard Law treaty...accountability. Can corporates be held liable under International laws?

Sanders (2014) critically examines the overall impact of Ruggie's tripartite framework of Protect, Respect and Remedy in conjunction with the UN Guiding Principles on Business and Human Rights on transnational human rights litigation especially within the context of the USA after a landmark judgment by the Supreme Court. At the outset, it outlines the scope of the Reggie’s Framework and the Guiding Principles by emphatically underlining the corporate responsibility to respect human rights. It then enumerates the similarities and differences between the treatment of this pertinent issue in the US and U.K. respectively in a comparative

backdrop. In so doing it also furnished a comprehensive explanation of the types of due diligence and the relevance of the tort of negligence with respect to Ruggie's framework in the contemporary scenario. It then explores the consequences and repercussions in case any similarities are detected with respect to the nexus between CSR and its treatment of Human Rights under both these policy frameworks and also the legal/judicial framework of tort laws by highlighting the likely impact that this dynamic may have.

Measuring the Corporate Respect: Different Measures

To understand and measure, one must start with corporate's Policy commitment to meet their responsibility to respect human rights. A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

1. Corporate Policy commitment checklist may include Statement of policy that:

- (a) Is approved at the most senior level of the business enterprise;
- (b) Is informed by relevant internal and/or external expertise;
- (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;
- (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;
- (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

Human Right Due diligence: Communication, Monitoring, Integration, Risk assessment, Policy commitment

Corporate's participation in remedy process: Complaint system should be legitimate, transparent, accessible, equitable, learning focused, equitable, rights compatible, speedy and free of corruption

Human Rights Compliance Assessment (HRCA)¹

This was designed to assess and improve the human rights performance of companies. It took a six-years, involving more than 80 companies and human rights groups from 14 European countries to develop this tool. It covers all internationally recognized human rights and their impact on all stakeholders. There are two versions. One full length tool with 195 questions and 947 indicators and a condensed version “HRCA Quick Check”. For South Asia/Indian context, there is another tool, “The Dalit Discrimination Check” which covers caste discrimination. Till date this is one of the most comprehensive tools to assess the human right performance of businesses.

CHRB methodology

Globally there are different initiatives to measure the corporate respect of human rights. One such initiative is by Corporate Human Rights Benchmark Limited (CHRB Ltd, <https://www.corporatebenchmark.org/>), a collaboration between Aviva Investors (www.avivainvestors.com), Business & Human Rights Resource Centre (www.business-humanrights.org), Calvert Research and Management (www.calvert.com), Eiris Foundation (www.eiris.org), Institute for Human Rights and Business (www.ihrb.org), and VBDO (www.vbdo.nl).

Their methodology includes benchmarking approach which has five stated key features: - Comparability; Transparency; Policies, Processes, Practices and Responses; Key Industry Risks; and International and Industry-Specific standards. These benchmarks assess corporate human rights performance by focusing on companies’ transparency, policies, processes, practices and responses to manage their human rights risks and impacts.’ Their 2017 results report indicates the relatively early stage that many companies are still at when implementing the UN Guiding Principles and other internationally recognized human rights and industry standards.

¹ Danish Institute for Human Rights, <https://www.humanrights.dk/>, <https://hrca2.humanrightsbusiness.org/>,

Know Your Chain Methodology:

KnowTheChain ranks largest global companies in three high risks sectors on their efforts to address forced labour and human trafficking risks in their supply chains. The key variables which this methodology proposes to measure are as follows.

Table 1: Key Indictors of KnowYourchain

Indicator Name	Explanation
1 Commitment & Governance	
1.1 Awareness & Commitment	The company: (1) has publicly demonstrated its awareness of and commitment to addressing human trafficking and forced labour.
1.2 Supply Chain standards	The company's supply chain standard: (1) requires suppliers to uphold workers' fundamental rights and freedoms (those articulated in the ILO Declaration on Fundamental Principles and Rights at Work), including the elimination of forced labour. (2) has been approved by a senior executive. (3) is easily accessible from the company's website. (4) is reviewed and updated regularly.
1.3 Management and Accountability	The company: (1) has a committee, team, program or officer responsible for the implementation of its supply chain policies and standards relevant to human trafficking and forced labour.
1.4 Training	Training programs include: (1) the training of all relevant decision-makers within the company on risks, policies, and standards related to human trafficking and forced labour. (2) the training and capacity building of suppliers on risks, policies, and standards, related to human trafficking and forced labour
1.5 Stakeholder Engagement	In the last three years, the company has: (1) engaged with trade unions, local NGOs and/or policy makers in countries in which its suppliers operate on forced labour and human trafficking. (2) actively participated in one or more multi-stakeholder or industry initiatives focused on forced labour and human trafficking.
2. Traceability & Risk Assessment	
2.1 Traceability	The company: (1) has a process to trace its supply chain. (2) publicly discloses the names and locations of its first-tier suppliers. (3) publicly discloses some information on suppliers beyond its first-tier suppliers (i.e. name, location, source country).
2.2 Risk Assessment	The company: (1) conducts forced labour risk or impact assessment(s) focused on specific commodities, regions

	and/or groups. (2) publicly discloses forced labour risks identified throughout its supply chain.
3. Purchasing Practices	
3.1 Purchasing Practices	The company: (1) demonstrates awareness that certain types of purchasing practices can increase the risk of human trafficking and forced labour (e.g., short-term contracts, excessive downward pressure on pricing, and sudden changes of workload). (2) is taking steps to mitigate the risk of human trafficking and forced labour caused by certain purchasing practices (e.g., such as short-term contracts, excessive downward pressure on pricing, and sudden changes of workload).
3.2 Supplier Selection	The company: (1) assesses risks of forced labour at potential suppliers prior to entering into any contracts with them. (2) has a procurement selection process that considers the capacity of suppliers to meet fluctuating demands (to reduce risk of undeclared subcontracting).
3.3 Integration into Supplier Contracts	The company: (1) The company integrates supply chain standards addressing forced labour and human trafficking into supplier contracts.
3.4 Cascading Standards through the Supply Chain	The company: (1) requires its first-tier suppliers to ensure that their own suppliers implement standards that are in line with the company's supply chain standards addressing forced labour and human trafficking.
4. Recruitment	
4.1 Recruitment Approach	The company: (1) demonstrates awareness of the risk of exploitation of migrant workers by recruitment agencies and brokers, and commitment to address such risks. (2) has a policy that requires recruitment agencies in its supply chain to uphold workers' rights. (3) has a policy that requires direct employment. (4) requires suppliers to disclose to them the recruiters that they use. The company: (1) requires that no fees be charged during any recruitment processes conducted throughout the supply chain. (2) in the event that it discovers that fees have been paid, ensures that such fees are reimbursed.
4.2 Recruitment fee	The company: (1) demonstrates awareness of the risk of exploitation of migrant workers by recruitment agencies and brokers, and commitment to address such risks. (2) has a policy that requires recruitment agencies in its supply chain to uphold workers' rights. (3) has a policy that requires direct employment. (4) requires suppliers to disclose to them the recruiters that they use. The company: (1) requires that no fees be charged during any recruitment processes conducted throughout the supply chain. (2) in the event that it discovers that fees have been paid, ensures that such fees are reimbursed.

4.3 Recruitment Audits	The company: (1) audits recruiters to assess risks of forced labour and human trafficking.
5 Worker Voice	
5.1 Communication Policies	The company: (1) communicates its human trafficking and forced labour policies and standards directly to workers in its supply chain. (2) makes its policies and standards available in the languages of suppliers' workers.
5.2 Worker Voice	The company: (1) works with relevant stakeholders to engage with and educate workers in its supply chain on their labour rights; (2) ensures that there are worker-to-worker education initiatives on labour rights in its supply chain; (3) provides evidence of the positive impact of worker engagement in its supply chain; and (4) provides at least two examples of worker engagement initiatives covering different supply chain contexts.
5.3 Worker Empowerment	The company: (1) where there are regulatory constraints on freedom of association, encourages suppliers to ensure workplace environments in which workers are able to pursue alternative forms of organizing.
5.4 Grievance Mechanism	The company: (1) has formal procedure that allows suppliers' workers to report a grievance to an impartial entity. (2) demonstrates that the mechanism is made accessible to workers in the supply chain (e.g., its available in worker's language). (3) ensures that the existence of the mechanism is proactively communicated to suppliers' workers. (4) takes steps to ensure that impacted stakeholders trust the mechanism (e.g., workers who report a grievance can do so without the fear of penalty, dismissal or reprisal of any kind). (5) requires its suppliers to establish grievance mechanisms, and to convey the same expectation to their suppliers.
6. Monitoring	
6.1 Auditing Process	The company has an audit process that includes: (1) scheduled and non-scheduled visits. (2) a review of relevant documents. (3) interviews with workers. The company discloses: (1) the percentage of suppliers audited annually. (2) the percentage of unannounced audits. (3) information on who carried out the audits. (4) a summary of findings, including details regarding any violations revealed.
6.2 Audit Disclosure	The company has an audit process that includes: (1) scheduled and non-scheduled visits. (2) a review of relevant documents. (3) interviews with workers. The company discloses: (1) the percentage of suppliers audited annually. (2) the percentage of unannounced audits. (3) information on who carried out the audits. (4) a summary of findings, including details regarding any violations revealed.
7 Remedy	

7.1 Corrective Action Plans	The company's corrective action plans include: (1) potential actions taken in case of noncompliance, such as stop-work notices, warning letters, supplementary training and policy revision. (2) a means to verify remediation and/or implementation of corrective actions, such as record review, employee interviews, spot checks or other means. (3) potential consequences if corrective actions are not taken. The company discloses: (1) a process for responding to the complaints and/or reported violations of policies and standards. (2) examples of outcomes of these remedy process.
7.2 Remedy Programs	The company's corrective action plans include: (1) potential actions taken in case of noncompliance, such as stop-work notices, warning letters, supplementary training and policy revision. (2) a means to verify remediation and/or implementation of corrective actions, such as record review, employee interviews, spot-checks or other means. (3) potential consequences if corrective actions are not taken. The company discloses: (1) a process for responding to the complaints and/or reported violations of policies and standards. (2) examples of outcomes of these remedy process.

Key studies on Business & Human Rights across contexts

Wettstein (2012) discusses the impact of human rights on CSR and business ethics worldwide and through his analysis endeavours to develop a mechanism to ensure the smooth operation of business by defining this conflict. He advocates for the utilization of Human Rights as a powerful medium for foregrounding cross-cultural ethics while safeguarding all stakeholders' rights. His inputs are crucial to the current study because he skilfully incorporates a detailed analysis and critical overview of the UN global compact's Human Rights Principles which give us a good insight into a holistic scholarly examination of the same, the issue being central to the current investigation. Through the course of the paper he systematically deconstructs the general nature and two key principles of the UNGC that elucidate the significance of Human Rights in ethical business practice. Moreover, he then summarily evaluates the future prospects of the relational dynamics between business and human rights to establish the fact that mechanisms and instruments to enforce CSR and hold corporations accountable for any and all violations by instating a mandatory human rights code similar to the UN draft norms is the best way forward apart from adequate intellectual engagement with the UNGC.

Arnold and Andres (2013) critically comments on the role that CSR plays/can play in TNCs employing a BoP approach propounded by Prahlad and Hart especially within the context of MEP populations. It does so by analysing the scenario entailing poverty and vulnerability at the base of the pyramid. It begins by shedding light on the scope of the BoP approach and its corollary impact on the MEP populations, followed by a detailed account of the "exploitative approach" in contrast with a "empowerment approach". It then also integrates a multi-stage BoP opportunity assessment process into the discourse. It also touches upon research literature in development economics and consumer behaviour, particularly by emphatically evaluating Sen's approach in this context. Therefore, the tone and tenor of this paper is more grass-root based as opposed to Wettstein and others who adopt a more globalised and macro-level outlook in their analysis. Essentially, through the course of this article an empowerment theory of BOP ventures targeting the MEP is developed and is subsequently utilised to demonstrate the inadequacy of the instrumental, or economic, conception of corporate social responsibility (CSR) and to defend an ethical conception of CSR especially by highlighting the crucial role that the capabilities approach can play in safeguarding human rights.

Kann et al (2009) projects a very holistic and integrative structure wherein the various domains of Management and Business ethics, International relations, social sciences and Human Rights and foreign policy seamlessly amalgamate to give rise to a multidisciplinary perspective on the issue. It highlights how transnational public private partnerships have contributed to the reconfiguration of world politics by emerging as a hybrid model of governance wherein non-state actors like NGOs are coming to the forefront. It sequentially charts out the definition, emergence and effectiveness of PPPs with respect to policy formulation and implementation at the local and global level alike. It then lays emphasis on the unintended side-effects of transnational PPPs as their evolution has contributed to the formation of a more fragmented and uncoordinated global arena wherein there is a constant tussle for power and authority between the state and non-state actors, the fact that PPPs are meant to act as supplemental aids and not replacements. It then goes on to situate PPPs within the global political context by an in depth examination of their legitimacy, inclusivity and accountability of the transnational PPPs as an alternative form of governance and control as that calls the efficacy of this mode of governance into question.

Richter (2011) seeks to analyze the perceived importance of seven categories of institutional entrepreneurs for the corporate social responsibility discourse of three multinational companies i.e. Hewlett Packard, Nestle and BAT Switzerland. This study aims to contribute to the empirical analysis of the CSR discourse for a better understanding of facts and fiction in the process of institutionalization of CSR in MNCs. Methodologically speaking, 42 semi-structured face-to-face and phone interviews in two rounds with 30 corporate managers from three multinational companies were conducted in this study. The data has been analyzed using qualitative (multiple coding) and quantitative (ANOVA, χ^2 analysis) techniques. The findings indicate that one of the companies is driven by civil society's influence on the consumer's perception, the second company by direct attacks by civil society, agenda setting organizations and legislators, and the third by the pressure of large customers and legislators. The results suggest that the coping behaviours of MNCs at both extremes of the spectrum of perceived responsible behaviour aim at (1) improving the business case for CSR and (2) increasing legitimacy in society, resulting in converging CSR perceptions, and fostering an eventual institutionalization of CSR.

