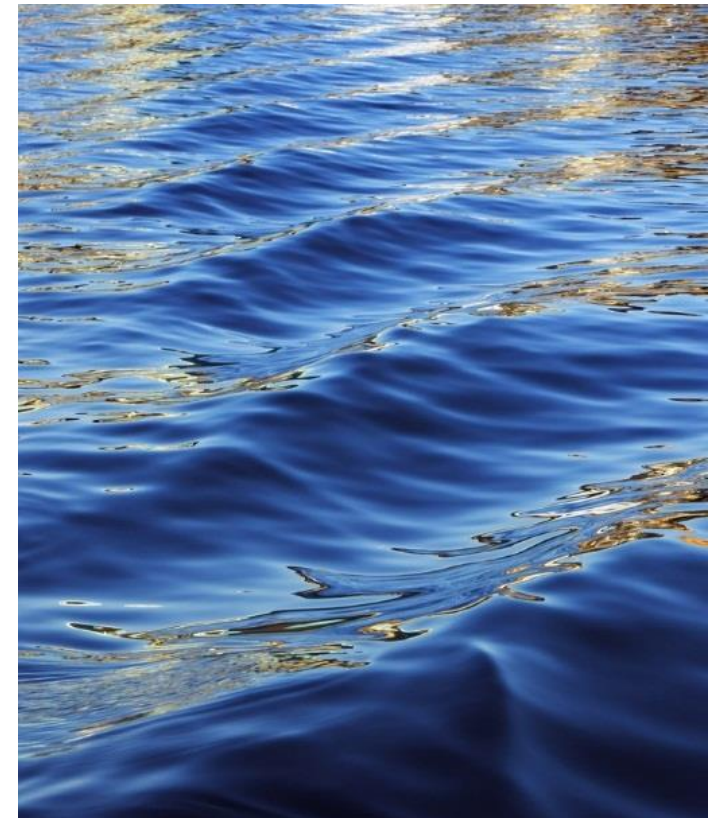




Introduction to Human Rights Due Diligence

Agri-food supply chains



Food Products



Responsible Business Conduct Food Agreement



Koninklijke Nederlandse
SPECERIJENVERENIGING

SINCE 1916

Ministerie van Buitenlandse Zaken



Cordaid



Ministerie van Landbouw,
Natuur en Voedselkwaliteit

Agenda

1. Human rights issues: what are we talking about?
2. What is Human Rights (and Environmental) Due Diligence?
3. Responsibility of business
4. What business and human rights related guidelines/laws/regulations exist?
5. What's next

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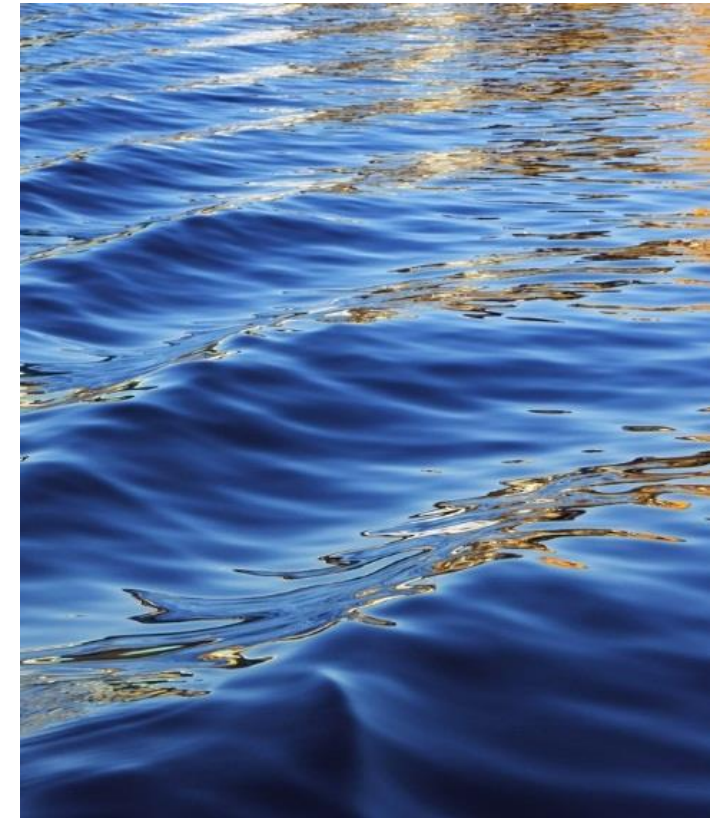


Human Rights

What human rights issues are we talking about?

Go to www.menti.com

Use code: 825 846 25





Source: Global March against Child Labour

Child labour

There are ca 160 million children in child labour. Out of these children 71% work in agriculture.

[US department of labour non-exhaustive list of goods produced with child and forced labour](#)



Harmful use of pesticides

Pesticide exposure without sufficient protective measures can cause short-term and chronic adverse health effects.

64% of global agricultural land is at risk of pesticide pollution from the lingering residue of chemical ingredients that can leach into water supplies and threaten biodiversity and health.

Source: ang, F.H.M., Lenzen, M., McBratney, A. *et al.* Risk of pesticide pollution at the global scale. *Nat. Geosci.* **14**, 206–210 (2021). <https://doi.org/10.1038/s41561-021-00712-5>



Unequal labor conditions for women

In agriculture women often work on a piece rate basis, with fines for not reaching quota. This method of labor agreements increases the risk of child labor, increases the gender pay gap and deprives the female workers of their rights for decent work (contracts, health care, insurance and protective gear).

