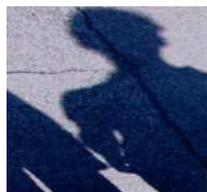




Ludwig Boltzmann Institute
Human Rights

UN GLOBAL COMPACT Communication on Engagement 2015

for the period of 2010-2015



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Photos Cover: Steffi Dittrich

Vienna, Januar 2015

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Introduction

This report presents relevant information to show the commitment of the Ludwig Boltzmann Institute of Human Rights (BIM) as an academic institution participating in the United Nations Global Compact. It documents the period between 2010 and 2015.

The following sections provide a general introduction to the BIM and its work as it is seen to relate to the UN Global Compact Principles. The annex refers to the separately filed BIM letter of sustained commitment to the UN Global Compact.

About the BIM

The Ludwig Boltzmann Institute of Human Rights (BIM) was established in 1992 as an independent research centre with the aim of contributing to the scientific human rights discourse at the national, European and global level. Human rights constitute the only universally recognized value system of our contemporary world and an essential element of democracy. We wish to contribute to the strengthening of human rights and to improve the living conditions of persons who are persecuted, discriminated against or otherwise marginalised.

We see ourselves as part of the scientific community, taking the role of an interlocutor between the state, business, media and civil society. Our research is based on a holistic approach covering civil, political, economic, social, cultural and collective human rights. As human rights are relevant for all areas of life, the research approach in this field needs to be multi-dimensional and interdisciplinary. Our research methods are dedicated to the principles of empowerment, equality of all human beings and the participation of all parties concerned. Our work relates theory with practice. The results of our research establish the basis for our work in the fields of counselling, implementation, monitoring, education and university teaching.

We are working on a broad range of human rights topics arising from current social questions and wish to take an active role in further developing the contemporary international human rights discourse. We are currently focusing on the following areas of research:

- Human Dignity and Public Security
- Equality and Diversity
- European Neighbourhood and
- Integration Policy
- Development Cooperation and
- Business
- Women's Rights, Children's Rights,
- Trafficking
- Human Rights Education
- Information Society.

Based on our research results we develop recommendations and practice oriented proposals for the implementation of human rights compliant instruments in the public as well as in the private sector.

About the Human Rights & Business Team

For many years, BIM has worked successfully in the area of human rights and business, both conceptually and in practice. In this field, human rights need to be “translated” to be understood and operationalised. This approach is often called the “added value” of human rights, or, if taken in more depth, a “Human Rights-based Approach”. As the area of human rights & business is very distinct and specific, a human rights-based approach must be contextualised to meet the objectives and interests of the various actors in this field.

Our activities in brief:

- International and interdisciplinary research projects in the field of human rights and business and development
- CSR and human rights consultancy for companies and other organisations
- Seminars and trainings on human rights and business
- Monitoring and audit of human rights in companies
- University lectures and seminars on human rights and business
- Publications and articles in various fields of CSR, human rights and labour rights
- Organisation of events and conferences

Activities of the BIM which are relevant for the Global Compact

CSR and Labour Rights

Labour Rights Responsibilities Guide LARRGE (2010)

Funded by the European Commission's "Progress" program this project analysed the most significant CSR tools used at the EU level as to their impact on the implementation of fair working conditions, social and human rights standards.

Great emphasis was put on the applicability of the CSR tools. Therefore, the involvement of all stakeholders was particularly relevant since experiences with the development and use of the instruments are crucial. A two-day working conference and an online questionnaire supported this holistic approach. The project's website offers the possibility for dialogue and feedback between CSR-tool developers, companies, entrepreneurs, employee representatives and civil society to engage in an intensive and sustainable exchange. LARRGE is the product of an eighteen-month research project, conducted by an international human rights research team under the management of the BIM, together with the Danish Institute for Human Rights and the Centre for the Study of Global Ethics (University of Birmingham). The Network Social Responsibility, the Austrian Chamber of Labour as well as the Human Rights Consulting Vienna participated in a supporting role. The results of the project are summarised and published in the so-called Labour-Rights-Responsibilities-Guide which gives companies of all kinds and sizes an overview and helps identifying the CSR tool best suitable to their needs. To guarantee easy access and usability, the LARRGE guide is available at <http://www.larrge.eu/>.

Sustainable Construction – Fair working conditions in the building sector

The Ludwig Boltzmann Institute for Human Rights has analysed the role firms do, and can play in the guaranteeing of fair working conditions on construction sites. The guidelines visualise which practical measures firms can take in order to guarantee fairer working conditions for all. The guidelines on "Sustainable Construction – Fair working conditions in the building sector" are a result of an EU project that was conducted in a total of seven EU member states. Researchers in Austria, Italy, Spain, the Netherlands, Denmark, Belgium and Great Britain had been investigating the compliance with employment law in the areas of agriculture, tourism and the construction industry.