Furthermore, the tone of analysis is largely statistical and code-based in nature and the discussion and conclusions albeit within a comparative framework stemming from it reflect that the importance of agenda setting actors for their engagement with CSR is crucial. Overall, due to the distinct patterns that emerged herein, it became increasingly clear that the institutionalization of CSR is a complex, context-dependent and industry-specific process.

Wettstein F. (2012) proposes a new perspective and advocated that large companies have a moral responsibility to help protect human rights by putting pressure on governments involved in human rights abuses. They proposed four safeguards that aim at ensuring that such corporate political activity contributes to and does not undermine the public interest. Wettsteina F et al (2019) laid a detailed research agenda and advocated more empirical research in the domain of business and human rights in emerging markets. Soh, C. & Nam, S. (2018) give the detail of three case study analysis of Korean companies. They concluded that there are five major challenges in business and human rights of these Korean companies (1) the independence of OECD NCP system. They suggested that OECD NCP system is ineffective because it lacks of accessibility, impartiality, transparency, predictability, and compatibility

with the guidelines. (2) the lack of clarity on human rights due diligence standards, (3) the issue of extraterritoriality, (4) supply chain management, and (5) access to remedy for victims.

In the light of the above we can conclude that there is grave need to do empirical studies in business and human right domain in India, an emerging economy.

4. Exploratory Study: Phase 1

In the first phase of exploratory research, four firms in Oil & gas in India were studied. Both secondary data- their reports, annual reports, Business responsibility reports, sustainability reports etc. were collated and studied. After that primary research was done and interviews and focus group discussion of few stakeholders was conducted.

4.1 Secondary data: -Study of published reports:

Major oil companies in India are Indian Oil, BPCL, HPCL, Reliance, Shell, ONGC. To understand the issues of human right and corporate respect, we decided to map the three main issues from secondary data- firm's published reports. The summary of key features data on employee treatment factors in Annual reports & Business responsibility reports of 7 major oil firms in India is given below. Corporate Policy commitment checklist, including Statement of policy that is spelt out by the firm, due diligence process and Corporate's participation in remedy process: Complaint system etc. And Next step was to interview the different stakeholders.

Table 2: Analysis of Secondary data of Oil-Gas Firms from Annual and Business responsibility reports

FIRM	BPCL-2017	HPCL-2017
FACTORS		
TEMPORARY V/S PERMANENT EMPLOYEES	PERMANENT EMPLOYEES - 12484 TEMPORARY/CONTRACTUAL LABOUR - 29847 FEMALE PERMANENT EMPLOYEES - 1139 PWD PERMANENT EMPLOYEES - 230	TOTAL PERMANENT EMPLOYEES: 10,422. The number of contract labour working as on 31st March, 2017 was 34944. The total of permanent women employees is "919" as on 31st March, 2017. The total of permanent employees with disabilities is "162" as on 31st March, 2017.
ACCIDENTS AND CASUALTIES	Data Unavailable	Data Unavailable

HARASSMENT COMPLAINTS	There were total 66 employee grievances received. All were redressed in time. There are no open cases from past year. 3 sexual harassment complaints out of which none are pending.	During the year ending 31.3.2016, One (1) complaint was received by the Corporation, enquiry of which is under process. During the year ending 31.03.2017, neither any complaint of sexual harassment had been filed nor any complaint was pending for enquiry.
COMPENSATION AND REMUNERATION	1.41% of total earnings i.e. INR 3429.46 CRORES spent on employee benefits and remuneration 4,32,51,054 INR total remuneration of directors.	2,946.08 CRORE INR spent on employee benefits. 3,51,21,076 INR total remuneration of directors.
LAWSUITS	In financial year 2016-17, there are no pending CPCB/SPCB show cause / legal notices.(Environmental)	There are no pending show cause/ legal notices from CPCB/SPCB for the reporting year.(Environmental)
EMPLOYEE/TRADE UNIONS	21 REGISTERED EMPLOYEE UNIONS 92 % of non-management employees are represented through these 21 registered unions	The Company has 13 recognized unions for representing non-management employees. The Company also has Employee Welfare Associations representing SC/ST Employees and OBC Employees. 97% of employees (non-management employees only) are member of recognized unions and associations.
OTHERS		During 2016-17, 16 employees were facilitated as HP ICON award winners, 57 employees as HP Outstanding Achievers Award winners and 85 employees as HP Gaurav Award winners.

FIRM	ONGC 2017	IOCL 2016
FACTORS		
TEMPORARY V/S PERMANENT EMPLOYEES	1.Total number of employees: 33660 2. Total number of employees hired on temporary contractual/casual basis. Contractual workers: 17609 Tenure based: 655 Casual workers/contingent: 566 3. Total number of permanent women employees: 2208 4. Total number of permanent employees with disabilities : 245	The total number of employees as on 31.03.2016 was 32,803. As on 31.03.2016; 100 persons were engaged as Consultants/ Liaison officers/ doctors on contract, etc. 37 persons are working as casual labourer/temporary workers. The number of contract labour working in different locations/units of Indian Oil under various contractors as on 31.03.2016 was 55,419. The total number of permanent women employees as on 31.03.2016 was 2,632. The total number of permanent employees with disabilities as on 31.03.2016 was 555.
ACCIDENTS AND CASUALTIES	Data Unavailable	Data Unavailable
HARASSMENT COMPLAINTS	During the year ending 31.3.2017, 3 sexual harassment complaints were received by the Corporation and none of them are pending,	During the year ending 31.3.2016, 2 sexual harassment complaints were received by the Corporation, but the enquiry of a total of 4 pending complaints is under process as on date.
COMPENSATION AND REMUNERATION	59.50 MILLION INR total remuneration of directors. 121466.17 Million INR spent on employee benefits.	2,71,60,532 INR total remuneration of directors. 7,637.09 CRORES INR spent on employee benefits
LAWSUITS	There are few incidental instances of environmental pollution as per regulations. All issues have been resolved with CPCB / SPCB.	The status of show cause / legal notices received from CPCB / SPCB which are pending as on end of Financial Year is as follows: a) Refineries Division: 13 complaints/notices were received by the refineries and all have been responded and no adverse comments have been received. b) Pipelines Division: Nil c) Marketing Division: Nil d) R&D Division: Nil
EMPLOYEE/TRADE UNIONS	ONGC has twelve recognized unions for non-executive employees. The Association of Scientific and Technical Officers (ASTO) 90% of executive cadre are members	Indian Oil has 24 recognised unions representing non-executive employees of the organisation and one Officers' association representing executives.90% of the employees (non-executives and executives) are members of the recognised unions or officers' association.
OTHERS		

FIRM	RIL 2015	SHELL 2016	ESSAR 2017
FACTORS			
TEMPORARY V/S PERMANENT EMPLOYEES	There were 24,930 permanent employees on the rolls of Company as on March 31, 2015. The total number of permanent women employees is 1,195 as on 31st March, 2015. Total number of permanent employees with disabilities is 83 as on 31st March, 2015.	As on December 31, 2016, SHELL employed 89,000 people. At the end of 2016, the proportion of women in senior leadership positions was 20%.	Manpower as on March 31, 2017 was 1,873 regular employees and 39 fixed term Advisors.
ACCIDENTS AND CASUALTIES	Data Unavailable	Data Unavailable	Data Unavailable
HARASSMENT COMPLAINTS	No cases of sexual harassment were reported in this financial year.	Complaints are recorded and consolidated on a quarterly basis to track performance of complaint management in a timely manner. In 2016, in which the largest number of complaints received related to social (68%) and environmental issues (19%). Concerns about local job opportunities, allocation of benefits from social investment and the impact of our operations on people's land, property or livelihoods comprise most of the social issues. Most environmental complaints are related to nuisances, such as noise, odours or dust.	No sexual harassment complaints registered in the current financial year.
COMPENSATION AND REMUNERATION	INR 57.60 Crores total remuneration of directors. INR 3,686 Crores spent on employee benefits.	During the year ended December 31, 2016, Shell paid and/or accrued compensation totalling \$43 million (2015: \$44 million) to Directors and Senior Management for services in all capacities	267,043,772 INR total remuneration of directors. INR 421.70 CRORES spent on employee benefits.

LAWSUITS	There are no pending or unresolved show cause/ legal notices from CPCB/SPCB in FY 2014-15.	Data Unavailable	Data Unavailable
EMPLOYEE/TRADE UNIONS	RIL has various unions and associations of employees at various sites which encourage the employees to participate freely in constructive dialogue with the management. Almost 100% of non-supervisory permanent employees at manufacturing locations are members of trade unions/employee associations.	Data Unavailable	Data Unavailable
OTHERS			

Summarising above, we see that some important data regarding worker's accident, pending law suits with workers is not reported by these big firms. There is presence of trade unions in each of these firms. If we have to assess the actual state of affairs of human rights respect issues, a detailed primary study may be required with workers and management of these firms.

4.2 Focus Group discussion (FGD) & Interview of employees

Now after a study of secondary data, existing reports of the firms, primary research- Focus Group Discussion & interviews of the employees, at different levels in companies in a sector (oil & gas) was conducted. Also interviews of supply chain partners-petrol pump owners and their employees. The interviews revealed following important points.

- There is very low level of awareness about the concept of Human Rights at all levels.
- Important issues still revolve around employee salary, benefits, union issues, etc. One striking issue which came was firm's responsibility towards employees of business partners. Employees of petrol pump owners in this case.

- In many cases even the basic work conditions are an issue. There are many cases when employee complaint that they are not paid even legally stipulated paid minimum wages, insurance, EPF. They work for long hours without sleep (in many suburban petrol pumps) which is very dangerous and fuel is a hazardous product and employees need to be alert while dealing with this. Their Work shifts needs are not regulated and exploitation happens rampantly.
- On asking company employees, we found that although companies have laid down norms for working conditions of petrol pump employee, these are ignored grossly by petrol pump owners. Since the workload of company's employees is very high and they have to manage large numbers, it becomes difficult to keep tab on issues.
- There were good practices followed by a multinational oil company who operates much less petrol pumps in India. They have strong value system and employee care programs. They have laid strict norms of employee wages, health, safety, discrimination etc.
- The qualitative interviews indicate that big firms have less focus on how business partners in the value chain treats employees. There are issues of basic working conditions, forget other major human rights.
- These are qualitative observations with few interviews and may or may not be true for other firms in other sectors. Next step is to conduct interviews with stakeholders in firms in other sectors, before a quantitative study starts.

Major themes emerged in qualitative study:

- Awareness about the concept of Human Rights at different levels
- Basic employment conditions - salary, benefits,
- Union issues, etc.
- Basic work conditions
- Health & safety
- Firm's responsibility towards employees of business partners (supply chain)

5. Descriptive Study- Methodology Details: Phase 2

Development of Questionnaire for Quantitative Study with Firms/Companies:

Business and human rights have been studied in different countries and different researchers have used different methodologies (HCRA, CHRB, know your chain etc.). A comprehensive review of these methodologies was done. The guidelines as well as questionnaires, which were available on their websites were reviewed. On those bases, we propose the detailed questionnaire to go ahead with our quantitative study. We created two different Questionnaires- one for organisation respondents (senior HR managers) and second for workers. The questionnaires have different parts. Apart from basic demographic profile the questions were on following themes.

- A) Employment practices- Forced Labour, Child labour and young workers, Non-discrimination (caste and other discrimination), Freedom of association, workplace health and safety, Conditions of employment and work, mechanisms for hearing, processing, and settling the grievances of employees, privacy etc.
- B) Community Impact- Security, land management, local community grievances.
- C) SUPPLY CHAIN MANAGEMENT- Relations with suppliers, contractors and other associates

The firm/company respondents were asked to rate the different questions on following scale.

- **YES/ True:** when you agree with the question or statement presented.
- **NO /False:** when you disagree with the question or statement presented.
- **F/A: Further Attention Required:** To be used when your company is in the process of addressing the issue, such as correcting procedures on a particular question or indicator but the process is not yet complete
- **N/A: Not Applicable:** To be used when the particular question or indicator presented isn't relevant to your company's operations
- **NO INFO.:** To be used when you lack the information necessary to respond to the indicator or question presented.

The workers/employees were asked questionnaires on above themes and were asked about their opinion/ experience/perception in the firm/company. (Please see annexures for detailed questionnaires)

6. Data Collection

Different large scale firms, in the manufacturing sector were contacted for their participation and follow up was consistently done. After considerable delay, but consistent follow-up, we could get consent of five firms, on the condition of keeping the names and exact details of the firms/companies as masked, without revealing the exact identity. Following details were collected from these firms.

1. Published reports - snapshot of Policy frameworks of five firms under study.
2. Questionnaire Interview of senior HR managers regarding their opinion, of presence/implementation of policies related to human rights.
3. Questionnaire interviews of workers/employees in these organisations.

The published reports of different firms were collated and the information pertaining to Human rights, workers'/ employees benefits, sustainability practices etc. were collated. This resulted in five case studies of the firms/companies. The details are as follows. In next part, the questionnaire analysis was done.

In three firms, interviews of at least two senior management professional from each company were conducted. Out of the two, one was Head of HR/Personnel function (of level of Director/Vice President) and other professional was from middle management level. In three firms, apart from senior and middle levels, we could interview, managers at junior management level also.

6.1 Part A: Five firms, basic information and Policy frameworks analysis

6.1.1 Firm 1: Indian Private Sector Company in Electrical & Manufacturing domain

Profile of the Company

Year of Start of Business/Age of the firm in India): 60 years

Type of Firm; Indian private sector

Sector of working Heavy Engineering/manufacturing/Electrical

Size (Annual Turnover 2018): Greater than 10,000 Crore

Permanent Employees: More than 40,000

Contract Employees: More than 2 lakh

Male Female ratio (permanent employees): 94.4: 5.6

Company's Policies related to Human right policy² Framework

The Company's Corporate HR policy and practices comply with ethical and human rights standards. They have a written Code of Conduct which defines their human rights commitments and practices, along with policies and systems for effective implementation. The code has been built based on 10 UN Global Compact principles and International Labour Organisation (ILO) core conventions on labour standards. This code gives the details of company's stand on child labour prohibition, forced and compulsory labour, non-discrimination, freedom of association and collective bargaining. This Code of conduct is available They speak about following and comply with conventions of the International Labour Organisation and applicable local laws covering the Factories Act 1948, Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act 1996, Central Rules 1998, Industrial Disputes Act 1947 and amendments thereof."