Source: CNV Internationaal, photo by Maarten Schuth

Globally, the agricultural sector



contributes up to 25% of all
GHG emissions



uses 70% of
fresh water



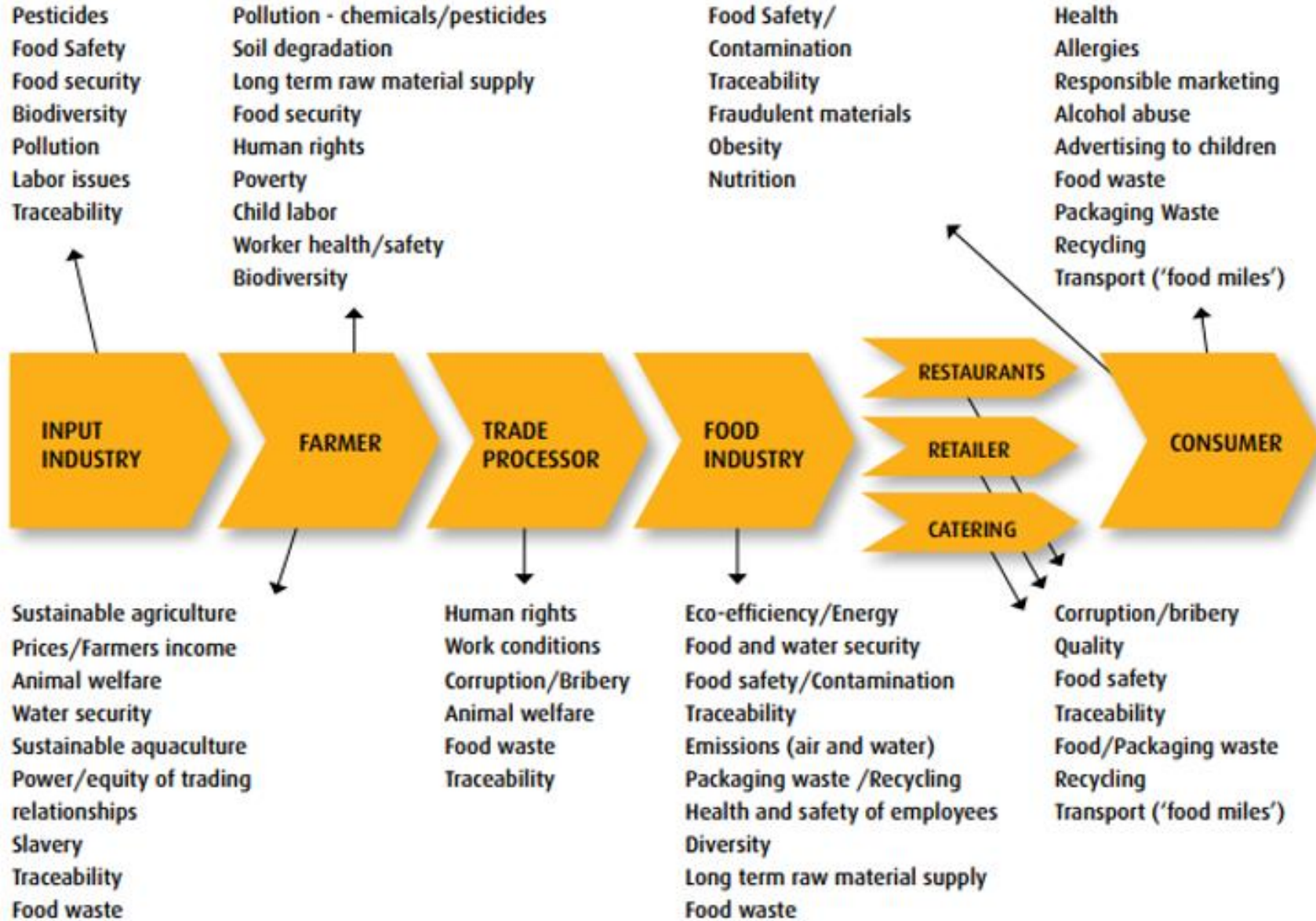
accounts for 70% of
child labour



73% percent of tropical
deforestation

Source: [OECD-FAO Guidance for Responsible Agricultural Supply Chains](#)

ISSUES IN THE FOOD AND BEVERAGE INDUSTRY



"Ionescu-Somers, A. and Steger, U. (2008) Business Logic for Sustainability: A Food and Beverage Industry Perspective, Palgrave Macmillan, UK, Page 39"

Human Rights

Human Rights are not granted by states: they are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status.

They are:

- Universal (every human being is equally entitled)
- Inalienable (they cannot be taken away)
- Indivisible and Interdependent (one set of rights cannot be enjoyed fully without the other).

Source:
<https://www.facinghistory.org/resource-library/image/udhr-infographic>

Adopted by the General Assembly of the United Nations in 1948, the Universal Declaration states fundamental rights and freedoms to which all human beings are entitled.

We are all born free and equal.
 Everyone is entitled to these rights no matter your race, religion, sex, language, or nationality.
 Everyone has the right to life, freedom, and safety.

You have the responsibility to respect the rights of others. No one can take away any of your rights.

No one has the right to hold you in slavery.	You have the right to seek asylum in another country if you are persecuted in your own.	Every adult has the right to a job, a fair wage, and membership in a trade union.
No one has the right to torture you.	Everyone has the right to a nationality.	You have the right to leisure and rest from work.
You have a right to be recognized everywhere as a person before the law.	All consenting adults have the right to marry and to raise a family.	Everyone has the right to an adequate standard of living for themselves and their family.
We are all equal before the law and are entitled to equal protection of the law.	You have the right to own property.	Everyone has the right to an education.
You have the right to seek legal help if your rights are violated.	Everyone has the right to belong to a religion.	Everyone has the right to freely participate in the culture and scientific advancement of their community, and their intellectual property as artist or scientist should be protected.
No one has the right to wrongly imprison you or force you to leave your country.	You have the right to think and voice your opinions freely.	We are all entitled to a social order in which we may enjoy these rights.
You have a right to a fair, public trial.	Everyone has the right to gather as a peaceful assembly.	Everyone's rights and freedoms should be protected unless they obstruct the rights and freedoms of others.
Everyone is innocent until proven guilty.	You have the right to participate in the governance of your country, either directly or by helping to choose representatives in free and genuine elections.	No State, group, or person can use this Declaration to deny the rights and freedoms of others.
You have the right to privacy. No one can interfere with your reputation, family, home, or correspondence.	You have the right to social security and are entitled to economic, social, and cultural help from your government.	
You have the right to travel.		

