



THE RELATIONSHIP BETWEEN BUSINESSES AND HUMAN RIGHTS

As the introduction to the UN Guiding Principles Reporting Framework explains:

The actions of business enterprises can affect people's enjoyment of their human rights either positively or negatively. Indeed, experience shows that enterprises can and do infringe human rights where they are not paying sufficient attention to this risk.

Enterprises can affect the human rights of their employees and contract workers, their customers, workers in their supply chains, communities around their operations and end users of their products or services. They can have an impact – directly or indirectly – on virtually the entire spectrum of internationally recognized human rights.

This annex summarizes what the UN Guiding Principles call “internationally recognized human rights”, that is, at a minimum, the human rights contained in:

- The International Bill of Human Rights, meaning the rights in the Universal Declaration of Human Rights, as codified in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (and summarized in the table below), and
- The principles concerning the fundamental rights in the ILO’s Declaration on Fundamental Principles and Rights at Work, namely:
 - Freedom of association and effective recognition of the right to collective bargaining;
 - Elimination of all forms of forced or compulsory labour;
 - Effective abolition of child labour;
 - Elimination of discrimination in respect of employment and occupation.

The table below is intended to help stimulate thinking by users of the UN Guiding Principles Reporting Framework about how a business may be involved with negative human rights impacts. It provides a short explanation of the rights contained in the two international covenants, and offers examples of how a company’s operations might potentially impact them. It should not be interpreted as a ranking of rights, nor as a definitive

statement of the content of the rights, which need to be understood in light of their subsequent interpretation and with reference to the ILO core conventions. In addition, the examples vary in terms of how the company might be involved with the impact, whether by causing it, contributing to it, or because the impact is linked to its operations, products or services, but without any contribution on its part. The responsibility of the company is different in each situation. For more on this see the commentary to UN Guiding Principle 19.

The table draws on the publication by the UN Office of the High Commissioner for Human Rights, International Business Leaders Forum and the Castan Centre for Human Rights Law, *Human Rights Translated: A Business Reference Guide* (2008), which is an excellent source of additional information and guidance for companies.

In addition to the minimum list of internationally recognized human rights, the UN Guiding Principles make clear that companies should also pay attention to additional standards covering the human rights of individuals from groups or populations that may be particularly vulnerable to negative impacts.

These additional standards are:

- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination Against Women;
- The Convention on the Rights of the Child;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- The Convention on the Rights of Persons with Disabilities;
- The United Nations Declaration on the Rights of Indigenous Peoples;
- The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

TABLE: INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND EXAMPLES OF HOW BUSINESS MIGHT IMPACT THEM

Relevant human right	Brief explanation of the right	Examples of how business might be involved with an impact on the right
Right of self-determination	<ul style="list-style-type: none"> • A right of peoples, rather than individuals. • Peoples are entitled to determine their political status and place in the international community. • It includes the rights to pursue economic, social and cultural development, to dispose of a land's natural resources and not to be deprived of the means of subsistence. • A particular right of indigenous peoples to self-determination has been specifically recognized by the international community. 	<ul style="list-style-type: none"> • Engaging in business activities on land that has traditional significance to the peoples that inhabit an area when that land was acquired by Government without due consultation with the local population. • Any activity that might have impacts on indigenous peoples' lands, whether through acquisition, construction or operation, may give rise to impacts on their right to self-determination.
Right to life	<ul style="list-style-type: none"> • Right not to be deprived of life arbitrarily or unlawfully. • Right to have one's life protected, for example, from physical attacks or health and safety risks. 	<ul style="list-style-type: none"> • The lethal use of force by security forces (State or private) to protect company resources, facilities or personnel. • Operations that pose life-threatening safety risks to workers or neighbouring communities through, for example, exposure to toxic chemicals. • The manufacture and sale of products with lethal flaws.
Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment	<ul style="list-style-type: none"> • An absolute right, which applies in all circumstances. • Torture has been held to involve a very high degree of pain or suffering that is intentionally inflicted for a specific purpose. • Cruel and/or inhuman treatment also entails severe suffering. • Degrading treatment has been held to involve extreme humiliation of the victim. 	<ul style="list-style-type: none"> • Conducting business in countries where State security or police forces protecting company assets do not respect this right. • Failure to foster a workplace that is free from severe forms of harassment that cause serious mental distress. • Manufacture and sale of equipment misused by third parties for torture or cruel treatment or for medical or scientific experimentation without their consent.
Right not to be subjected to slavery, servitude or forced labour	<ul style="list-style-type: none"> • Slavery exists when one human effectively owns another. • Freedom from servitude covers other forms of severe economic exploitation or degradation, such as in the trafficking of workers or debt bondage. • Rights to freedom from slavery and servitude are absolute rights. • Forced or compulsory labour is defined by the ILO as all work or service that is extracted under menace of any penalty and for which the person has not voluntarily offered themselves. • Providing payment does not mean that work is not forced labour if the other aspects of the definition are met. 	<ul style="list-style-type: none"> • Businesses may unknowingly benefit through their supply chains from the labour of workers who have been trafficked and are forced to work as slaves, for example, on agricultural plantations. Women and children may be subject to particularly severe impacts in such situations. • A company may be involved in the transportation of people or goods that facilitates the trafficking of individuals. • Forced labour can arise in any sector where an employer puts workers in a position of debt bondage through company loans or the payment of fees to secure a job and/or where the company withholds workers' identity documents. This is a particular risk in the case of migrant workers, a recognized vulnerable group.