The firm adheres to statutory and regulatory requirements related to payment of wages and benefits. The company ensures that there is no violation of the rights of workmen and provides statutory benefits like Provident Fund and medical facilities, apart from minimum wage act. The firm is committed that no violations involving the rights of indigenous people are done.

All union employees retain the right to exercise the option of collective bargaining. The employees are trained regularly on the aspects of human rights,

The security personnel are regularly appraised and there were no grievances related to security personnel's breach of human rights at operations facility.

The investment and contract documents with sub-contractors include human rights clauses covering the right to exercise the option of collective bargaining, prohibition of child labour,

² Source: Company documents and reports

forced or compulsory labour or discrimination. It is mandatory for all new vendors to sign a combined CoC as a pre-registration requirement.

The combined CoC covers financial, environmental and social aspects including human rights, wages and good labour practices. The firm lay emphasis on strict adherence of these clauses within own premises and project sites. All the facilities have a grievance handling mechanism in place to address concerns related to labour practices and human rights. Apart from this, they also conduct assessment of significant suppliers and contractors for compliance to the combined Code of Conduct.

Every business of the firm conducts workmen training programmers, as per the respective discipline at workmen training centres at different project sites.

Employee benefits: Full-time employees are provided with insurance, healthcare, maternity leave, post-retirement medical benefits, gratuity, pension, leave encashment and provident fund. Apart from meeting all the statutory requirements, company also provides additional benefits such as crèche allowance, scholarships and rewards to employees' children, education for children of deceased or permanently incapacitated employees, annual health check-ups, holiday homes and medical insurance.

In an endeavour to help rehabilitate differently-abled children of employees, the Company reimburses their medical treatment and therapy expenses. It also provides for special educator needs and surgical interventions. For Unionised employees Minimum notice period for operational changes is mandated as 21 days as per the Industrial Disputes Act

DIVERSITY: The firm believe in gender equality and aim to increase the number of women in our workforce. The Company employs 104 persons with disabilities, and the value chain also employs 45 differently-abled individuals. There are two female members in the board too.

The firm has a redressal system to handle complaints from female employees and it is covered under Protection of Women's Rights at Workplace Policy. They have constituted apex and regional complaints committees to address cases of sexual harassment at the workplace, if any. All female employees are entitled to maternity leave.

Environment Health and Safety (EHS) Policy: Their corporate Environment Health and Safety (EHS) Policy demonstrates their commitment to an accident-free workplace along with the management framework to be deployed across businesses. To stay relevant, the policy is periodically reviewed by the senior management. The firm is committed to providing a safe and healthy workplace across campuses and project sites. It is our endeavour as an organisation to ensure that every task, job or assignment is performed in a safe manner. To this end, they have deployed a structured process for continual improvement in our safety performance. The safety systems are extended to contractors working at our premises, and we encourage our suppliers to establish safety management at their premises.

The focus areas are the effective implementation of health and safety practices in line with our 'Zero Accident Vision'. The vision is to create a safer work environment for employees, contractors and customers through rigorous systems, procedures and their firm implementation. The firm has achieved 40% reduction in Severity rate over few years.

The businesses are covered under the International certifications such as ISO 14001 :2015 (Environment Management System) and OHSAS 18001 :2007 standards. Almost all of them have already started working towards to recently issued standard of ISO 45001 :2018 (Health and Safety Management System).

The Corporate EHS Policy is translated into strategy and action with the help of a corporate EHS framework, which has listed procedures, guidelines and manuals. Each employee plays a key role in developing a safety culture across the organisation. We have enthusiastic EHS teams at each business and project site, who work in tandem with the project site teams, with the objective of implementing the best of safety practices. The teams also support the implementation of business-specific EHS programmes.

The interventions include a safety induction training before the commencement of work and functional safety training sessions. The safety performance of the Company is reviewed every month at management review meetings; and on a quarterly basis at the Company Board level, to provide recommendations that ensure continual improvement.

The safety and well-being of all the contract workmen at our project sites is important. All sub-contractors are evaluated on their safety capabilities and strengths before awarding an

assignment. All contract labour has to comply with firm's policies and practices. The understanding of safety requirements is improved through regular refresher training and capacity building programmes. In addition, periodical site visits by senior management along with site audits are conducted to improve EHS performance.

At manufacturing locations and project sites, safety committees are constituted, and regular meetings are organised. These committees comprise senior management representatives, as well as union members. Half of the Safety Committee members at manufacturing locations are of unionised employees. These committees aid in achieving specific safety objectives following the Company's vision of achieving 'zero accident status'. In the collective bargaining agreement, specific clauses related to health and safety are incorporated as well.

The company publishes Business responsibility report / sustainability report as part of SEBI guidelines.

6.1.2 Firm2: Multi National Corporation (MNC) firm (Indian Origin) in Pharmaceutical domain

Profile of the Firm

Year of Start of Business/Age of the firm in India: more than 50 years

Type of Firm; Multi National Corporation (MNC)

Sector of working Pharmaceutical

Size (Annual Turnover 2018): Greater than 10,000 Crore

Permanent Employees: More than 15,000

Contract Employees: approx. 5000

Male Female ratio (permanent employees): 94.4: 5.6

Company's Policies³ regarding Human Rights

This firm, in different documents and reports states that it seeks to promotes a culture of open deliberations, transparency and impartiality. It does not tolerate corrupt and immoral

³ Source: Company documents and reports

practices. The Company adheres to the well-accepted norms of ethical, moral and legal conduct in its business operations. As a testament of its robust corporate governance practices and ethical conduct of business, the Company instituted an initiative which encompasses three important **policies** viz. Code of Conduct, Whistle blower Policy and Prevention of Workplace Harassment, including sexual harassment at workplace.

This initiative empowers employees to report unethical practices, adopts specified mechanisms to deal with workplace harassment and ensures swift redressal. Employees are at liberty to raise their concerns without any fear of retaliation or retribution and report to the Office of Ombudsperson potential issues concerning fraudulent business practices, discriminative or gender-biased misconduct, unethical behaviour or violation of the Company's Policies or the Code of Conduct.

Firm reports that during last year, the Office of the Ombudsperson received 22 minor complaints which were examined, investigated and satisfactorily resolved by the team of Strategic Business Unit Heads/Officers, appointed by the Ombudsperson by taking requisite actions within the stipulated time-frame.

In compliance with the provisions of The Sexual Harassment at The Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013, the Company has setup an Internal Committee to investigate and resolve cases pertaining to sexual harassment of women at workplace. During the year, the Company conducted workshops on gender sensitization as a preventive measure. The Company did not receive any complaint of sexual harassment during the year.

The company has well defined principle stating the Well-being of employees. the Company have a grievance redressal mechanism related to the policy/policies to address stakeholders' grievances related to the policy/policies. The Company carries out independent audit/evaluation of the working of this policy by an internal or external agency?

The Company states its commitment to respect and protect human rights. Code of conduct and human resource practices of the Company covers the said aspects. The Company does not hire child labour, forced labour or involuntary labour and never discriminates between its employees.

The Company instituted an initiative encompassing three important policies viz. Code of Conduct, Whistle-blower Policy and Prevention of Workplace Harassment including sexual harassment at workplace. This initiative empowers employees to report unethical practices, adopts specified mechanisms to deal with workplace harassment and ensures swift redressal. Employees are at liberty to raise their concerns without any fear of retaliation or retribution and report to the Office of Ombudsperson potential issues concerning fraudulent business practices, discriminative or gender-biased misconduct, unethical behaviour or violation of the Company's Policies or the Code of Conduct.

The company reports publically that it received NO complaints relating to child labour, forced labour, involuntary labour, sexual harassment in the last financial year and pending, as on the end of the financial year. The Company reported that did not receive any complaint in respect of violation of human rights.

The Company focusses and accords topmost priority to conservation and optimum utilization of natural resources. The Environment, Health and Safety policy of the Company lays emphasis on operating in environmentally responsible manner by initiating energy efficient measures in order to eliminate waste.

The firm claims to hires majority of our staff members from nearby localities in order to help them understand the scenarios and implement the project effectively with their organic links with the community they serve.

Grievance Handling Mechanism: There is a well-defined structure with single line of communication pattern. A grievance committee is also formed at an organizational level for receiving & resolving the staff complaints.

Employee Welfare: Wide range of benefits is provided to our employees, which includes retirement benefits, healthcare facilities, yearly bonus, medical allowances, and leave travel allowances. As per the governmental regulations, company also provide maternity leave to the eligible employees. However, during the reporting period no one availed the facility of maternity leave. There is a policy in place which prohibits the discrimination of employees based on gender, caste or any other criteria. The ratio compensation parity of male and

female employees is equal. We ensure the freedom of association, prohibition of child labour, protection of indigenous rights and prohibition of forced & compulsory labour.

Company focuses on environmental sustainability depicts their responsibility towards the natural environment. The utmost importance to conservation of natural resources is revealed from the programs undertaken under the pillar of natural resource management.

It is the policy of the company to train all of its employees on the Compliance Program and Code of Conduct. The company publishes Business responsibility report / sustainability report as part of SEBI guidelines.

6.1.3 Firm 3: Indian Public Sector Company in Oil & Gas domain

Profile of the Company

Year of Start of Business/Age of the firm in India): more than 40 years

Type of Firm: Indian Public sector

Sector of working Oil and Gas

Size (Annual Turnover 2018): Greater than 200,000 Crore

Permanent Employees: More than 10,000

Contract Employees: More than 20,000

Male Female ratio (permanent employees): 90.4: 9.6

Company's Policies related to Human right policy⁴ Framework

The company has different policies related to Code of Conduct; Internal Human Resource Policy apart from Whistle Blower Policy, HSE Policy, Sustainable Development Policy, United Nations Global Compact (UNGC), Whistle Blower Policy; Internal Human Resource Policies, CSR Policy; Sustainable Development Policy. The company publishes Business responsibility report / sustainability report as part of SEBI guidelines. The process for grievance handling

⁴ Source: Company documents and reports

through the Management Employee Relations Committee has been in place for ensuring effective and expeditious handling of grievances.

The company reports that No of complaints filed during the financial year regarding Discriminatory Employment, Child labour/forced, labour/involuntary was nil. And there were two complaints of Sexual harassment which were settled.

The company claims to have adopted a holistic approach for the socio-economic development of the disadvantaged, vulnerable and marginalized stakeholders. The CSR policy has provision that the CSR projects/activities/programs shall be undertaken in Backward Region Grant Fund (BRGF) Districts and also for the welfare of SC/ST communities and other weaker sections of the society. The company has undertaken special initiatives primarily focused on provision of basic amenities including health and education infrastructure in remote rural areas; providing scholarship to meritorious school/college students from SC, ST, OBC and PWD communities, entrepreneurship development program for women from SC community.

The company adhere to the ten principles of the UN Global Compact and uphold internationally-proclaimed human rights. They claim to have a robust grievance mechanism in place to address and resolve any cases of violation of human rights that might arise. There was no incident of discrimination on the grounds of race, colour, gender, religion, political opinion, nationality, extraction or social origin in the last one year.

Freedom of Association and Collective Bargaining: Freedom of association and collective bargaining, along with the right to freedom of expression, are supported the company. Non-management employees/workers across all our locations and operations are allowed to form Unions. 97% of Non-Management employees are currently a part of these Unions and this enables them to bring up their concerns, if any, before the Corporation. These issues are resolved through discussions with the management to arrive at sustainable solutions. The company emphasise on arriving at bilateral agreements with the Union while implementing any change management initiative involving the non-management employees. The company reports that total of 28 Memorandum of Settlements were reached during the last year under the provisions of the Industrial Disputes Act, 1947, covering implementation of automation, closure of location, redeployment/rationalisation of manpower, productivity improvement, etc. They have formal agreements with Trade Unions to cover issues related to labour laws,

health and safety of our employees, training and education and grievance redressal. The Company has 13 recognized unions for representing non-management employees. The Company also has Employee Welfare Associations representing SC/ST Employees and OBC Employees.

Local Community Rights: The Company focuses its CSR activities on local communities around which the company lives and operates like Refineries, Terminals, Depots, LPG Plants, Pipelines, Aviation Stations, Lube Blending Plants, Project locations and other offices, etc. Company is committed to allocate at least 60% of the CSR Budget for these local communities.

Employee benefits: Company has number of schemes and programmes, such as performance-related scheme, superannuation benefits, leave encashment, gratuity, during-service and post-retirement medical benefits, benefits for family members of the employees posthumously, housing loan, vehicle loan, furniture loan, LFA, transfer benefits, employees' children education loan, computer loan and monthly vehicle allowance.

For female employees, the number of leaves which can be availed by female employees for child care is 730 Days which is highest among industry.

The company states its commitment to conduct its operation in such a manner as compatible with environment and economic development of the community. Its aim is to create an awareness and respect for the environment, stressing on every employee's involvement in environmental improvement by ensuring healthy operating practices, philosophy and training. Environment Health and Safety policy is well defined. The company also has CSR programs related to environment. These programmes are focused on provision of clean drinking water, development of infrastructure, sanitation, etc., for the underprivileged and marginalised groups in the society.

6.1.4 Firm 4: Indian Private Firm in Automotive/Tyre sector

Profile of the Company

Year of Start of Business/Age of the firm in India): more than 60 years

Type of Firm; Indian Private sector

Sector of working Automotive/ Tyres/Rubber

Size (Annual Turnover 2018): Greater than 6,000 Crore

Permanent Employees: More than 8,000

Male Female ratio (permanent employees): Not available

Company's Policies related to Human right policy⁵ Framework

The Company upholds the principles of human rights and fair treatment through various policies adopted by it, such as Code of Corporate Governance and Ethics, Policy on Prevention of Sexual Harassment at Workplace, Corporate Social Responsibility Policy, Hospitalisation Policy, Voluntary Provident Fund Policy and so on.