Example: Article 23

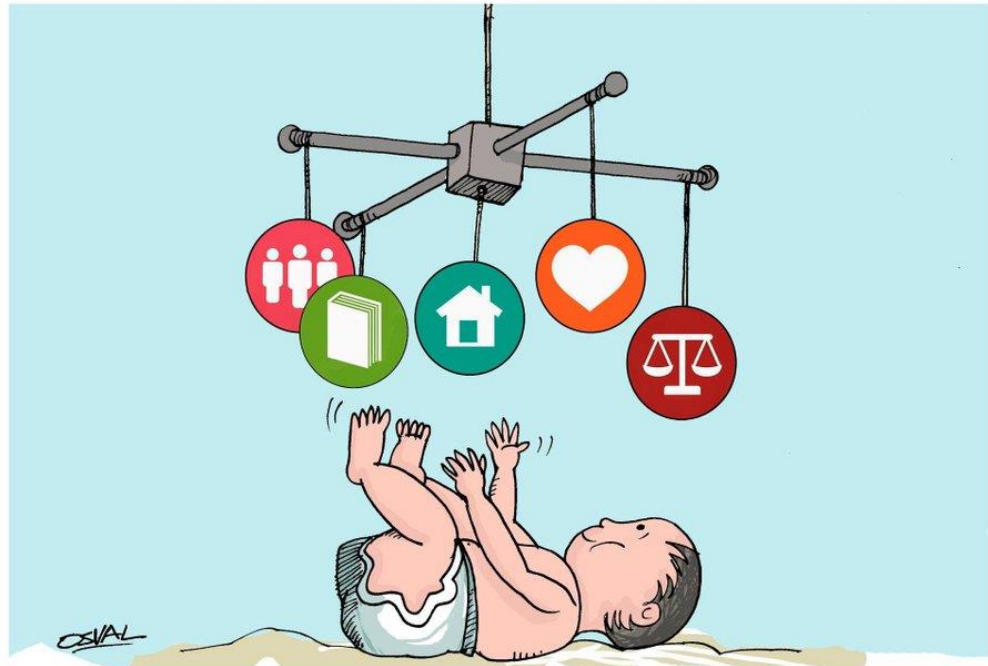
1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.



And its not just about workers

Article 25.1:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.



Source: Twitter Cartoon by #OsvaldoGutierrezGomez for @UNHumanRights & The Cartoon Movement

Groups with an elevated risk profile

People that are more vulnerable to power abuse, because:

- They are in a dependency relation
- They are not aware of their rights
- They don't have a safety net to step out of the situation
- Do not have access to claim their rights.

Groups with an elevated risk profile:

- Informal workers
- Sub-contracted workers
- Seasonal workers
- Day labourers
- Smallholder farmers
- Migrant workers
- (Young) women
- Children
- People living with disabilities
- Low castes or ethnic minorities
- Indigenous people



Source: FNV <https://www.fnv.nl/mondiaal-fnv/nieuws-mondiaal-fnv/nieuws-project/vakbond-vecht-met-succes-voor-compensatie>

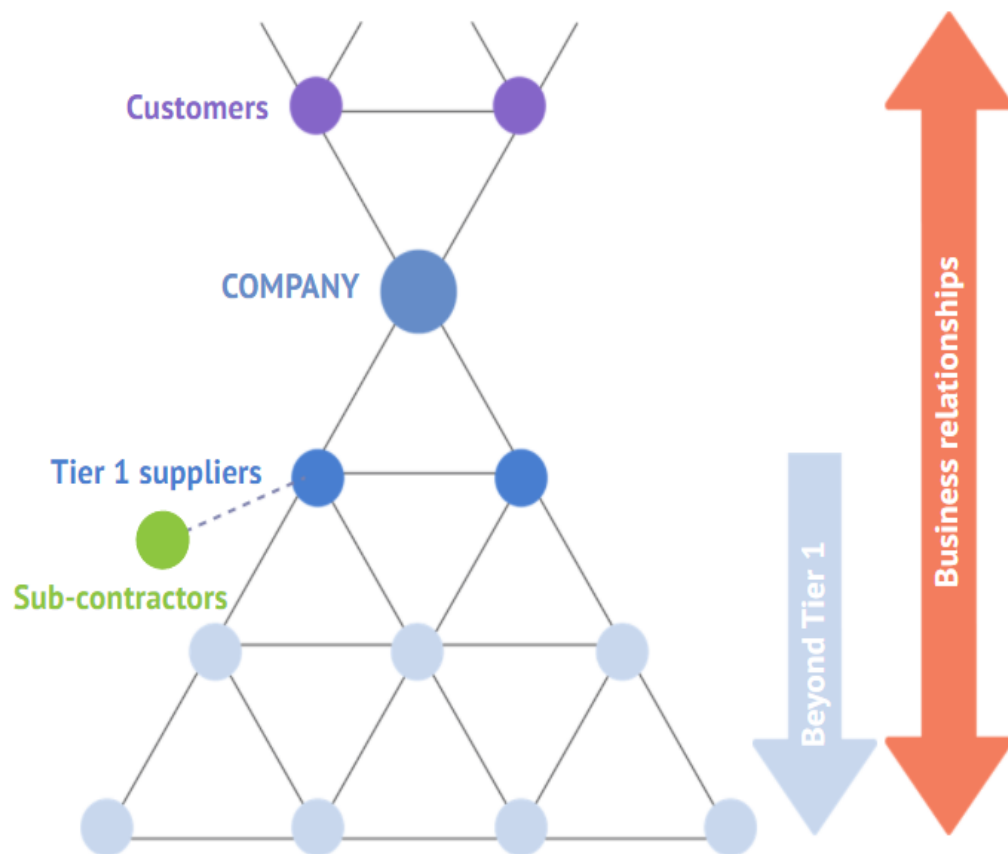
What is Human Rights (and Environmental) Due Diligence (HREDD)

The process	WHAT IS IT?
Enterprises should carry out to	WHO IS RESPONSIBLE?
Identify, prevent, mitigate and account for how they address	WHAT DO THEY DO?
Actual and potential adverse impacts in	WHAT IS THE FOCUS?
Their own operations Their supply chain Other business relationships	WHERE IN OPERATIONS?