Rights to liberty and security of the person	<ul style="list-style-type: none"> • These rights involve the prohibition of unlawful or arbitrary detention. • ‘Lawful’ detention is understood to mean that it must be authorized by an appropriate government body, such as the courts, and be capable of being challenged by the detainee. • ‘Arbitrary’ detention is always prohibited. • Security of the person includes protection from physical attacks, threats of such attacks, or other severe forms of harassment, whether or not a person is detained. 	<ul style="list-style-type: none"> • Threatening staff with physical punishment or tolerating severe harassment of some employees, for example, of trade union members or members of a minority ethnic group. • A company whose supplier routinely allows sexual abuse of female workers to go unaddressed in their workplace.
Right of detained persons to humane treatment	<ul style="list-style-type: none"> • This right requires detention authorities to take special measures for the protection of detainees (such as separating juveniles from other detainees). 	<ul style="list-style-type: none"> • Companies involved in the construction, operation or maintenance of detention facilities (such as a prison or immigration detention facility) where detainees are mistreated.
Right not to be subjected to imprisonment for inability to fulfil a contract	<ul style="list-style-type: none"> • This right applies where a person is incapable of meeting a private contractual obligation. • It restricts the type of punishment that the State can impose. 	<ul style="list-style-type: none"> • Companies may be linked to such an impact where this right is not protected by the State, for example, where a small local supplier is genuinely unable to meet their contractual obligations and the company takes action against them.
Right to freedom of movement	<ul style="list-style-type: none"> • Individuals who are lawfully in a country have the right to move freely throughout it, to choose where to live and to leave. • Individuals also have the right not to be arbitrarily prevented from entering their own country. 	<ul style="list-style-type: none"> • Relocation of communities because of company operations where that is conducted in an arbitrary or unreasonable manner, without adequate notice, consultation (and, at least in the case of indigenous peoples, consent), or compensation. • Employers withholding workers’ identification documents.
Right of aliens to due process when facing expulsion	<ul style="list-style-type: none"> • Aliens (meaning foreigners) who are legally present in a country are entitled to due process (meaning fair legal procedures) before being forced to leave. 	<ul style="list-style-type: none"> • Where companies rely on migrant workers (either directly or through a third-party agency), there may be a risk of their operations being linked to such an impact.
Right to a fair trial	<ul style="list-style-type: none"> • Required in both civil and criminal proceedings, this includes the right to a public hearing before an impartial tribunal. • Additional protections are required in criminal proceedings. 	<ul style="list-style-type: none"> • A business tries to corrupt the judicial process by destroying relevant evidence or by seeking to bribe or otherwise influence judges or witnesses to take certain actions or make certain statements.
Right to be free from retroactive criminal law	<ul style="list-style-type: none"> • The State is prohibited from imposing criminal penalties for an act that was not illegal when it was committed, or from imposing higher penalties than those that were in force at the time. 	<ul style="list-style-type: none"> • Companies may be linked to such an impact, for example, where political dissidents protest about some aspect of a company’s operations and the State creates new, punitive measures to prosecute them.