The Company believes that businesses should respect and promote human rights. Openness and integrity form part of its core values. The Company conducts its operations with honesty, integrity and with respect for human rights.

The Company is conversant of the element of human rights as enunciated in the Constitution of India, various laws and regulations and international charters. The Company expects and encourages its partners, suppliers and contractors to fully respect human rights and strictly avoid any violation of them.

All stakeholders including employees impacted by the business have full right and access to the grievance mechanisms introduced by the Company. The Company believes in providing equal employment opportunities based on talent and meritocracy without any discrimination. The Company has not received any complaints or grievances on this issue.

Code for Corporate Governance and Ethics, Whistle Blower Policy, Code of Conduct for external stakeholders, Policy on Code of Conduct for Board Members and Senior Management and has also appointed Committees or designated officials to investigate the complaints for their speedy and accurate disposal. The Code of Corporate Governance and Ethics encompasses principles of business integrity, responsibilities relating to employees, consumers and the environment. The Company periodically cascades the principles under the

⁵ Source: Company documents and reports

Code for Corporate Governance and Ethics across the organisation. Concerns and issues related to this framework are reviewed and dealt with by the Corporate Governance and Ethics Committee. The Company also has a Whistle Blower Policy which provides a framework through which all the Directors and employees report their genuine concerns and actual/potential violations to

The Company has in place an Environment Health and Safety Policy for all its manufacturing plants and its subsidiaries with the following objectives: 1. Compliance with all applicable environment, health and safety statutory regulations 2. Ensure zero incidents 3. Highest priority to health and safety of employees 4. Focus on pollution prevention, waste minimization and optimal use of natural resources The commitment towards environment sustainability has been demonstrated through: • All the manufacturing plants of the company have implemented Environment Management System (ISO 14001:2015 Certification Standard).

The Company contributes to economic and social development of underdeveloped communities, uplifting their lifestyle. The Company undertakes several community development initiatives in the vicinity of its plants. Through its Corporate Social Responsibility Policy under the aegis of the Foundation, the Company governs several programmes for skill development and upliftment of the community. Foundation carries out research studies for impact assessment of its various Projects from time to time.

Company functions on the principle of 'pollution prevention instead of control' and follow a proactive, systematic approach to identify hazards and risks. They aim to achieve 'zero occupational illness cases'. and engage in cross-functional efforts to reduce occupational health hazards, including arranging health wellbeing programmes and camps across all plants to create health awareness among employees.

The Company has a well-placed, suitable and adequate internal control environment, commensurate with the size, scale and complexity of its operations. The Line Manager carries out day-to-day operations within the boundaries defined by the Company through its various policies and procedures, including the following: 1. Employee Code of Conduct 2. Whistle blower Policy 3. Entity Level, Operating Level and IT General Controls 4. Delegation of Authority Matrix 5. Policies and Standard Operating Procedures.

The CSR initiatives are aimed at Promoting gender equality, empowering women, setting up homes and hostels for women and orphans; setting up old age homes, day care centres and such other facilities for senior citizens and measures for reducing inequalities faced by socially and economically backward groups; iv. Ensuring environmental sustainability, ecological balance, protection of flora and fauna, animal welfare, agroforestry, conservation of natural resources and maintaining quality of soil, air and water.

The second line of defence by the Senior Management of the company and third line is Governing Board and Audit Committees- independent assurance and oversight of internal controls is achieved different Audit Committee of the Board of Directors.

Suppliers Code of conduct: Company's Code of Conduct for the external Stakeholders – vendors, suppliers, distributors etc., details out the required expectation from them regarding compliance with laws and regulations, bribery, uplift working conditions, prevent child labour and protect the environment. Company's goal, therefore, will be to ensure full compliances with these requirements by the Stakeholders during their dealing with the Company.

Firm 5: Multinational Firm in Food/Confectionary domain

Profile of the Company

Year of Start of Business/Age of the firm in India): more than 70 years

Type of Firm: Multinational (MNC)

Sector of working: Food, confectionary products (Manufacturing & sales)

Size (Annual Turnover 2018): Greater than 6,000 Crore

Permanent Employees: More than 2,000

Male Female ratio (permanent employees): Not available

Company's Policies related to Human right policy⁶ Framework

⁶ Source: Company documents and reports

The company has well defined Corporate Code of Conduct and Human Rights and Labour Practices statements, Corporate Responsibility Expectations for Direct Suppliers, Supply Chain Transparency, Compliance and Integrity.

The company Code of conduct stating the policies related to human rights. The code has ten rules described below reflect our company's values. The premise is that everyone should be treated fairly and with dignity. It's a basic human right believe there is a role for everyone to play in preserving that right – from governments and non-governmental organizations to civil society and the private sector. Company focus on where we can make a difference in our business operations, with our direct suppliers and in the broader community.

The code, which is in line with their global code states that: Treating people with fairness and respect goes hand-in-hand with trust. Everyone deserves an equal chance to succeed based on their hard work, talent, and commitment to the values of the parent international company. Laws and cultures may differ around the world, but the concept of treating others as you want to be treated is universal.

The company promotes a diverse workplace and benefit from it as a business. Diversity requires to be open-minded and welcoming to people regardless of race, color, religion, gender, age, ethnic or national origin, veteran status, disability, sexual orientation or preference, gender identity, marital status, citizenship status, genetic information, or any other legally protected personal characteristic or status. Through a shared commitment to an open and inclusive culture at the company, create a great place to work, one that is able to attract the best people and achieve the best results. Discrimination, harassment, verbal abuse, child labor, physical abuse and the like erode trust; these and other forms of unfair treatment are exactly the opposite of what company stands for.

The company's global vision is to promote healthy lifestyles and Well Being. By promoting active and healthy lifestyles for children and young people, they believe that they can provide a long term and sustainable answer to issues of health, nutrition, education, gender inequality and vocational skills development to achieve larger social goals.

Company has signed the UN Women's Empowerment Principles to express support for advancing equality between women and men. The provisions of the Women's Empowerment

Principles – Equality Means Business, produced and disseminated by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the UN Global Compact.

The company promotes workplace wellness, believing healthy colleagues are engaged and productive.

The company has launched “Work, Play, Live, Safe” program to encourage workers/colleagues everywhere to make a commitment to being safe -- whether at home, on the road, on the manufacturing floor or in the office.

6.2 Part B: Data Analysis: Senior HR /management response:


The responses have been collated as Table as follows:

Table 3: Summary of Responses (Firm wise)

	Firm 1	Firm 2	Firm 3	Firm 4	Firm 5	
Statement	Indian Private	MNC (Indian Origin)	Indian PSU	Indian Private	MNC	Remarks
	Electrical	Pharmaceutical	Oil & gas	Automotive/ Tyre	Food/Confectionary	
A1) Employment practices						
A.1.1. Does the company take all necessary measures to ensure that it does not participate in, or benefit from any form of forced labour, (this can include bonded labour, debt bondage, forced prison labour, slavery, servitude, or human trafficking)?	YES	YES	YES	YES	YES	
A.1.2 Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?	YES	NO	YES	YES	YES	Where required, such documents are submitted by employees to concerned HR/Admin personnel with complete consent and this is done as a part of the process.
A.2. Child labour and young workers						
A.2.1 Does the company comply with minimum AGE standards?	YES	YES	YES	YES	YES	

A.2.2 If the company becomes aware that it is employing children of school age, does it ensure that the children are enrolled in a remediation/education programme, rather than being summarily terminated from employment?	N/A	N/A	N/A	N/A	N/A	
A.2.3 Does the company ensure that it does not hire minors (below 18 years of age) to perform work that is hazardous or harmful to their health, safety, or morals?	YES	YES	YES	YES	YES	
A.3. Non-discrimination						
A.3.1 Does the company ensure that its compensation, benefit plans, and employment related decisions are based on relevant and objective criteria?	YES	YES	YES	YES	YES	
A.3.2. Does the company seek to maintain a work environment that is Culturally respectful and sensitive to the needs of all workers?	YES	YES	YES	YES	YES	To a large extent
A.4. Freedom of association						
A.4.1 Does the company recognise the freedom association rights of its workers, including the right to bargain collectively?	YES	YES	YES	YES	YES	

A.4.2. If trade unions are not allowed in the area of operation, or only state authorized organisations are allowed, does the company establish alternative measures to allow employees to gather independently to discuss work-related problems?	N/A	N/A	N/A	N/A	N/A	Have trade union in manufacturing facility.
A.5. Workplace health and safety						
A.5.1 Does the company ensure that its workers are afforded safe, suitable and sanitary work facilities?	YES	YES	YES	YES	YES	
A.5.2. Does the company supply its employees with the protective equipment and training necessary to perform their tasks safely?	YES	YES	YES	YES	YES	
A.6. Conditions of employment and work						
A.6.1. Does the company take measures to protect workers from acts of physical, verbal, sexual, or psychological harassment, abuse, or threats in the workplace, including when determining and implementing disciplinary measures?	YES	YES	YES	YES	YES	
A.6.2. Does the company have mechanisms for hearing, processing, and settling the grievances of employees?	YES	YES	YES	YES	YES	

A.6.3. Does the company provide a living wage, which enables workers to meet the basic needs of themselves and their dependents?	YES	YES	YES	YES	YES	
A.6.4. Do the company grants employees paid holiday and sick leave each year, as well as parental leave for the care of a new-born or newly adopted child?	YES	YES	YES	YES	YES	
A.6.5. Does the company ensure that the work-week is limited to 48 hours, overtime is voluntary, infrequent, and does not exceed 12 hours per week, and that employees are given reasonable breaks while working, and sufficient rest periods between shifts?	YES	YES	NO	YES	YES	<i>Normally employees do not work beyond 48 hrs a week & when they do so, they are paid Overtime as per entitlements. In some cases, OT exceeds 12 hrs a week. Rest between shifts is allowed</i>
A.6.6. Does the company respect the privacy rights of its employees whenever it gathers private information or implements employee-monitoring practices?	YES	YES	YES	YES	YES	
A7) The company has Policy on anti-discrimination and equal opportunities that specifically addresses						
 CASTE DISCRIMINATION	YES	YES	YES	YES	YES	

❓ recruitment among dalits/st/sc	NO	NO	YES	NO	NO	<i>Recruitment is purely done on the basis of qualification, experience and expertise required for the specific job without any reservations for any particular group.</i>
❓ fair representation of dalits/sc/st	NO	NO	YES	NO	NO	<i>Recruitment is purely done on the basis of qualification, experience and expertise required for the specific job without any reservations for any particular group.</i>
B.1. Security						
B.1.1. Are company security guards trained when to intervene in security-related situations and how to use the minimal authorized force necessary?	YES	YES	YES	YES	YES	
B.2. Land management						
B.2.1. Before purchasing land, does the company consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?	N/A	YES	YES	YES	YES	
B.2.2. Does the company ensure that it does not participate in or benefit from improper forced relocations, and adequately compensates inhabitants in voluntary relocations?	N/A	N/A	YES	YES	YES	

B.2.3. Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?	N/A	YES	YES	YES	YES	
B.2.4. Does the company consult with the local inhabitants and take measures to address and mitigate any disruptive effects that its operations may have on company land, the local community, and the natural resources in the area?	YES	YES	YES	YES	YES	
B.3. Environmental health and safety						
B.3.1. Does the company have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community?	YES	YES	YES	YES	YES	
B.3.2. Does the company have mechanisms for hearing, processing, and settling the grievances of the local community?	YES	NO INFO	YES	YES	YES	AS AND WHEN REQUIRED. NO FORMAL MECHANISM
B.4. Corruption and bribery						
B.4.1. Does the company refrain from bribing, or using any other method, to unjustly influence government officials and/or the judiciary?	YES	YES	YES	YES	YES	
B.5. Company products and marketing practices						

B.5.1. Does the company exercise due diligence when designing, manufacturing and marketing products, to protect against product defects which could harm the life, health or safety of the consumer or others likely to be affected by the defective product?	YES	YES	N/A	YES	YES	YES BUT NO INFO
B.5.2. Before using local artistic or copyrightable material or patenting a previously unpatented invention that has already been in use by a local or indigenous people, does the company first obtain the informed consent of the creator or owner of the work?	YES	YES	YES	YES	YES	
C. SUPPLY CHAIN MANAGEMENT- Relations with suppliers, contractors and other associates						
C.1.1 Does the company screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?	YES	F/A	F/A	F/A	YES	FURTHER ATTENTION REQUIRED (RESPONSE BY 3 FIRMS)

Table 4: Summary - Response wise

Statement	YES / True	NO /False	F/A: Further Attention Required	N/A Not Applicable	NO INFO
A) Employment practices					
A.1.1. Does the company take all necessary measures to ensure that it does not participate in, or benefit from any form of forced labour, (this can include bonded labour, debt bondage, forced prison labour, slavery, servitude, or human trafficking)?	5 (100%)				
A.1.2 Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees?	4 (80%)	1 (20%)			
A.2. Child labour and young workers					
A.2.1 Does the company comply with minimum AGE standards?	5 (100%)				
A.2.2 If the company becomes aware that it is employing children of school age, does it ensure that the children are enrolled in a remediation/education programme, rather than being summarily terminated from employment?				5 (100%)	
A.2.3 Does the company ensure that it does not hire minors (below 18 years of age) to perform work that is hazardous or harmful to their health, safety, or morals?	5 (100%)				
A.3. Non-discrimination					
A.3.1 Does the company ensure that its compensation, benefit plans, and employment related	5 (100%)				

decisions are based on relevant and objective criteria?					
A.3.2. Does the company seek to maintain a work environment that is Culturally respectful and sensitive to the needs of all workers?	5 (100%)				
A.4. Freedom of association					
A.4.1 Does the company recognise the freedom association rights of its workers, including the right to bargain collectively?	5 (100%)				
A.4.2. If trade unions are not allowed in the area of operation, or only state authorized organisations are allowed, does the company establish alternative measures to allow employees to gather independently to discuss work-related problems?					
A.5. Workplace health and safety					
A.5.1 Does the company ensure that its workers are afforded safe, suitable and sanitary work facilities?	5 (100%)				
A.5.2. Does the company supply its employees with the protective equipment and training necessary to perform their tasks safely?	5 (100%)				
A.6. Conditions of employment and work					
A.6.1. Does the company take measures to protect workers from acts of physical, verbal, sexual, or psychological harassment, abuse, or threats in the workplace, including when determining and implementing disciplinary measures?	5 (100%)				
A.6.2. Does the company have mechanisms for hearing, processing, and settling the grievances of employees?	5 (100%)				

