

CSR & Human Rights: Best Practices and Important Trends

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- Forced and child labor
- Use of disproportionate force by security forces
- Violations of users' privacy rights or rights of freedom of expression
- Indigenous peoples' rights
- Access to safe water
- Human trafficking
- Rights to organize and bargain collectively
- Working conditions – hours and wages
- Discrimination

Risks and Responses

■ 1990s

- Public attention and advocacy: apparel and light manufacturing, extractive sector
- Codes of conduct: internal and external auditing, reporting

■ Early 2000s

- Litigation:
 - Alien Tort Statute (*Kiobel* – Supreme Court)
 - Common law tort claims
- Debates about voluntary v. mandatory standards
- Emergence of Multi-Stakeholder Initiatives



- **Work of the U.N. Special Representative on Business and Human Rights (2005-2011)**
- **Release of the “Protect, Respect, Remedy” Framework in 2008**
 - Companies have responsibility to “respect” human rights
- **Release of the U.N. Guiding Principles on Business and Human Rights in 2011 – the first global set of guidelines on business and human rights**



Corporate Human Rights Due Diligence:

New Policies and Procedures

- Development of human rights policies
- Human Rights Impact Assessments (“HRIAs”)
- Integration of findings into the management of the business
- Effective grievance mechanisms

“The Guiding Principles’ normative contribution lies not in the creation of new international law obligations, but in elaborating the implications of existing standards and practices for States and businesses; integrating them within a single, logically coherent and comprehensive template[.]”

- UN SRSG, June 2011

The guidance set forth in the Guiding Principles has been incorporated into:

- The revised Organization for Economic Cooperation and Development ("OECD") Guidelines for Multinational Enterprises;
- The revised International Finance Corporation ("IFC") Sustainability Policy and the corresponding Performance Standards; and
- The ISO 26000 social responsibility standard adopted by the International Organization for Standardization ("ISO").

The Guiding Principles have been adopted or endorsed by:

- The European Commission; and
- The American Bar Association

Impact on U.S. Legislation

- Dodd-Frank financial reform legislation: conflict minerals due diligence requirements
- Federal bill (H.R. 2759): supply chain due diligence
- California Transparency in Supply Chains Act of 2010 (in effect January 1, 2012)