<p>Right to recognition as a person before the law</p>	<ul style="list-style-type: none"> • All individuals are entitled to ‘legal personality’, or independent legal recognition. 	<ul style="list-style-type: none"> • Companies may be linked to such an impact, for example, where they benefit from a State-led land acquisition process that pays compensation only to male heads of households because the property of married women is treated as belonging to their husbands under domestic law.
<p>Right to privacy</p>	<ul style="list-style-type: none"> • Individuals have a right to be protected from arbitrary, unreasonable or unlawful interference with their privacy, family, home or correspondence and from attacks on their reputation. • The State is allowed to authorize restrictions on privacy in line with international human rights standards, but ‘arbitrary’ restrictions are always prohibited. 	<ul style="list-style-type: none"> • Failing to protect the confidentiality of personal data held about employees or contract workers, customers or other individuals. • Requiring pregnancy testing as part of job applications. • Providing information about individuals to State authorities, without that individual’s permission, in response to requests that are illegal under national law and/or not in line with international human rights standards. • Selling equipment or technology that can be used to track or monitor individuals’ communications and movements to a State with a poor human rights record.
<p>Rights to freedom of thought, conscience and religion</p>	<ul style="list-style-type: none"> • Individuals have a right to choose, practise and observe their chosen religion or belief, to be an atheist or not to follow any religion or belief. • It includes the right to worship and to observe rituals, such as the wearing of particular clothing. 	<ul style="list-style-type: none"> • A company’s policy prevents workers from wearing clothing or other symbols that express their faith, even though these do not interfere with legitimate safety or performance issues. • A company does not allow its workers to seek reasonable time off for their religious holidays.
<p>Rights to freedom of opinion and expression</p>	<ul style="list-style-type: none"> • The right to hold opinions free from outside interference is an absolute right. • The right to hold opinions free from outside interference is an absolute right. • Individuals have a right to seek, receive and impart ideas in whatever media or form. The State is allowed to authorize restrictions in line with international human rights standards. 	<ul style="list-style-type: none"> • Operating in a country where workers are routinely prevented by law from expressing their opinions in the public domain. • Censoring online or other content at the demand of the State where those requests are illegal under national law and/or not in line with international human rights standards. • Engaging in litigation against individual workers, community members or other stakeholders who have spoken critically about the company where there is an extreme imbalance in the parties’ means to fund a legal case.

Rights to freedom from war propaganda, and freedom from incitement to racial, religious or national hatred	<ul style="list-style-type: none"> • These rights prohibit certain speech that is not protected by the right to freedom of expression. • Individuals are prohibited from advocating racial, religious or national hatred that amounts to an incitement to discrimination, hostility or violence. 	<ul style="list-style-type: none"> • Companies that provide the platform or technology for individuals to express hatred against a particular religious group and to incite others to take certain action against them.
Right to freedom of assembly	<ul style="list-style-type: none"> • Individuals have the right to peacefully assemble for a specific purpose or where there is a public discussion, to put forward ideas or to engage in a demonstration, including marches. • The State is allowed to authorize restrictions in line with international human rights standards. 	<ul style="list-style-type: none"> • Situations where public or private security services protecting company assets forcibly prevent or break up peaceful demonstrations by the local community against a company's operations.
Right to freedom of association	<ul style="list-style-type: none"> • Protects the right to form or join all types of association, including political, religious, sporting/recreational, non-governmental and trade union associations. (See also the right to form and join trade unions below.) • The State is allowed to authorize restrictions in line with international human rights standards. 	<ul style="list-style-type: none"> • A company operates in an area where the State seeks to undermine a local political party that opposes the company's activities by bringing false accusations against its leaders. • (See also the examples below under the right to form and join trade unions.)
Rights of protection of the family and the right to marry	<ul style="list-style-type: none"> • The concept of a family varies. This includes the rights to enter freely into marriage and to start a family. 	<ul style="list-style-type: none"> • Company policy discriminates against women on the basis of their marital or reproductive status. • (See also the examples below under the right to a family life.)
Rights of protection for the child	<ul style="list-style-type: none"> • A child has the right to be registered, given a name and to acquire a nationality. • Children must be protected from sexual and economic exploitation, including child labour. • ILO standards prohibit hazardous work for all persons under 18 years. They also prohibit labour for those under 15, with limited exceptions for developing States. 	<ul style="list-style-type: none"> • Business activities that involve hazardous work (such as cutting sugar cane or mining) performed by persons under the age of 18. • Where child labour is discovered, a company can negatively impact other rights (such as the rights to an adequate standard of living, or security of the person) if they fail to take account of the best interests of the child in determining the appropriate response. For example, simply dismissing the child (or cutting the contract with the relevant supplier) may result in the child having to find alternative, more dangerous forms of work (such as prostitution).
Right to participate in public life	<ul style="list-style-type: none"> • Citizens have the right to take part in the conduct of public affairs, including the rights to vote and be elected in free and fair elections, and the right of equal access to positions within the public service. 	<ul style="list-style-type: none"> • Failing to give time off to workers for the purpose of voting. • Bribery of political figures or other improper uses of company influence may distort the electoral process or otherwise impede free and fair elections.