A.6.3. Does the company provide a living wage, which enables workers to meet the basic needs of themselves and their dependents?	5 (100%)				
A.6.4. Does the company grants employees paid holiday and sick leave each year, as well as parental leave for the care of a newborn or newly adopted child?	5 (100%)				
A.6.5. Does the company ensure that the work-week is limited to 48 hours, overtime is voluntary, infrequent, and does not exceed 12 hours per week, and that employees are given reasonable breaks while working, and sufficient rest periods between shifts?	4 (80%)	1 (20%)			
A.6.6. Does the company respect the privacy rights of its employees whenever it gathers private information or implements employee-monitoring practices?	5 (100%)				
A7) The company has Policy on anti-discrimination and equal opportunities that specifically addresses					
❑ CASTE DISCRIMINATION	5 (100%)				
❑ recruitment among dalits/st/sc	1 (20%)	4 (80%)			
❑ fair representation of dalits/sc/st	1 (20%)	4 (80%)			
B.1. Security					
B.1.1. Are company security guards trained when to intervene in security-related situations and how to use the minimal authorized force necessary?	5 (100%)				
B.2. Land management					
B.2.1. Before purchasing land, does the company consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?	4 (80%)			1 (20%)	

B.2.2. Does the company ensure that it does not participate in or benefit from improper forced relocations, and adequately compensates inhabitants in voluntary relocations?	3 (60%)			2 (40%)	
B.2.3. Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land?	4 (80%)			1 (20%)	
B.2.4. Does the company consult with the local inhabitants and take measures to address and mitigate any disruptive effects that its operations may have on company land, the local community, and the natural resources in the area?	5 (100%)				
B.3. Environmental health and safety					
B.3.1. Does the company have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community?	5 (100%)				
B.3.2. Does the company have mechanisms for hearing, processing, and settling the grievances of the local community?	4 (80%)				1 (20%)
B.4. Corruption and bribery					
B.4.1. Does the company refrain from bribing, or using any other method, to unjustly influence government officials and/or the judiciary?					
B.5. Company products and marketing practices					
B.5.1. Does the company exercise due diligence when designing, manufacturing and marketing products, to protect against product defects which could harm the life, health or safety of the consumer or others likely to be	5 (100%)				

affected by the defective product?					
B.5.2. Before using local artistic or copyrightable material or patenting a previously unpatented invention that has already been in use by a local or indigenous people, does the company first obtain the informed consent of the creator or owner of the work?	5 (100%)				
C. SUPPLY CHAIN MANAGEMENT- Relations with suppliers, contractors and other associates					
C.1.1 Does the company screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?	2 (40%)		3 (60%)		

7. Data Analysis & Interpretation

7.1 Management Side Response analysis

Firm-wise analysis of the responses leads to the following points. One common point was which respondents remarked was the **written Code of Conduct**, which these large companies have developed. All the Companies have a well-defined Code of Conduct in place and all the employees are sensitised regularly about the applicable statutes to ensures strict compliances with the provisions. These large Companies adheres to all legal /statutory compliances and these are regularly audited to check compliance.

- All five firms say positively that they take all necessary measures to ensure that it does not participate in, or benefit from any form of forced labour.
- Regarding retaining documents of employees, 4 firms said that they refrain, but just one firm candidly agreed that they sometimes do this.
- Regarding child labour and minimum age standards, all firms overwhelmingly agree that they comply with minimum age standards and do not employ minors.
- About discrimination of wages and again all firms agree that they do not discriminate and wages etc. are objectively decided.
- Workers/employee Unions are present in all the firms and every employee is free to join any association.
- Workplace health and safety is considered very critical in manufacturing firms and all firms overwhelmingly agreed that they take care of this by many ways.
- A look at the policy documents of the firms confirm/substantiates the said assertions.
- Regarding harassment at workplace, all firms have mechanisms in place to settle the grievances of the employees.
- On one question related to working hour, all but one (Indian PSU) agreed regarding minimum working hour norms. But Indian PSU response was that there might be instances when this rule is flouted.

- The Company has framed Personal Identifiable Information Policy which protects all the personal information of its employees.
- All firms do have web based complaint (apart from in person physical complaint boxes) for speedy, anytime reporting and also to ensure anonymity of the complainant. Firms have clear Whistle blower policies.
- On privacy rights of the employees, all firms agree that they respect and protect privacy. One Indian company stated that they had...
- On anti-discrimination, all companies agreed to have a policy which is strictly adhered to, regarding no discrimination on the basis of caste, creed, religion, region etc.
- However only one company Indian PSU responded positively that they give reservation to dalits/sc/st to ensure their fair representation in the work force. All other 4 companies do not have reservation policy and they have claimed that they are “equal opportunity providers”.
- On security, all firms responded positively that security guards are well trained.
- On land management issues, three companies said yes and one/ two companies did not comment (terming it N/A) to various indicators. Since these issues do not occur regularly, they may not have faced such issues.
- On Environmental health and safety of local communities, companies said yes and the comments were that they were sensitive to protecting environment and conserving natural resources. They regularly connect with the local population in and around the plants to apprise them of its operations and measures taken to safeguard environment. It also involves them in various CSR activities.
- Regarding have mechanisms for hearing, processing, and settling the grievances of the local community, companies though said Yes, but commented that there may not be formal mechanisms but case to case basis, issues are resolved.
- On Corruption and bribery, companies said yes to having refrained from such practices and also referred to Code of conduct which gives clear stand of firms and guidelines to employees on such issues.
- All companies also said yes that they take utmost care and exercise due diligence when designing, manufacturing, copyrights and marketing and care for health and

safety of consumers. Two firms agreed but said that they do have much information on this.

- On monitoring and screening supply chain partners, for commitment to human rights issues, three out of five firms admitted that “they need to take “Further attention” on this issue. Only one firm explained us that they make their suppliers sign code of conduct on these issues. But this seems to be grey area for 3 out of 5 firms.

7.2 Worker’s/Employees Interviews – data and analysis

The interview data from a 25 workers/employees (including male and female employees) was collected across the five firms. These employees were all permanent staff of these five firms. Their responses have been summarised as follows. The worker’s questionnaire analysis yielded following responses.

- The child and forced labour issues are not prevalent in large firms as there are strict legal issues involved.
- There were quotes like

“There is no child labour, A PSU so it will never get into such (illegal) things.”

“No child labour of any sort. Company is very strict in following all government mandated statutory requirements. There are separate people who take care of all these things related to following the rules and regulations of government.”

Discrimination:

Few important quotes by workers are as follows

“Discrimination will always be there it is ingrained in humans. How it is addressed is what matters most. In my experience in corporate sector caste based discrimination does not really exist, I don’t even know caste of many of my colleagues. We just come, work here and that’s it. Everybody has a specific role to play until one fulfils their role nobody questions anybody.”

- Regarding discrimination at work place, workers referred to a presence of discrimination based on “region “which state you belong to. Some quoted saying “I am from Jharkhand, so very few people from my state are here and there are many people from bigger states that will matter a lot. Particularly people from Bengal are the ones who are into this.”
- “Discrimination is there. There is discrimination based on the region you come from. If you are from a particular region like North, East or South India and if people from those areas are higher in numbers, they start gaining more power. Then, more and more people from that region will only be recruited which affects the diversity as they form their own groups. And, once they form a kind of group and associate with it they start getting some benefits from this kind of group. I have seen it happening, and I just do my work and don’t get into such things. Whatever I have seen is within certain limits and I am sure if it crosses limit we can raise this issue with HR and action will be taken against this. “

“There is no discrimination as such but in some cases we can see it. But I have not come across discrimination based on caste or social status in our organisation. But I feel discrimination will exist till caste-ism exists in our society.

- Many responded that “There is very little scope for discrimination and exploitation as there are appropriate checks and balances”
- “Discrimination will always be there but company has clear policy to deal with it. Compliance with rules is seriously taken by officers as they know that the consequences might be severe.”

“If in case there is something like that happening I feel company has a good mechanism to handle it. People can approach their manager or directly go to HR. I am sure it will be taken seriously, however I have not come across any such cases.”

Gender Bias/discrimination

“In case of gender bias, there are certain functions/job which only Men can do, say for example shop floor which requires heavy lifting or any other exhausting physical work. In such cases we cannot have Women as it will affect productivity”.

“Gender bias exists to some extent which I agree. We also have to be protective about women team members in certain cases. For example, we cannot send a woman to a faraway civil construction site alone. If something untoward happens then it will tarnish name of manager and also organization. So women should be hired and assigned duties as per the requirement. In some cases, women may be preferred over men for example in any sales role. Usually it will be expected that the sales person must be presentable and we all know that if there is a woman in a team then it will always be advantageous. In some cases, women also misuse privileges given to them, they should also take these things seriously and not create issues just for the sake of it. “

- All women employees said that they have felt safe and did not report any discrimination at workplace.

Exploitation:

- Regarding exploitation: workers felt that some work related exploitation of fresher/junior employees happen for few years (like longer working hours) But few feel that it is ok, good for learning.

“Employees will not feel exploited if the expectations of both management and employees are on the same page. So it’s important to set the expectations straight. It’s up to manager to see what kind of work is assigned to each team member and they deliver as a team. What I have seen is most of the fresher will not be job ready, there is a lot of difference in what they learn in schools/colleges and what they have to actually do when they join companies. It will be difficult for anybody initially for 1-2 years but once they get used to the routine even they will start enjoying job. But yes, initially they might feel they are being exploited and are asked to work extra work but actually they have to work extra because they are not able to do the expected work in expected time as per industry standards.”

“Juniors are expected to work more than seniors, so it is also a kind of exploitation. But it is also not too much because all of us will have clear instructions of what each of us must do. May be here and there we might have to do bit more than others. For example, we have to climb towers and keep checking fuel level manually using gauges; everybody has to do it once in a week. If there is a need to do it for second time, then juniors will be asked to do it as it also involves bit of physical challenge. “

“I can’t use the word exploitation but sometimes there might be arguments, disagreements, difference of opinions between management and non-management people and most of the times views of management people will prevail.”

- Few workers felt that “workers are exploited to certain extent by asking them to work overtime sometimes without paying them anything extra. But it doesn’t happen too often.”

“Unions safeguard our interests.” Many workers said that if they feed some issues, they will not report directly to management but go to Union leader and ask him to raise the issue.

“Union is required for the benefits of workers but the problem starts when politics/local politicians get involved in this union activities. This will actually hamper worker’s interests as management will always be sceptical to deal with politics. “

“Union helps is protecting workers against any kind of discrimination or exploitation against them. Union is required because shop floor workers can’t communicate with management effectively. Union leaders, with their experience, can communicate better and help in resolving issues. Union leaders will also know their limitations. There is a limit till where Union can negotiate with management, say salary, beyond which it is not possible to convince management. There is cap beyond which management will not go. So union leaders will usually find a middle path for salary hike and negotiate for other incentives. Ultimately workers have to be kept happy. Management also doesn’t want any kind of

protests or loss of productivity. Workers are to work and they also want to go home and enjoy with their family peacefully.”

- Regarding registering complaints against some issues, workers said that in case of any extreme cases you can raise the issue through online portal anonymously even without meeting someone personally. All organisations have come up with web based complaint (apart from personal) for speedy, anytime reporting and also to ensure anonymity of the complainant.”

“I have worked in another PSU earlier; I feel work culture at PSUs are the best in oil & gas PSUs. Team and training are the most important factors which determine good work culture. I have not come across or heard about any type of discrimination.”

Work Opportunity of weaker sections: Reservation & equal opportunity

MNC & Indian private sector workers said “There are no reservations of any kind; all the employees are selected on merit basis.”

“Reservation is as per the government policy.”

“I personally believe reservation should be based on economic factors. And once a member in a family gets reservation other members should not get any reservation. Also one must get reservation only once in their lifetime.”

Overall work culture and Rights:

- Few PSU workers, who had worked with other firms earlier commented that “PSU has better work culture than others, we get better exposure, experience along with authority and responsibility. If you are sincere, hardworking and mind your own work then such PSUs are the best place. PSUs have work culture similar to some of the top corporate so we get flavour of both corporate and government.”
- I have come across instances where workers ask for over-time so that they can earn some extra money but we have strict orders from top that over-time must not be given and to manage within available options. Our dilemma will be to manage both sides,

because we have to keep both parties happy. Such situations should be handled carefully and smartly keeping in mind the production targets.

Other Significant observations are as follows

- Manager determines whether the work culture is good or bad.
- Team is the most important factor which determines work culture is good or bad
- Workers of PSU referred to better work culture and work-life balance. They referred to the strict rules and procedures.
- Workers specifically mentioned adherence to health and safety norms.

8 Findings, Conclusions & Recommendations

Based on the three sources of information- secondary data about policy guidelines of large firms (what companies say) and “manager’s response” and worker’s response, what actually is, we conclude as follows.

8.1 Findings and Conclusions

1. All large firms/companies have **well defined policy guidelines** on how to deal with human right and other worker/employee discrimination, exploitation related issues.
2. Senior managers agree having clear guidelines on handling such issue and also pressure on them from different stake holders (Government, SEBI etc.) on publishing reports like Business Responsibility Reporting, sustainability reports, CSR initiatives etc.
3. No large company will like to compromise on basic human rights issues like “Child labour, forced labour”. This is due to **legal as well as ethical (code of conduct) reasons**.
4. Apart from rules and formal complaint mechanisms, **worker Associations-Unions are very important institutions – checks and balances to safe guard against discrimination and exploitation at workplace**.
5. An area of concern/gap is **the stake-holder rights** - company having mechanisms for hearing, processing, and settling the grievances of **the local community**? Here the response was divided and firm representatives said that it was done on Case to Case basis.
6. An important issue is about **fair representation (and recruitment) from weaker sections-dalits /scheduled tribes/scheduled caste**. While Public sector firms have set rules and guidelines, others do not have. The 4 out of 5 firms do not seem to have fair representation and their response is that They are “equal opportunity employers”. This is an important debatable issue- Fair representation versus equal opportunity.
7. Another important issue which got highlighted is whether the **company screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues**? Now here 60% firms (3/5) firms said that further attention is required in this matter.