This continuous process is about risks and adverse impacts for the stakeholders (workers, producers, local communities, environment).

Source: OECD (2018) OECD Due Diligence Guidance for Responsible Business Conduct, Chapter 1, p.15

Difference with traditional compliancy approaches



Simplified diagram of business relationships covered by due diligence

- Moves **beyond Tier 1 suppliers**, including to sub-contractors
- **Risk-based** – Includes a focus on how a company's actions may cause or contribute to harms in its supply chain (e.g. through purchasing practices)
- Focus on effectiveness – **what works?**
- Involves relevant **stakeholders and workers throughout**
- Engagement in processes to **provide access to remedy**

Source: OECD academy [Guidelines for MNEs - Organisation for Economic Co-operation and Development \(oecd.org\)](https://www.oecd.org/academy/guidelines-for-mnes-organisation-for-economic-co-operation-and-development/)

Gamechanger: Upcoming European mandatory HR(E)DD legislation

Current situation: mainly voluntary frameworks and limited national regulations.

Indications* are the European HR(E)DD legislation would:

- Apply to EU companies and non-EU company selling goods or providing services in the EU – meaning, for example, that the law could impact a US business with EU operations
- Require companies to implement human rights due diligence in line with the processes provided in the United Nations Guiding Principles to prevent adverse impacts on people, as well as in relation to mitigating environmental and governance risks; and
- Contain sanctions for non-compliance – which could include civil or even criminal measures.

* Source: https://www.europarl.europa.eu/doceo/document/JURI-PR-657191_EN.pdf

Cooperation for improved labor conditions

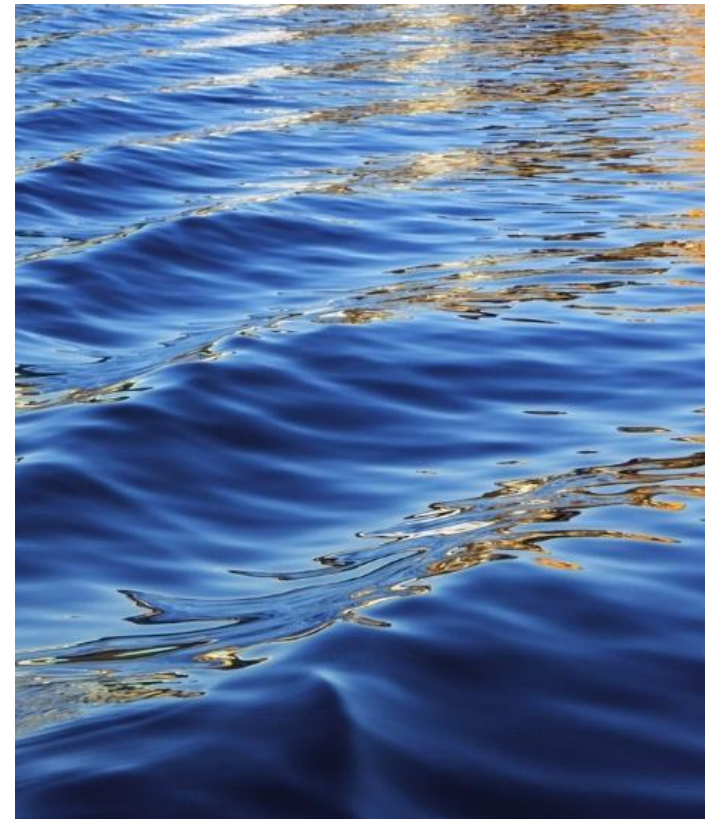


The Benin processing company Fludor cooperates with unions to improve labor conditions

[Towards fair working conditions for women and men producing cashew nuts and shea butter in Benin - YouTube](#)



Questions & Answers





Frameworks

SDGs, UDHR, UNGPs, ILO conventions,
and OECD guidelines



SUSTAINABLE DEVELOPMENT GOALS



Some key actors and frameworks

Since 1948 the UDHR forms the basis for all other human rights treaties and regulations.



Since 1919 the ILO brings together governments, employers and workers of 187 member states to set labor standards, develop policies and devise programs promoting decent work.

The OECD sets standards and provides guidance for responsible business conduct



Since 1993 the OHCHR promotes and protects the Human Rights



All UN member states agreed to work towards achieving the 17 SDGs by 2030.

United Nations Guiding Principles on Business and Human Rights (UNGPs)


3 PILLARS OF THE UN GUIDING PRINCIPLES

HUMAN RIGHTS




PROTECT

State duty to protect



RESPECT

Corporate responsibility to respect

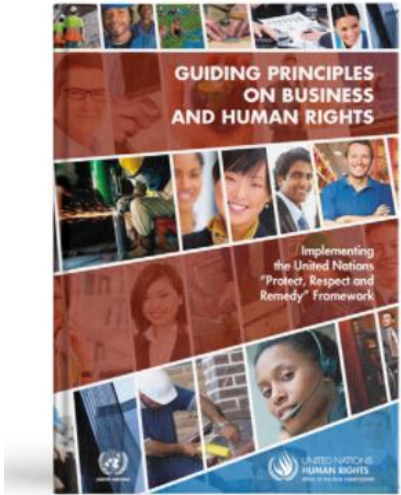


REMEDY

Victims access to effective remedy



UN Guiding Principles on Business and Human Rights (2011)

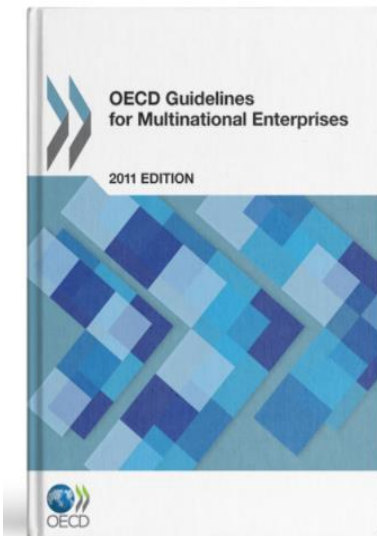


Source: <https://www.anthesisgroup.com/mandatory-human-rights-due-diligence/>

ILO core conventions

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

OECD guiding documents



OECD Guidelines for Multinational Enterprises

- Government-backed recommendations on what constitutes responsible business conduct (RBC)
- Most comprehensive standard on RBC
- Contains an implementation mechanism: National Contact Points for RBC (NCPs)
- Last updated in 2011 with new chapters on human rights and approach to due diligence