<p>Right to equality before the law, equal protection of the law, and rights of non-discrimination</p>	<ul style="list-style-type: none"> • Individuals have a right not to be discriminated against, directly or indirectly, on various grounds, including race, ethnicity, sex, language, religion, political or other opinion, national or social origin, property, and birth or other status (such as sexual orientation or health status, for example, having HIV/AIDS). • This right applies to the enjoyment of all other rights. • The State is allowed to make distinctions where they are in line with international human rights standards. • ILO standards provide further guidance on the content of the right. 	<ul style="list-style-type: none"> • Indirectly discriminating in the recruitment, remuneration or promotion of workers, for example, by offering a training programme that enhances an individual's chance of promotion at a time that is reserved for religious observance by a particular group. • A company offers compensation to men and women in a situation where its operations or products have had negative impacts on their health in a way that discriminates against women (such as by failing to recognize the particular harm to their reproductive health).
<p>Rights of minorities</p>	<ul style="list-style-type: none"> • Members of ethnic, religious or linguistic minorities are entitled to enjoy their own culture, practise their religion and speak their language. 	<ul style="list-style-type: none"> • Failing to make reasonable adjustments for workers who wear a traditional form of headgear where that does not pose a legitimate safety or performance issue. • Using land in a manner that undermines the traditional way of life of a minority group, for example, by preventing them from ceremonial activities.
<p>Right to work</p>	<ul style="list-style-type: none"> • Individuals are entitled to the opportunity to make a living by work which they freely choose or accept. The work must be 'decent work', meaning that it respects their human rights. • The right includes the prohibition of arbitrary dismissal and the rights to just and favourable conditions of work and to form and join trade unions, discussed below. 	<ul style="list-style-type: none"> • Arbitrarily or unfairly dismissing a worker, even if permissible under local law. • Hindering or failing to provide for the reasonable career advancement aspirations of workers. • (See also the examples under the rights to just and favourable conditions of work and to form and join trade unions.)
<p>Right to enjoy just and favourable conditions of work</p>	<ul style="list-style-type: none"> • Individuals have the right to fair remuneration and equal remuneration for work of equal value. Remuneration must enable them, and their families, to have a decent living. • The right includes safe and healthy conditions of work, equality of opportunity for promotion, and a right to rest, leisure and holidays. • ILO standards provide further guidance on the content of the right. 	<ul style="list-style-type: none"> • Failing to address a pattern of accidents highlighting inadequate workplace health and safety. • A company's purchasing practices repeatedly allow changes to the terms of product orders without any changes to price or delivery time, creating pressure on its suppliers, who then demand excessive overtime from their workers. • Using cleaning staff that are employed by a third-party company and are paid extremely low wages with no or very limited entitlements to sick pay or leave.