Now if we see this in line with our exploratory study (oil & gas-petrol station channel partners), this gap is visible. This is certainly an area of concern. As many

supplier's/channel partners do have informal employment structures /contract /ad hoc workers, who are vulnerable and chances of them getting exploited is very high.

8. An analysis of difference in the practices, ownership wise, reveal following points.

All large firms, irrespective of ownership, have clearly defined policies regarding human rights. One striking **difference in PSU (government owned) as different from Private sector is about “fair representation of workers/employees belonging to weaker section- (dalits/SC/ST). On all other dimensions** there is not much difference between Indian private or MNCs.

8.2 Recommendations

This study is exploratory in nature study and results are limited to the five large organisations under study. A large scale descriptive study which includes a representative sample of big firms can lead to more conclusive results and recommendations.

However, if one has to form recommendation based on the above, it can be as follows.

- Asking firms to do due diligence in the supply chain. (company should screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issue)
- To convince private enterprise to ensure fair representation (and recruitment) from weaker sections- dalits /scheduled tribes/scheduled caste in the firms. This will ensure the respect for “weaker” sections of the society.
- To see if the company having mechanisms for hearing, processing, and settling the grievances of the local community (wherein they operate)

9. Limitations and Future Research Directions

The findings of this study are limited to the responses from key senior managers and workers interviews in five large firms. Sometimes personal biases about different issues may come in responding to the questionnaires. The identity of the respondents has been masked. In future, this study can be extended to firms in different sectors and also of different sizes. A larger sample will validate the findings of this study.

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<https://knowthechain.org/>

Annexure

Ruggie's Framework: The corporate responsibility to respect human rights⁷- Foundational and Operational Principles

A. Foundational principles

1. Business enterprises should respect human rights. This means that they should **avoid infringing on the human rights of others** and should address adverse human rights impacts with which they are involved.
2. The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work.
3. The responsibility to respect human rights requires that business enterprises:
 - (a) **Avoid causing** or contributing to adverse human rights impacts through their own activities, and **address** such impacts when they occur;
 - (b) Seek to **prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships**, even if they have not contributed to those impacts.
4. The responsibility of business enterprises to respect human rights **applies to all enterprises** regardless of their size, sector, operational context, ownership and structure. Nevertheless the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise's adverse human rights impacts.
5. In order to meet their responsibility to respect human rights, business enterprises should **have in place policies and processes appropriate** to their size and circumstances, including:
 - (a) A policy commitment to meet their responsibility to respect human rights;
 - (b) A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
 - (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

B. Operational principles

Policy Commitment

1. As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a **statement of policy** that:

⁷ Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework

- (a) Is approved at the most senior level of the business enterprise;
- (b) Is informed by relevant internal and/or external expertise;
- (c) Stipulates the enterprise's human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;
- (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;
- (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

Human Rights Due Diligence

2. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises **should carry out human rights due diligence**. The **process should include assessing actual and potential human rights impacts**, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:
 - (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
 - (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
 - (c) Should be on going, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.
3. In order to gauge human rights risks, business enterprises should **identify and assess any actual or potential adverse human rights impacts** with which they may be involved either through their own activities or as a result of their business relationships. This process should:
 - (a) Draw on internal and/or independent external human rights **expertise**;
 - (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.
4. In order to prevent and mitigate adverse human rights impacts, business enterprises should **integrate the findings from their impact assessments** across relevant internal functions and processes, and take **appropriate action**.
 - (a) Effective integration requires that:
 - (i) Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise;
 - (ii) Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.
 - (b) Appropriate action will vary according to:
 - (i) Whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship;
 - (ii) The extent of its leverage in addressing the adverse impact.

5. In order to verify whether adverse human rights impacts are being addressed, business enterprises should **track the effectiveness** of their response. Tracking should:
 - (a) Be based on appropriate qualitative and quantitative indicators;
 - (b) Draw on feedback from both internal and external sources, including affected stakeholders.
6. In order to account for how they address their human rights impacts, business enterprises should be prepared to **communicate this externally**, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:
 - (a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
 - (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
 - (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

Remediation

7. Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their **remediation through legitimate processes**.

Issues of context

8. In all contexts, business enterprises should:
 - (a) Comply with all **applicable laws and respect internationally recognized human rights**, wherever they operate;
 - (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements;
 - (c) Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.
9. Where it is necessary to **prioritize actions** to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.

Human Rights & Issue Coverage – HRCA

Rights covered	Issues covered
Right to Life, Liberty, Personal security	Forced Labour
Freedom from Forced Labour and Slavery/Servitude	Indigenous Peoples
Freedom from Torture and Degrading Treatment	Child labour and young workers
Right to a Fair Trial	Working hours
Right to Privacy	Wages
Freedom of movement	Equal Treatment and Discrimination
Right to Family Life	Complicity in Government Violations
Right to Own Property	Disabled Persons
Freedom of Thought, Conscience and Religion	Grievance mechanisms
Right to Peaceful Assembly Freedom of Association	Migrant workers
Right to take part in government	Anti-corruption
Right to Work and Just and Favourable Conditions at Work	Security
Right to an Adequate Standard of Living (including food, water and housing)	Access to Information
Right to Health	Stakeholder Consultation
Right to Education	
Right to Participate in the Cultural Life of Community	
Right to Intellectual Property	
Freedom from discrimination	

National Guidelines on responsible Business conduct by Ministry of Corporate Affairs, Government of India (March 2019)

Nine Principles designed to enable businesses to conduct themselves responsibly are as follows.

Principle 1: Businesses should conduct and govern themselves with integrity, and in a manner that is ethical, transparent, and accountable.

Principle 2: Businesses should provide goods and services in a manner that is sustainable and safe.

Principle 3: Businesses should respect and promote the well-being of all employees, including those in their value chains.

Principle 4: Businesses should respect the interests of and be responsive to all its stakeholders.

Principle 5: Businesses should respect and promote human rights.

Principle 6: Businesses should respect and make efforts to protect and restore the environment.

Principle 7: Businesses, when engaging in influencing public and regulatory policy, should do so in a manner that is responsible and transparent.

Principle 8: Businesses should promote inclusive growth and equitable development.

Principle 9: Businesses should engage with and provide value to their consumers in a responsible manner.

Questionnaire for Firm/company managers

Questionnaire	
Basic Information	
Name of the Firm	
Year of Start of Business	
Type of Firm	Indian private, Indian Government, MNC
Size of the firm	Big, Medium , Small
Sector of working	
Employee data (Permanent, Causal, gender wise)	
Reports (get a copy if available)	Annual Report, CSR report, Business Responsibility Reports

With respect to your organization, Please answer (Tick) the following questions on scale of

YES	NO	F/A	N/A	NO INFO
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- **YES/ True:** when you agree with the question or statement presented.
- **NO /False:** when you disagree with the question or statement presented.
- **F/A: Further Attention Required:** To be used when your company is in the process of addressing the issue, such as correcting procedures on a particular question or indicator but the process is not yet complete
- **N/A: Not Applicable:** To be used when the particular question or indicator presented isn't relevant to your company's operations
- **NO INFO. :** To be used when you lack the information necessary to respond to the indicator or question presented.

A) Employment practices

A.1. Forced Labour

A.1.1. Does the company take all necessary measures to ensure that it does not participate in, or benefit from any form of forced labour, (this can include bonded labour, debt bondage, forced prison labour, slavery, servitude, or human trafficking)? Relates to the right to freedom from forced labour and servitude and right to an adequate standard of living.

Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy prohibiting forced labour in its various forms, such as debt bondage, compelled involuntary overtime, forced prison labour and trafficked labour.					
2 The company ensures that employment contracts are fair, transparent, and understood by the workers.					

3 All workers are allowed to leave the employment of the company after reasonable notice.					
4 All workers are allowed to leave company premises at the end of their shifts.					
5 The company ensures, by proper investigation, that it does not use labour from agencies or firms involved in trafficking, debt bondage, or kidnapping.					
6 The company (or its recruiting agencies) does not charge workers recruiting or hiring fees that require the worker to be indebted to the company (or recruiting agency), or to work for the company (or recruiting agency) to pay off the debt.					
7. The company pays a living wage and does not compel workers to engage in a cycle of salary advancements in order to meet living expenses.					
8. The company does not withhold wages or threaten to withhold wages to compel overtime (or work itself), but makes payments on a regular basis, and in a timely manner.					
9. The company does not coerce or compel employees to work involuntary (overtime) hours (or work itself) by the use of threat or force.					
10. The company does not use prison labour, unless the prisoner has been convicted by a court of law, and labour voluntarily under the supervision and control of a public authority.					
11. The company does not require workers to lodge money deposits with the company					
12. Workers and labour organisations confirm that the company respects the right to freedom from forced labour.					

A.1.2 Does the company refrain from retaining the identity cards, travel documents, and other important personal papers of its employees? Relates to the right to freedom from forced labour and servitudes and the right to freedom of movement.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 Those in the company responsible for collecting personal data from employees are instructed not to retain travel documents and identity cards.					
2 Company managers do not possess workers' personal travel or identity documents.					
3 To safeguard documents against loss, damage or misplacement, the company photocopies (or hand copies) the information from employee ID cards and travel documents and doesn't retain the originals for even a short amount of time.					
4 Company records demonstrate that the company immediately grants letters of release whenever the					

letter is needed for an employee to retain a job elsewhere.					
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A.2. Child labour and young workers

A.2.1 Does the company comply with minimum AGE standards? Relates to the right to education and the right to work and just and favourable conditions of work.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a clear policy regarding the minimum age for employment, which complies with national laws, but is no less than 15 years of age.					
2 The company requires candidates to provide copies of birth certificates or other official forms of identification to verify their age before being hired by the company.					
3 Hiring managers are aware of the forms of identification forgery commonly used in the country of operation and they are able to spot such forgeries.					
4 In countries where birth certificates are not common, or are frequently falsified, the company has a procedure for estimating the age of employment for young candidates, such as average height or knowledge of historic events.					
5 The company researches when classes are held in local schools, and ensures that children who have not passed the age of compulsory schooling are not hired by the company.					
6. The company does not hire any person under the age of 18 to perform work that interferes with their education.					
7. Company provided apprenticeship programmes do not constitute the main portion of the workforce, are limited in duration, are performed in conjunction with a school programme (or supervised by Labour Ministers or Labour Organisations), are educational to the student, and do not interfere with the child's compulsory education.					
8. Employee records from the past year confirm that the company does not employ child workers.					
9. Local NGOs and schools confirm that the company is not employing child workers					

A.2.2 If the company becomes aware that it is employing children of school age, does it ensure that the children are enrolled in a remediation/education programme, rather than being

summarily terminated from employment? Relates to the right to education and right to work and just and favourable conditions of work

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1. The company offers to hire the parents, guardians, elder siblings or other adult members of the extended family of any child found to be working for the company.					
2 The company establishes apprenticeship programs (or other such measures) that ensure the basic education of the child worker, while concurrently providing practical experience and financial support.					
3 NGOs and local community representatives confirm that the company has not summarily terminated the employment of any children found to be working for the company.					

A.2.3 Does the company ensure that it does not hire minors (below 18 years of age) to perform work that is hazardous or harmful to their health, safety, or morals? Relates to the right to freedom from forced labour and servitude and the right to work and just and favourable conditions of work. (based on ILO recommendations)

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy or guidelines in place defining what tasks at the company are prohibited as hazardous or harmful to the health, safety, or morals of workers under the age of 18, which includes all relevant elements from the following indicators.					
2 The company does not hire or contract workers under the age of 18 to perform work that exposes them to psychological, emotional or sexual abuse.					
3 The company does not hire or contract workers under the age of 18 to work “underground, under water, at dangerous heights or in confined spaces.”					
4 The company does not hire or contract workers under the age of 18 to work with dangerous machinery, equipment and tools, or to manhandle or transport heavy loads					
5 The company does not hire or contract workers under the age of 18 to perform work in an environment which exposes them to “hazardous substances, agents or processes or to temperatures, noise levels, or vibrations damaging to their health.”					

6 The company does not hire or contract workers under the age of 18 to work for long hours, during the night, or in a position that requires them to be unreasonably confined to the premises.					
7 Young workers are subject to medical examinations to ensure their fitness for the form of employment they are to undertake.					
8 Managers demonstrate awareness of the above limitations concerning the work tasks of workers below the age of 18.					
9 Worker representatives or NGOs confirm that the company does not hire workers under the age of 18 to perform work that may be hazardous or harmful to their health, safety, educational, or moral development.					

A.3. Non-discrimination

A.3.1 Does the company ensure that its compensation, benefit plans, and employment related decisions are based on relevant and objective criteria? Relates to the right to non-discrimination and the right to work and just and favourable conditions of work.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has policies in place to ensure that hiring, placement, remuneration, advancement, training, discipline, retirement and termination decisions within the company are based only on objective factors , and are not connected to the gender, age, nationality, ethnicity, race, colour, creed, caste, language, mental or physical disability, organisational membership, opinion, health status (including HIV/AIDS), marital status, sexual orientation, birth, or civic, social, or political characteristics of the worker.					
1.1) The company has Policy on anti-discrimination and equal opportunities that specifically addresses CASTE DISCRIMINATION 1.2recruitment among dalits/st/sc 1.3fair representation of dalits/sc/st					
2 The company has a method for ensuring that company benefits and services, such as sick leave, holiday, housing, health care, transportation etc. are provided in a non-discriminatory manner.					
3 Job descriptions are clearly defined, utilised					

by all hiring managers, and frequently updated to ensure that employees are hired and granted promotions by the company only on the basis of the skills, qualifications and experience required for the position.					
4 Employment advertisements do not reference irrelevant characteristics, such as race, unless listed as part of an equal opportunities promotion.					
5 The company does not ask applicants questions regarding their marital status, intent to have children, or number of dependents, which is sometimes used as a method to avoid hiring women because of fear that their duties at home will interfere with their dedication to work.					
6 The company does not require applicants or employees to take pregnancy tests, get abortions, or sign agreements not to become pregnant.					
7 The company has a method for ensuring that pay is based on objective factors and is implemented in a non-discriminatory way.					
8 Wage records do not show pay discrepancies for work of equal value.					
9 The company makes reasonable accommodations to allow disabled workers job opportunities with the company.					
10 The company has a training programme in place, where instruction is made available, without discrimination, to help workers achieve the qualifications necessary to acquire positions at all levels within the company.					
11 Hiring managers receive training regarding the company's non-discrimination policies.					
12 Workers have access to a grievance mechanism where they can report incidents of discrimination, and they are familiar with the mechanism.					
13. An individual or department in the company is responsible for monitoring company compliance with non-discrimination standards and policies					
14. Workers' representatives confirm that the company's employment practices are non-discriminatory.					