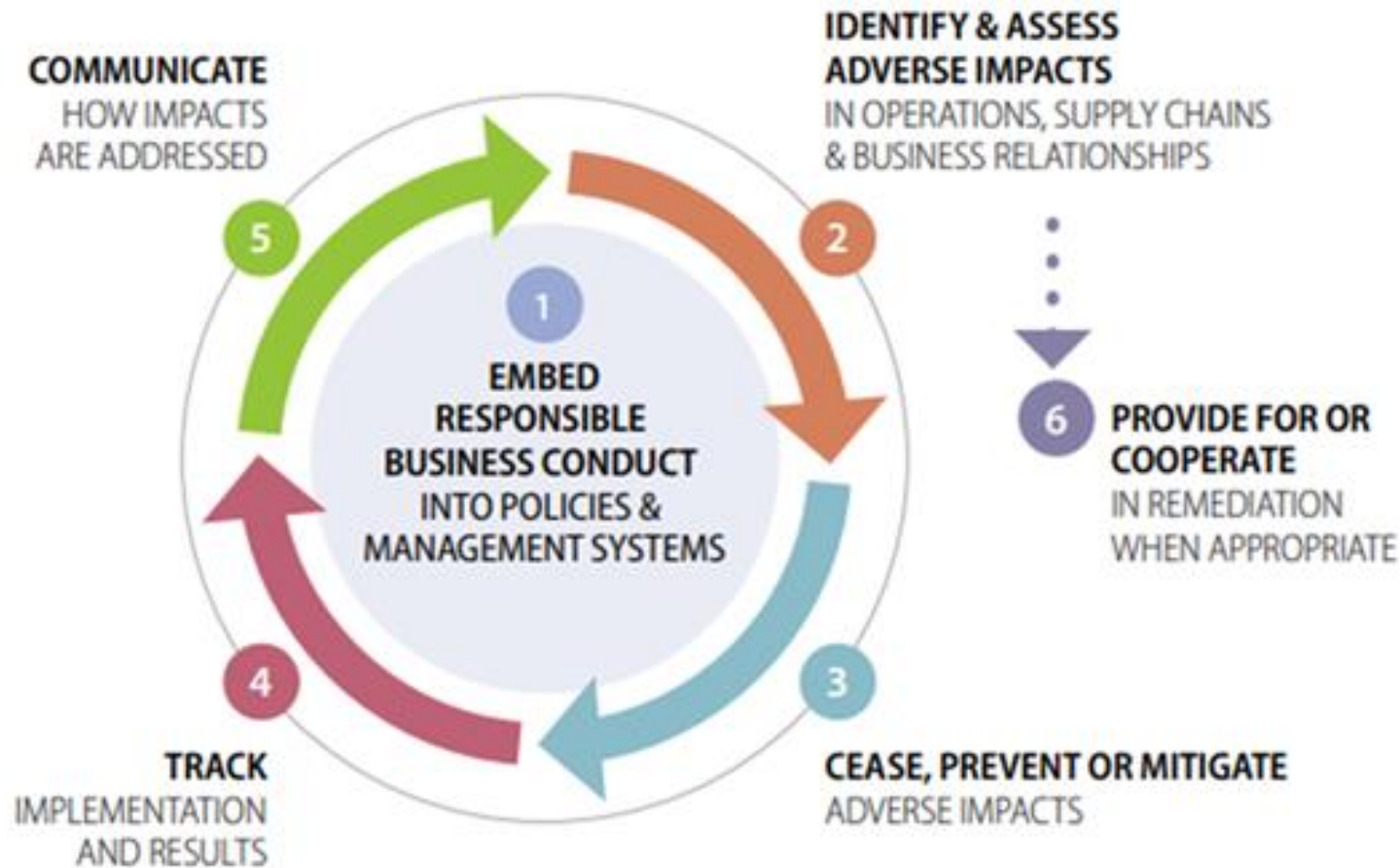


OECD Due Diligence Guidance for Responsible Business Conduct

- Explains in plain language the due diligence requirements under the OECD Guidelines
- Contains actionable examples
- Applicable to any sector and company

Source: OECD academy [Guidelines for MNEs - Organisation for Economic Co-operation and Development \(oecd.org\)](https://www.oecd.org/academy/guidelines-for-mnes-organisation-for-economic-co-operation-and-development/)

Six step approach of OECD Due Diligence guidelines



Source: OECD Due Diligence guidance for responsible business conduct

STEP 1

Embed responsible business conduct in policies and management systems

- Have your management team involved and informed
- Develop your Code of Conduct
- Implement HRDD in your own company
- Include HRDD in your purchasing practices
- HRDD Clauses in your suppliers' contracts
- Report on your due diligence policies on your website and in progress/ annual reports
- Decrease the likelihood of engagement in high-risk business.



Source: [Code of Business Principles and Code Policies \(unilever.com\)](https://www.unilever.com)

Step 2



Identify and assess adverse impacts

- Identify possible impacts with your suppliers and their suppliers
- Conduct Risk assessment and identification in your chain for all products
- Use on-the-ground, participatory stakeholder engagement as a verification method
- Cooperate with other companies and Civil Society Organizations for identifying mutual risks and impacts, check research reports

Source: <https://www.specerijenvereniging.nl/imvo/toolkit/module-2/turmeric-from-India/>

Step 3

Cease, prevent or mitigate adverse impacts

- Prioritize your risks and adverse impacts you are responsible for
- Develop a HRDD action plan to cease prevent or mitigate the prioritized impacts
- Cooperate with other businesses, certifications, Voluntary Sustainability standards, initiatives or Civil Society Organizations
- Improve your purchasing practices; long term relations, higher volumes, direct suppliers
- Ending business relations only after multiple failing efforts to improve.