<p>Right to form and join trade unions and the right to strike</p>	<ul style="list-style-type: none"> • Individuals have the right to form or join trade unions of their choice. • Trade unions must be permitted to function freely, subject only to limitations that are in line with international human rights standards. • Workers have the right to strike, in conformity with reasonable legal requirements. • ILO standards provide guidance on the content of the right, for example, that workers have the right to bargain collectively with their employers and that workers should not be discriminated against because of trade union membership. 	<ul style="list-style-type: none"> • Creating barriers to the formation of trade unions among employees or contract workers. • Refusing or failing to recognize legitimate workers' associations with which the company can enter into dialogue in countries that prohibit trade unions.
<p>Right to social security, including social insurance</p>	<ul style="list-style-type: none"> • This right obliges the State to create and maintain a system of social security that provides adequate benefits for a range of issues (such as injury or unemployment). 	<ul style="list-style-type: none"> • Denying workers their contractually agreed employment injury benefits. • Offering a private social security scheme that has discriminatory eligibility criteria.
<p>Right to a family life</p>	<ul style="list-style-type: none"> • Protection should be given to families during their establishment, and while they are responsible for the care and education of dependent children. • The right includes special protections for working mothers. • The right also includes special protections for children. 	<ul style="list-style-type: none"> • Company practices hinder the ability of workers to adopt a healthy work–life balance that enables them to adequately support their families (such as requiring workers to live on site in dormitories for extended periods of time without providing adequate periods of leave to enable them to spend time with their families). • (See also the examples in relation to the rights of protection for the child above.)
<p>Right to an adequate standard of living</p>	<ul style="list-style-type: none"> • This right includes access to adequate housing, food, clothing, and water and sanitation. • Individuals have a right to live somewhere in security, dignity and peace and that fulfils certain criteria (such as availability of utilities and accessibility). • Food should be available and accessible to individuals, in sufficient quality and quantity, to meet their nutritional needs, free from harmful substances and acceptable to their culture. • The right to water and sanitation was recognized as a distinct right in 2010. Individuals are entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use and to sanitation services that fulfil certain criteria (such as being safe, physically accessible, and providing privacy and dignity). 	<ul style="list-style-type: none"> • Poor-quality housing or dormitories provided to workers. • Failing to provide adequate sanitation facilities for workers in a company-owned factory. • The expansion of a company's operations significantly reduces the amount of arable land in an area, affecting local community members' access to food. • Business activities pollute or threaten existing water resources in a way that significantly interferes with local communities' ability to access clean drinking water. In such situations, there may be particular negative impacts on women and girls, who are responsible for water collection in many communities.

<p>Right to health</p>	<ul style="list-style-type: none"> • Individuals have a right to the highest attainable standard of physical and mental health. • This includes the right to have control over one’s health and body, and freedom from interference. 	<ul style="list-style-type: none"> • Pollution from business operations can create negative impacts on the health of workers and/or surrounding communities. • The sale of products that are hazardous to the health of end users or customers. • Failure to implement appropriate health and safety standards leads to long-term negative impacts on workers’ health.
<p>Right to education</p>	<ul style="list-style-type: none"> • All children have the right to free and compulsory primary education. • The right also includes equal access to education and equal enjoyment of educational facilities, among other aspects. 	<ul style="list-style-type: none"> • The presence of child labour in a business or in its supply chain, where those children are unable to attend school. • Limiting access to, or damaging, educational facilities through construction, infrastructure or other projects.
<p>Rights to take part in cultural life, to benefit from scientific progress, and to protection of the material and moral rights of authors and inventors</p>	<ul style="list-style-type: none"> • Individuals have a right to take part in the cultural life of society and enjoy the benefits of scientific progress, especially disadvantaged groups. • This includes protection of an individual author’s moral and material interests resulting from any scientific, literary or artistic production. • This protection extends to the rights of indigenous peoples to preserve, protect and develop indigenous and traditional knowledge systems and cultural expressions. 	<ul style="list-style-type: none"> • Activities involving resource extraction or new construction (such as laying a pipeline or installing infrastructure networks) could impact this right by separating groups from areas of cultural importance and knowledge, or by damaging their cultural heritage.