A.3.2. Does the company seek to maintain a work environment that is Culturally respectful and sensitive to the needs of all workers? Relates to the right to work and just and favourable conditions of work, the right to participate in cultural life, and the right to non-discrimination.

Suggested Indicators	True	False	Further Attention	Not Applicable	No info
	T	F	F/A	N/A	

1 Company benefit and vacation policies allow for the observance of different cultural/ religious holidays.					
2 Company training programmes are culturally appropriate, gender neutral, and respectful of diversity.					
3 Training manuals and company literature do not use examples or illustrations that stereotype or categorise any groups of people.					
4 The company allows employees to dress in traditional cultural garments if the clothing is appropriate for business and does not increase the risk of accidents in the workplace.					
5 Workers' representatives and employees confirm that the work environment is culturally sensitive and non-discriminatory.					

A.4. Freedom of association

A.4.1 Does the company recognise the freedom association rights of its workers, including the right to bargain collectively? Relates to the right to peaceful assembly and freedom of association.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy recognising the freedom of association rights of its workers.					
2 The company recognises workers' organisations for collective bargaining purposes.					
3 The company does not discriminate or take adverse actions against employees in retaliation for exercising employee rights, participating in union activities, or reporting suspected legal violations.					
4 The company engages in collective bargaining and holds regular consultations with authorised workers' representatives concerning working conditions, remuneration, dispute resolution, internal relations and matters of mutual concern.					
5 The company makes copies of the current collective bargaining agreements available to workers' representatives so that the terms to be negotiated are easily accessible					
6 The company allows worker representatives reasonable access to the company documentation needed to fulfil their duties; negotiate with the company, and ascertain the performance of the company regarding relevant matters.					
7 The company allows workers' representatives					

reasonable access to the employees and the company facilities necessary to carry out their responsibilities.					
8 The company provides reasonable notice of impending changes in operations that will affect employment at the company, such as anticipated mergers and layoffs.					
9 The company does not use undue influence, employee transfers, or other coercive tactics to improperly interfere with the ability of workers' representatives to effectively negotiate on behalf of its members during the bargaining process.					
10 The company does not use military actors to discourage strikes, intimidate workers, or interfere with the exercise of employee rights.					
11 The company takes efforts to protect employees from union-related harassment by other workers.					
12 Workers' organisations confirm that the company recognises their position, allows them access to employees and facilities, and engages with them in good faith during the collective bargaining process.					

A.4.2. If trade unions are not allowed in the area of operation, or only state authorized organisations are allowed, does the company establish alternative measures to allow employees to gather independently to discuss work-related problems? Relates to the right to peaceful assembly and freedom of association.

Suggested Indicators	True	False	Further Attention	Not Applicable	No info
	T	F	F/A	N/A	
1 The company allows employees to engage in regular employee meetings, where employees can freely discuss concerns regarding working conditions.					
2 Meeting rooms are made available for employee-only meetings to discuss wages and working conditions.					
3. Management meets regularly with employee representatives to discuss work-related problems and any grievances employees may wish to raise.					
4 Workers are able to detail the last workers meeting and there are meeting minutes or other documentation from the meeting.					
5 Employees confirm that they are given the opportunity to attend meetings regarding their work conditions, and staff representatives meet					

regularly with management to discuss these issues.					
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A.5. Workplace health and safety

A.5.1 Does the company ensure that its workers are afforded safe, suitable and sanitary work facilities? Relates to the right to liberty and security of person and the right to health.

(International Labour Organisation Convention 120).

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has effective health and safety prevention and remediation policies and procedures in place which comply with industry, national and international standards.					
2 The company's health and safety standards are made available to employees in a language they understand.					
3 The company has a disciplinary plan which applies to all violations of the company's health and safety standards.					
4 The company documents accidents and adjusts its processes to prevent recurring problems.					
5 The company routinely monitors its production processes, machinery and equipment to ensure that they are safe and in good working order.					
6 The company has a procedure or process for receiving and responding to health and safety complaints, such as designating a health and safety representative or committee.					
7 Responsibilities for health and safety tasks are clearly outlined at all levels of the company and there is a system for monitoring the accountability of the tasks.					
8. Workers and managers are trained to respond to workplace emergencies and first aid kits are readily available.					
9 Escape exits are free from obstruction.					
10 There are fully functional fire extinguishers and fire escapes on all workplace premises.					
11 Work premises and equipment are maintained and kept clean .					
12 The workplace has sufficient and suitable ventilation, with fresh or purified air, appropriate for the climate and industry of operation					
13 Workplace temperature is comfortable and steady					

14 The workplace has sufficient and suitable lighting .					
15 Potable water is available for all workers					
16 Sufficient and suitable washing facilities and sanitary conveniences are provided and properly maintained .					
17 Sufficient, suitable and comfortable seats/ chairs are supplied to the workers .					
18 If employees use uniforms or other work specific clothing, the company provides suitable facilities for changing, storing, and drying their clothing.					
19 Clean and sanitary food storage facilities and designated eating areas are available for all employees .					
20 Residential or overnight facilities are clean and sanitary and meet the basic needs of the workers .					
21 The company provides clean and sanitary toilet facilities appropriate for both genders.					
22 Special attention is paid to the health and safety of pregnant women, disabled employees and other vulnerable workers.					
23 Employees are given access to health and safety information about the company.					
24 Health and safety inspections confirm that the workplace is safe, clean, comfortable and hygienic.					

A.5.2. Does the company supply its employees with the protective equipment and training necessary to perform their tasks safely? Relates to the right to health.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 Company policy and procedure dictate that all employees are provided with the protective equipment and training necessary to safely perform the functions of their position.					
2 The company keeps itself informed of scientific developments with respect to harmful materials and safety equipment in its sector to ensure that its processes provide appropriate protection for the industry dangers present in its operations.					
3 All workers are protected against processes, substances and techniques, which are obnoxious, unhealthy, toxic or harmful (International Labour Organisation Convention 120, (120, 1964) Article 17), including the following: A. exposure to harmful chemicals or					

<p>biological agents</p> <p>B. exposure which can cause undesired physical, physiological or psychological changes</p> <p>C. exposure to loud noise</p> <p>D. exposure to toxic fumes, emissions, smoke, gases, smells, or other forms of air pollution</p> <p>E. exposure to vibration</p> <p>F. exposure to radiation</p> <p>G. exposure to electrical shocks and Currents</p> <p>H. exposure to flames</p> <p>I. exposure to incendiary or explosive agents</p> <p>J. exposure to snow, ice, or other slippery surfaces</p> <p>K. exposure to extreme temperatures</p> <p>L. exposure to falling objects (e.g. on construction sites or oil platforms)</p> <p>M. exposure to asbestos, coal, and other substances that cause respiratory ailments if inhaled or ingested</p> <p>N. exposure to bright light or sun</p> <p>O. exposure to dangerous machinery (e.g. saws, presses)</p> <p>P. exposure to lead and benzene</p> <p>Q. exposure to cigarette or cigar smoke (e.g. bars and restaurants)</p> <p>R. exposure to flying debris, particles or sparks</p> <p>S. exposure to any other harmful, chemical, agent, or threats</p>					
4 Company-provided safety gear takes into account gender differences and the special needs of pregnant women.					
5 Company employees have the right to access information about company health and safety risks and the need for protective equipment.					
6 Knowledgeable experts provide hands-on demonstrations in a language that is understandable to the employees on how to use each new machine, equipment piece, substance, or work technique that will be introduced to the working environment before they become incorporated into the work routine.					
7 Workers receive periodic updates on their					

training to refresh their knowledge and update their skills.					
8 All individuals who are reassigned to different work tasks receive hands-on training from a knowledgeable expert in a language they understand before commencing their new tasks.					
9 An accurate record is kept by the employer detailing who has been trained, for what tasks the employee has been trained, how he/she has been trained (duration, method), and by whom (name of instructor).					
10 If an accident occurs, the company evaluates the incident, implements appropriate corrective measures, and provides an internal educational campaign on the risks associated with the injury causing activity.					
11 Workers do not show injuries or illnesses that are a result of improper exposure and lack of protective gear.					
12 Employees, workers' unions and safety inspectors confirm that company employees are adequately trained and provided with the necessary protective equipment to carry out all their work-related tasks.					

A.6. Conditions of employment and work

A.6.1. Does the company take measures to protect workers from acts of physical, verbal, sexual, or psychological harassment, abuse, or threats in the workplace, including when determining and implementing disciplinary measures? Relates to the right to just and favourable conditions of work; the right to nondiscrimination and the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company distributes a prevention policy on workplace violence and harassment, which notifies employees of their obligations to refrain from violent, threatening or abusive conduct toward others.					
2 The company has a mechanism to receive reports of workplace violence, harassment and threats, which is specifically designed to competently address all types of workplace misconduct, including sexual harassment.					
3 The company promptly investigates all complaints					

of workplace violence, harassment, and threats and takes appropriate preventative and disciplinary action.					
4 Managers are trained to use appropriate management techniques, including proper disciplinary measures, and instructed to refrain from harassing, violent, threatening and abusive conduct.					
5 The company promptly addresses stress and tensions (such as racial tensions) in the workplace which can later lead to abusive, violent or harassing conduct.					
6 The company facilitates open communication and problem-solving groups designed to deter, monitor, prevent and report workplace violence.					
7 The company takes special measures to protect workers from the harassing, violent and threatening conduct of outsiders, such as customers, vendors and clients.					
8 When there is sufficient evidence that an employee has engaged in an act of violence, the company reports the individual to the appropriate government authority.					
9 Workers' representatives and employees confirm that the company has appropriate measures in place to protect employees from harassing, abusive and threatening behaviour.					
10 Workers' representatives and employees confirm that the company refrains from using corporal punishment, physical or mental coercion, and verbal abuse when implementing disciplinary decisions.					

A.6.2. Does the company have mechanisms for hearing, processing, and settling the grievances of employees? Relates to the right to work and just and favourable conditions of work and right to privacy.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has agreed with workers' representatives about the requirements of a fair hearing.					
2 The fair hearing requirements are followed in relation to all grievances presented to the company.					
3 The company has established committees responsible for hearing, processing, and settling					

disputes. Those committees have equal representation of employers and workers.					
4 Company workers are aware of the company grievance process and are able to anonymously submit grievances if they prefer to do so.					
5 Worker representatives are allowed to participate with the employee in any hearing held with respect to a grievance.					
6 Records show that the company systematically and objectively reviews any complaints filed and implements corrective action when necessary.					
7 The grievance procedure is non-discriminatory and is able to respond to gender specific issues, such as sexual harassment.					
8 Company actors do not retaliate against workers who file grievances or complaints.					
9 Employees and workers representatives confirm that they have access to a grievance mechanism which addresses the concerns raised by them in a fair and systematic manner					

A.6.3. Does the company provide a living wage, which enables workers to meet the basic needs of themselves and their dependents? Relates to the right to an adequate standard of living and the right to work and just and favourable conditions of work

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy stating that workers are entitled to a living wage, sufficient to meet basic food, clothing and housing needs, as well as provide for some discretionary income.					
2 The company knows whether minimum wage in the country of operation is sufficient to meet basic needs and to provide discretionary income.					
3 If no national minimum wage is established, or if national minimum wage standards are insufficient to meet the basic needs of employees and their dependents, the company dialogues with local trade unions, NGOs, other companies, or state bodies responsible for regulating labour market matters to seek guidance on the proper standard of pay for the region.					
4 The company negotiates minimum wage standards by collective agreement with union representatives before implementing wage policies.					
5 The company does not use an excessive					

number of part-time positions as a method to avoid paying full wages and benefits to its workers.					
6 The company pays wages at regular times and does not take deductions from wages for disciplinary measures, or other deductions which are not authorised by national law without the freely given consent of the employee.					
7 Overtime hours are not required in order for workers to earn a living wage.					
8 Piece rate payment systems are monitored to ensure that the total salary paid meets living wage requirements.					
9 The company establishes prices with suppliers that expect the payment of living wages.					
10 Workers' representatives or NGOs confirm that the company pays workers a living wage.					

A.6.4. Does the company grants employees paid holiday and sick leave each year, as well as parental leave for the care of a new-born or newly adopted child? Relates to the right to work and just and favourable conditions of work, the right to family life, and the right to health.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 Company employees are granted at least three weeks of paid holiday leave per year, in accordance with International Labour Organisation standards.					
2 Company policy provides paid sick leave in accordance with national law requirements. If national law provides no guidance or only limited protection, the company consults with union representatives during the collective bargaining process, workers, and/or local NGOs to establish a sufficient amount of sick time.					
3 The company does not force employees to use vacation time as a substitute for sick leave.					
4 The company policy allows female employees no less than fourteen weeks of maternity leave per child in accordance with International Labour Organisation standards. (International Labour Organisation Convention 183 (C183, 2000), Article 4). (The ILO Maternity Protection Recommendation of 2000 even suggests that this leave be extended to 18 weeks).					
5 The company grants parental leave to employees who have recently adopted a					

child/children or have taken on the responsibility to care for foster and/or other dependent children.					
6 Part-time and short-term employees are provided with holiday leave on a pro rata basis.					
7 Workers representatives and trade unions confirm that all employees are granted paid holiday and sick leave each year, as well as parental leave to care for new-borns or adopted children, and this is confirmed by relevant company records.					