QR code Mentimeter



Responsibility of a business

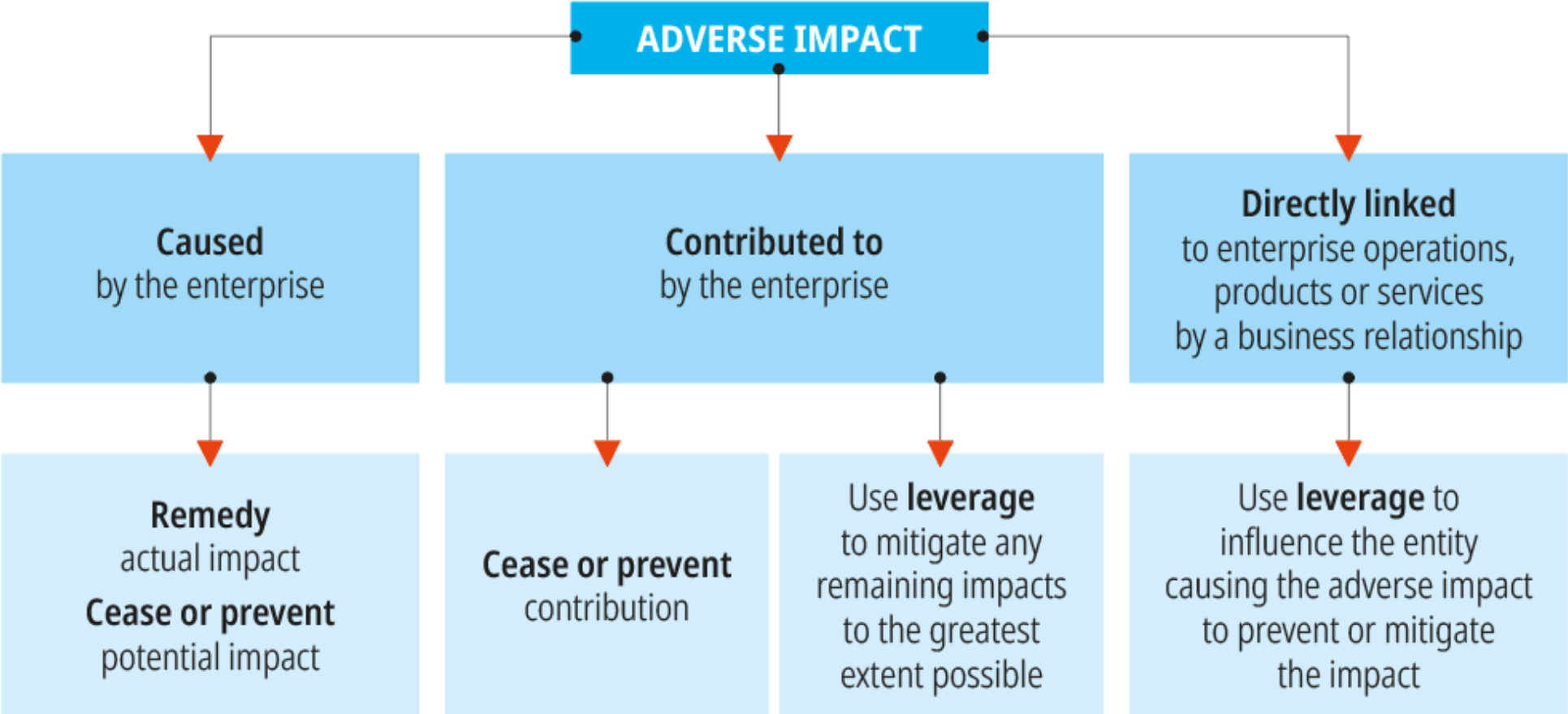
What do you think?

Go to www.menti.com

Use code: 825 846 25

Responsibility of a business

Addressing adverse impacts



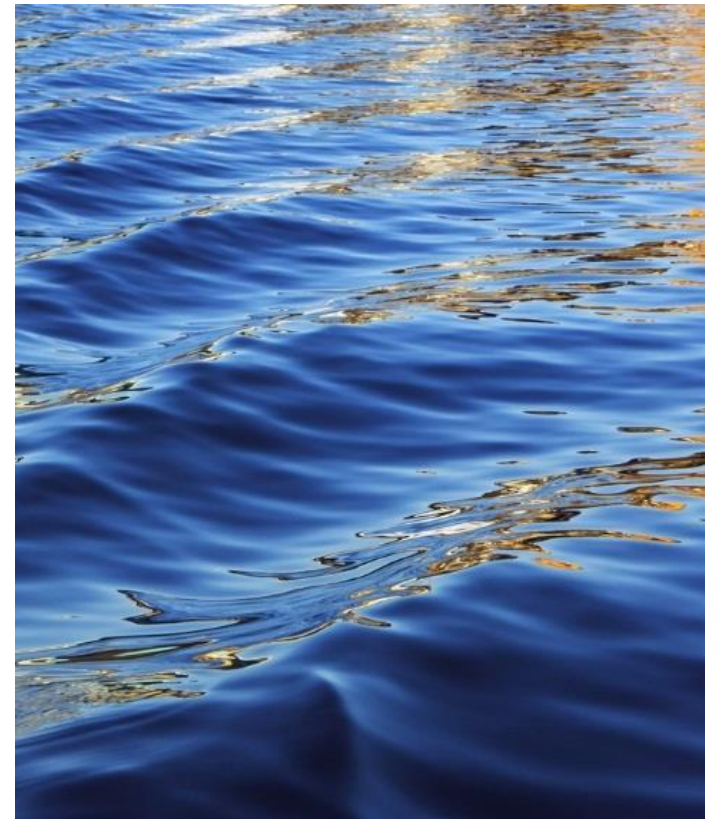
Responsibility of business

A company can be involved in adverse negative impacts in different ways:

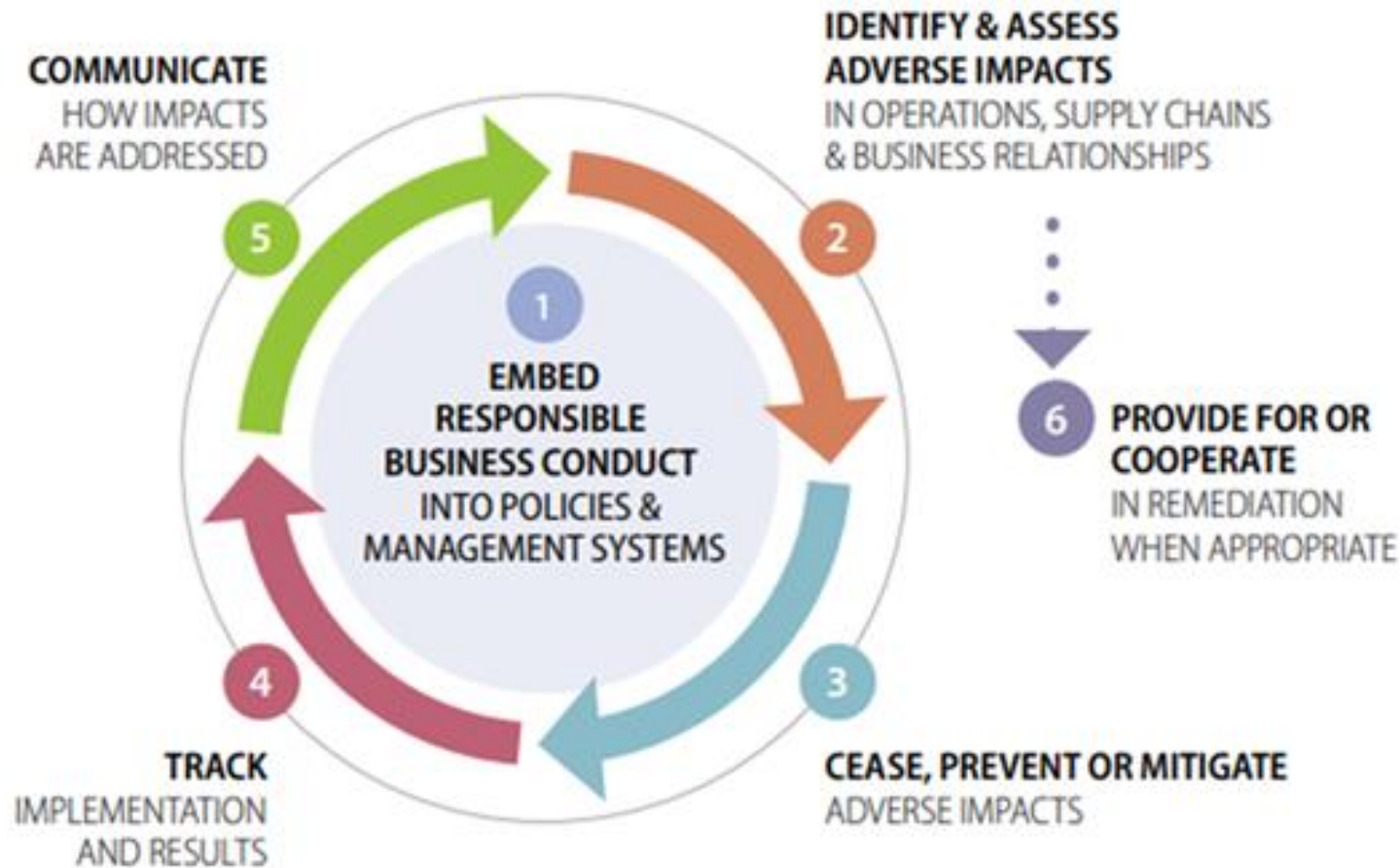
1. **Causing** impacts through their own actions
 - responsibility to identify, prevent, mitigate, account for and provide for remedy the impact
2. **Contributing** (in) directly through a third party
 - responsibility to identify, prevent, mitigate, account for the impact
3. **Linked to** the business that caused the negative impact
 - responsibility to identify and mitigate.



Questions & Answers



Six step approach of OECD Due Diligence guidelines



Source: OECD Due Diligence guidance for responsible business conduct

RISK PRIORITIZATION MATRIX

		Consequence of Impact				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood of Occurrence	Very High	Medium	Medium	High	Extreme	Extreme
	High	Low	Medium	High	High	Extreme
	Moderate	Low	Medium	Medium	High	High
	Low	Low	Low	Medium	Medium	Medium
	Very Low	Low	Low	Low	Low	Medium

Prioritization Due Diligence action plan

Action plan should include:

- Clear time-bound results
- Joint responsibility and clear ownership
- Long-term commitment (including budget)

Risk/Adverse impact	Prioritization	Responsibility	Actions to take	Goals and targets	Support / Tools/ Budget needed	Indicators	Responsible owner of action
Identified Risks and adverse impacts	Saliency, severity, scale	Prevent/ Cease/ Use leverage/ Remedy	Actions to take to act upon the risks and adverse impacts prioritized	Specify your targets and goals within a timespan	What support/tools/ budget is needed to take action	Specify expected progress and deadlines	Who is responsible for the progress and follow up?
1							
2							
3							
4							

Social dialogue



The Peruvian fruit and vegetables export company Camposol started monthly field visits and monthly dialogues with union representatives to get into constructive dialogue with workers (after a period of conflicts and strikes).

Source: <https://www.fnv.nl/mondiaal-fnv/acties-thema-s/de-best-practice-van-sociale-dialogoog>

Step 4

Track Implementation and Results

- Use third party research or assessments
- Organize stakeholder verification consultations
- Track step by step measures taken and results
- Analyse unsuccessful results to identify the bottlenecks
- Plan follow up/ next steps
- Develop a complaints mechanism for stakeholders as preventive measure

2018-19 SUMMARY OF PERFORMANCE



Source: www.design-middleeast.com

Step 5 – Knowing and Showing

Communicate how impacts are addressed

- Communicate in your annual (sustainability) report; negative impacts assessed, mitigation plan, results and next steps
- Communicate to your suppliers, management board, buyers and shareholders
- Communicate on your website and in newsletters, at other initiatives
- Present your results for further engagement

Step 6

Provide for, or cooperate in, remedy of adverse impacts

If you are **Causing** or **Linked to** the adverse impacts:

- Cease or modify business operations or activities that create adverse impacts.
- Use leverage to affect change in the practices of the entity that is causing the adverse impact(s) to the extent possible.
- Support business relationships in the prevention or mitigation of adverse impact(s).
- Provide (access to) remedy and redressal of the negative impact for stakeholders/victims
- Disengage (only after failure to comply).