A.6.5. Does the company ensure that the work-week is limited to 48 hours, overtime is voluntary, infrequent, and does not exceed 12 hours per week, and that employees are given reasonable breaks while working, and sufficient rest periods between shifts? Relates to the right to work and just and favourable conditions of work. (ILO conventions)

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 Company work hours are limited to 48 per week by both company policy and in practice (or fewer hours if provided by national law or industry standards).					
2 The company ensures that overtime is voluntary, infrequent, remunerated at premium rate, and does not exceed 12 hours per week.					
3 Company employees are allowed at least 24 consecutive hours of rest in every seven day period (or more rest if provided by national laws or industry standards).					
4 Company employees are given no less than a 30-minute break for every 4 hours of work, or more if the nature of the work or national laws or industry standards so require.					
5 The company strives to employ the number of workers necessary to meet production expectations, so that employees can complete their work tasks within the weekly and daily time limits defined in international standards, national and industry standards (whichever is most protective).					
7 Breaks are strategically scheduled to ensure that no employee is required to work for extended lengths of time during a shift without a rest period.					

8 The company is moving toward the development of a 40-hour work week. International Labour Organisation Forty-Hour Week Convention (International Labour Convention 47 (C47, 1935)).					
9 Managers are aware that employees are allowed to use toilet facilities whenever necessary and not just during designated breaks.					
10 If the company is located far away from any food supply, or if the employees have to take special measures, such as undressing from protective lab coats before they can eat, the break is extended to allow extra time for such activities.					
11 The number of fatigue related accidents at the company is not excessive for the type of industry.					
12 The company does not encourage employees to avoid taking breaks by rewarding those who do not use their break time					
13 Employees confirm that they are provided with periodic breaks during the day to eat, stretch and use toilet facilities and that work hours are limited to 48 per week.					

A.6.6. Does the company respect the privacy rights of its employees whenever it gathers private information or implements employee-monitoring practices? Relates to the right to privacy.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a clear privacy policy, outlining its data collection and monitoring practices.					
2 Company policy or guidelines state what kind of personal information is retained on employees, where it is stored, who has access, and why the information is necessary.					
3. The company discloses to employees the specific purpose of collecting any information it retains.					
4 The company does not attempt to gain information from an individual with whom the employee has a privileged relationship, including a spouse, pastor, doctor, or lawyer, without the employee's prior written consent.					
5 The company informs a person if he/she is being specifically targeted for special monitoring.					

6 Employees are made aware of all workplace monitoring.					
7 Employees have access to all personal data collected about them, including data obtained through monitoring.					
8 The company does not reveal, retain or misuse any personal data about an employee that has inadvertently been collected during the monitoring process.					
9 The collection of data and the use of monitoring is accomplished in a non-discriminatory manner.					
10 There are no video cameras or monitoring mechanisms in toilet facilities or changing rooms.					
11 Workers' organisations and employees confirm that the company's monitoring practices are respectful of the right to privacy, and that employees are kept informed of the monitoring practices of the company.					
12 Employees confirm that the company requests only reasonable information from them, and that the purposes for requesting the information are clearly explained.					

Community Impact

B.1. Security

B.1.1. Are company security guards trained when to intervene in security-related situations and how to use the minimal authorized force necessary? Relates to the right to life, liberty and security of person

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy manual clearly defining the role and responsibility of security guards.					
2 All company security guards are carefully trained to handle different types of security situations to enable them to fully understand their duties and properly exercise their authority.					
3 The company investigates any security related complaints received by the community, remedies the problem, and keeps records of these incidents.					
4 Security guards who use unnecessary or excessive force are reprimanded, disciplined or dismissed for their actions, depending on the severity of the offence, and incidents are					

reported to the competent state authorities.					
5 Community representatives, local law enforcement officials and other relevant external parties confirm that company security guards only use the minimal force necessary to handle security-related situations.					

B.2. Land management

B.2.1. Before purchasing land, does the company consult with all affected parties, including both legal and customary owners, in order to seek their prior informed consent?

Relates to the right to own property, the right to adequate housing, and the right to food

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a method in place to verify all existing claims and titles to land, under state law (including colonial and post-colonial treaties) and the law and customs of indigenous peoples.					
2 The company is committed to clarifying and settling all existing claims and conflicts of land title in compliance with international human rights law or state law, whichever is more protective of the rights of the claimants.					
3 Company guidelines ensure that no coercive measures are taken to affect land use by local people, in order to obtain transfer of their property interests.					
4 Company guidelines include consultations with all affected parties (including women and wives) prior to acquiring their property through a third party, and if indigenous peoples are involved, it requires their free and informed consent.					
5 NGO's and indigenous peoples representatives confirm that the company is respectful of the land rights of local and indigenous people whenever it leases or purchases land.					

B.2.2. Does the company ensure that it does not participate in or benefit from improper forced relocations, and adequately compensates inhabitants in voluntary relocations? Relates to the right to an adequate standard of living, the right to adequate housing, the right to property, and the right to freedom of movement

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a procedure for ensuring that it is not complicit in any forced relocations, unless the relocation is done in conformity with international law and all alternative solutions have first been explored.					
2 When purchasing or renting property from governments or large-scale land owners, the company investigates the occupation of the land to ensure that no forced relocations have been performed, unless these have been done in conformity with international law.					
3 The company explores all alternative measures in consultation with the affected parties in order to mitigate any negative affects of a proper government relocation.					
4 The company ensures that adequate compensation (housing, land, money, etc.) is provided to all affected parties in case of relocation.					
5 Affected parties and relevant NGOs confirm that the company has done all it can to avoid forced relocations and if relocation has taken place, all affected parties have been consulted and received adequate compensation in accordance with international law.					

B.2.3. Does the company honour the land, passage, and usage rights of local or indigenous peoples on company-controlled land? Relates to the right to own property, the right to freedom of movement, and the right to food.

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 If operating in areas where indigenous people have right to access company-controlled land, the company has guidelines concerning the access and usage rights.					
2 The company investigates the rights of all communities with respect to access and usage rights and dialogues with all affected parties to find mutually acceptable solutions to land usage.					
3 Company security guards are educated about the rights of local or indigenous peoples to enter or use land on company controlled property.					
4 Company employees and security personnel					

are trained to interact appropriately with indigenous and local rights holders, allowing safe and unimpeded use of the land and its resources without harassment or intimidation.					
5 NGO's and community representatives confirm that the company respects the access and usage rights of indigenous and local people to company-controlled land.					

B.2.4. Does the company consult with the local inhabitants and take measures to address and mitigate any disruptive effects that its operations may have on company land, the local community, and the natural resources in the area? Relates to the right to an adequate standard of living, the right to housing, the right to food and the right to health

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy on land management covering environmental protection.					
2 The company continually monitors its pollution output and maintains the highest level of environmental safety standards related to its particular industry sector.					
3 Before initiating new operations, or when changing or extending operations, the company discusses its plans and activities with all affected parties and relevant experts to measure the impact and to determine how to avoid or mitigate any harmful effects					
4 If community resources are scarce, the company develops a schedule defining the amount, location and timing of resources needed for its activities, so that the local authorities know when to expect rising demand and have sufficient time to prepare.					
5 The company continually monitors its use of local resources, and if necessary, it arranges for alternative resources from outside to make sure that its activities do not deprive local inhabitants of basic services such as water or electricity.					
6 When leaving land, the company has an action plan in place to ensure that there are no harmful and disruptive effects left on the land.					
7 Relevant NGOs and local inhabitants confirm that the company consults with them concerning all disruptive activities and addresses any concerns raised by them					

B.3. Environmental health and safety

B.3.1. Does the company have emergency procedures in place to effectively prevent and address all health emergencies and industrial accidents affecting the surrounding community? Relates to the right to health

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company policy has detailed emergency procedures, prevention plans, and training programmes to protect against dangers and handle emergencies.					
2 The company has measures in place to contain industrial accidents (e.g., on-site fire crews, airtight self-sealing blast-proof doors, etc.).					
3 The company has a clearly audible/visible alarm system that warns nearby communities of potential emergencies, if necessary.					
4 The company has developed emergency community evacuation plans with the appropriate local, regional, and national authorities, if necessary. Community residents are clearly informed about these plans and familiar with the evacuation procedures contained therein.					
5 The company maintains close contact with nearby communities, the relevant authorities, and external emergency services, and is able to notify them with minimal delays about potential emergencies.					
6 If the site is located far away from a hospital, the company has adequate medical resources and competent staff to provide preliminary relief and treatment to people who might suffer the consequences of an industrial accident.					
7 The company's emergency response procedures comply with the highest level of industry standard, or exceed the standard when necessary.					
8 Local authorities, NGOs and community representatives confirm that they have been informed about the company's emergency community evacuation plans and the procedures contained therein.					
9 Local authorities, NGOs and community representatives confirm that any workplace emergencies or industrial accidents registered have been effectively contained with					

minimal harm to the health of the local population.					
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B.3.2. Does the company have mechanisms for hearing, processing, and settling the grievances of the local community? Relates to the right to liberty and security and the right to health

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a policy prescribing the requirements of a fair hearing.					
2 Company policy requirements are followed in relation to all grievances.					
3 The company has a neutral mechanism responsible for hearing, processing, and settling disputes. That mechanism has representation from members of both the company and the local community.					
4 Members of the local community are informed about the company grievance process and are able to anonymously submit grievances if they prefer to do so.					
5 Local NGOs or other representatives are allowed to participate and represent community members in any hearing held with respect to a grievance.					
6 Records show that the company systematically and objectively reviews any complaints filed and implements corrective action if necessary.					
7 Community members and local NGOs confirm that they have access to a grievance mechanism which addresses any concerns raised in a fair and transparent manner.					

B.4. Corruption and bribery

B.4.1. Does the company refrain from bribing, or using any other method, to unjustly influence government officials and/or the judiciary?

Relates to the right to take part in government and the right to a fair trial

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company has a written policy against unjustly influencing and bribing public officials, or engaging in any other methods that subvert the representative process of government and/or the judiciary.					

2 The company has guidelines instructing employees in how to deal with bribery and corruption issues and these are made available to all employees, particularly those who are involved in legal matters relating to company business.					
3 The company investigates the level of bribery practices in states before undertaking business in the area, and in situations where bribery is too severe, the company takes extra precautions to make employees aware of this problem or refrains from operating there.					
4 The company sends two or more people to meetings with government officials in order to discourage practices of bribery and corruption.					
5 If bribery and corruption is severe, the company informs the government officials prior to meetings that all discussions and correspondence with them may be recorded and subject to the review of an independent company monitor.					
6 The company is transparent about facilitation payments and actively works to eliminate them.					
7 Relevant NGOs and other external parties confirm that the company is not involved in the bribery and corruption of government officials.					

B.5. Company products and marketing practices

B.5.1. Does the company exercise due diligence when designing, manufacturing and marketing products, to protect against product defects which could harm the life, health or safety of the consumer or others likely to be affected by the defective product?

Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
1 The company complies with all relevant national law, relevant international guidelines, and industry standards regarding product production, manufacturing, design and marketing.					
2 The company conducts a predevelopment assessment of product risks.					
3 The company has a system or process meant to protect against product defects in the design, manufacturing and marketing stages of development.					
4 The company has a process for ensuring that its products are safe for the use intended, as well as for reasonably foreseeable uses.					
5 The company takes all measures to eliminate any ingredients, designs, defects or side effects					

that could harm or threaten human life and health.					
6 The company provides clear warnings about hazards associated with the product, and proper use instructions on all packaging or products.					
7 If there are reported injuries or deaths associated with the proper use of a certain product, the company immediately makes the danger known to the consumers, and recalls the item.					
8 Consumer organisations confirm that the company takes all measures to ensure that company products do not harm human life or health and the products comply with all relevant laws with regard to proper product information and labelling.					

B.5.2. Before using local artistic or copyrightable material or patenting a previously unpatented invention that has already been in use by a local or indigenous people, does the company first obtain the informed consent of the creator or owner of the work? Relates to the right to intellectual property

	Suggested Indicators	True	False	Further Attention	Not Applicable	No info
		T	F	F/A	N/A	
	1 The company carefully researches any material potentially protected by copyright to identify its origin, authorship and ownership.					
	2 Customary systems of property ownership are also considered when researching authorship and ownership of intellectual property.					
	3 Negotiations to obtain informed consent are conducted with all property owners and proper payment is provided.					
	4 Even if a formal patent has not been sought, the company negotiates with indigenous or local peoples for informed consent and compensation to commercially exploit their inventions.					
	5 NGO sources, local artisans and indigenous representatives confirm that the company compensates the owner before using copyrightable material in its marketing or advertising materials and refrains from patenting inventions that historically and legally belong to the indigenous communities.					

C. SUPPLY CHAIN MANAGEMENT

C.1. Relations with suppliers, contractors and other associates

C.1.1 Does the company screen and monitor all major suppliers, contractors, sub suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues?

	Suggested Indicators	True T	False F	Further Attention F/A	Not Applicable N/A	No info
	1 The company has a procedure to evaluate and select suppliers/associates based on human rights/social commitment and performance.					
	2 The company inserts a clause in all contractual agreements indicating that suppliers and other associates are expected to respect human rights in all areas of operation.					
	3 The company maintains records of the commitments made by suppliers/associates to human rights/social issues.					
	4 The company requires a written agreement from each supplier/associate stating that it will inform the company of all relevant business with other supplier/subcontractors/ associates.					
	5 The company requires a written agreement from each supplier/associate stating it will promptly address issues of non-conformance if they arise..					
	6 The company requires a written agreement from each supplier/associate stating that it will participate in any human rights/social compliance monitoring activities organized by the company.					
	7 The company monitors the human rights/ social compliance of its suppliers and business partners through regular questionnaires and spot checks in the form of on-site visits/audits					
	8 NGO's confirm that the company screens and monitors all major suppliers, contractors, sub-suppliers, joint-venture partners, and other major business associates for commitment on human rights/social issues.					