Want to know more about the OECD guidance?

[OECD e-learning](#) Academy on Responsible Business Conduct

OECD e-learning Academy
on Responsible
Business Conduct

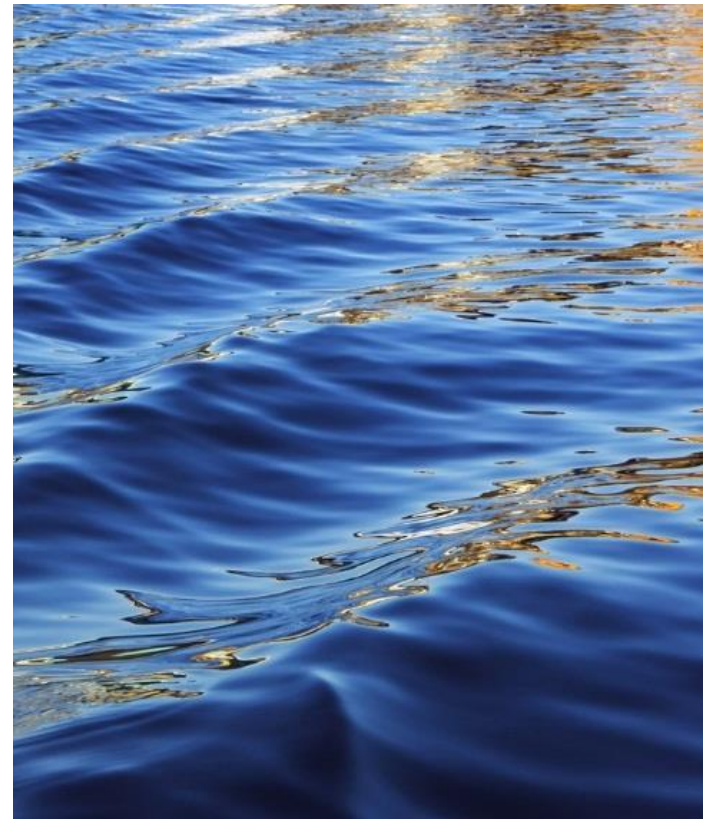
Register now &
learn with us!

OECD

The graphic features a large laptop as the central element. On the screen, there is a play button icon, a speech bubble, and a magnifying glass. To the left of the laptop are two large books, one orange and one green. A person in a blue shirt is standing next to the books, holding a pencil. Another person in a white shirt is sitting on the floor to the left, reading a book. A yellow cup with pens and pencils is on the right. A green checkmark icon is at the bottom center. The background is a solid blue color.



To conclude

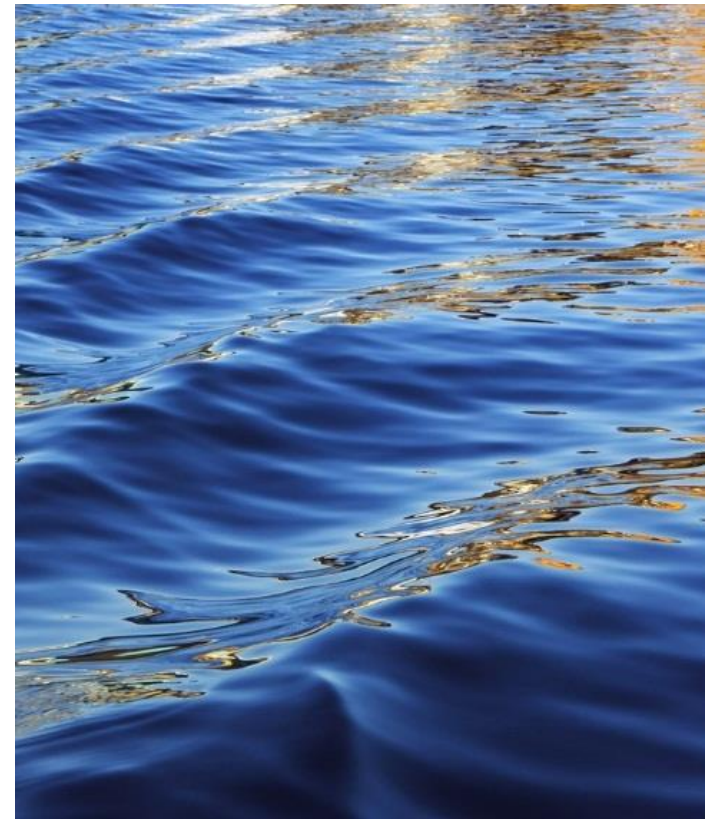


Key takeaways

- There are many human rights violations in agri-food supply chains
- It is company's responsibility to address actual and potential adverse impacts for its stakeholders
- HR(E)DD provides a 'license to operate' for companies
- 'Just' compliance to national legislation isn't enough. Neither is having a certification (although both are relevant steppingstones)
- Mandatory European HRDD legislation is coming
- OECD guidelines on due diligence guidance provide clear steps to take



Questions & Answers



What's next

Welcome to join more [webinars](#):

- **Labor conditions risks in agri-food supply chains**
13 January 2022 9.00-10.30 / 15.00-16.30 CET
- **Living income and living wage in agri-food supply chains**
25 January 2022 9.00-10.30 / 15.00-16.30 CET
- **Child labor and forced labor in agri-food supply chains**
10 February 2022 9.00-10.30 / 15.00-16.30 CET
- **Environmental risks in agri-food supply chains**
22 February 2022 9.00-10.30 / 15.00-16.30 CET

Further training and contact

- Regional training on conducting risk assessments
- Roadshow for Dutch companies on Human Rights Due Diligence

Questions and further information: secretariaatIMVO@ser.nl



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