As part of the research into Corporate Social Responsibility in the Austrian construction industry, interviews were conducted with firms, monitoring bodies and work councils. These results are published in a mapping. The guidelines outline which practical measures firms can take in order to guarantee fairer working conditions for all. The guidelines (in German only) and the mapping exercise can be downloaded at <http://bim.lbg.ac.at/en/story/news/business-breakfast-introducing-guidelines-sustainable-construction-fair-working-conditions-building-sector>.

Right to Remedy (Pillar III of the UNGP)

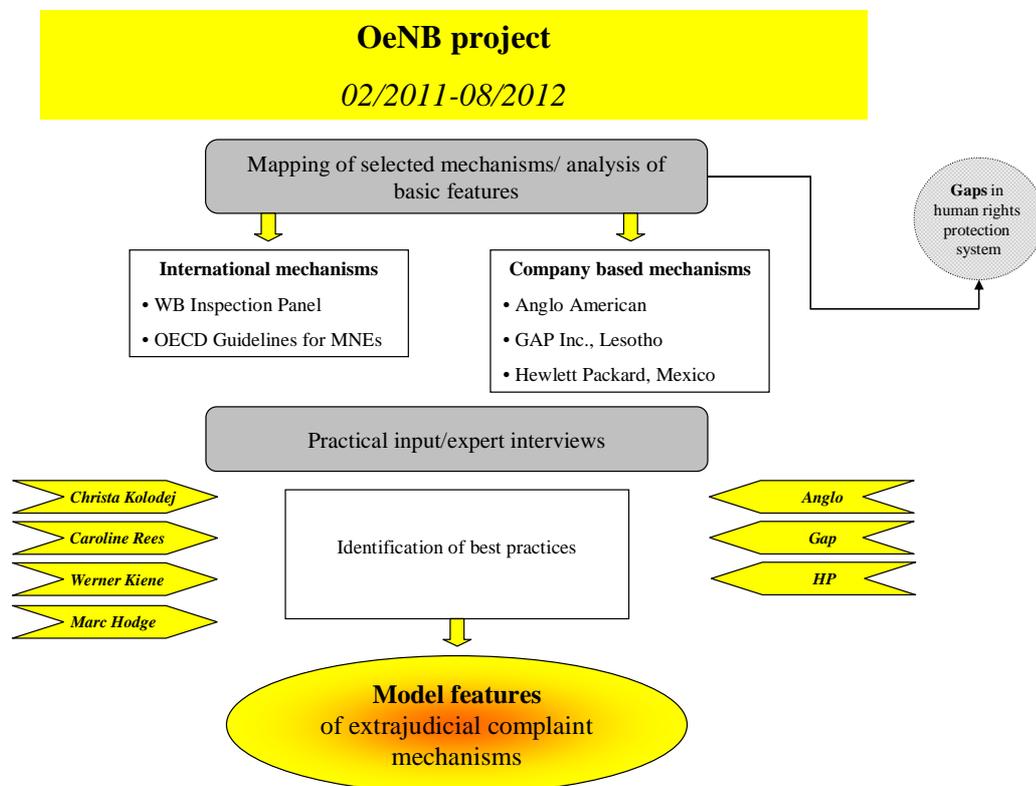
The possibility of accessing legal remedies and claim damages for human rights violations is an important pillar of the human rights protection framework and is itself a human right guaranteed by numerous international treaties. This right also applies when a human rights violation is caused directly or indirectly by business activities. In practice, however, it is often difficult for those affected to hold companies to account - either because the legal framework (often in developing countries) is weak, because judicial proceedings are complicated and

expensive, or because the affluent parent company rejects responsibility. The BIM has done research on this issue since 2010.

Pilot Project on the right to remedy

From 2011 to 2012, a pilot study was conducted which addressed the current gap in international law on remedies in this areas and explored alternative ways of conflict resolution that may prevent parties from resorting to judicial proceedings by offering them quick and equitable solutions on an extra-judicial basis. The study compared complaint mechanisms set up by international institutions as well as by companies. One of the main aims of the analysis was the assessment of the mechanisms' capacity to achieve a fair balance between human rights and business interests and in the identification of relevant criteria to establish a human rights compatible extra-judicial grievance mechanism. The following diagram illustrates the methodology and contents of the study:

Conflict resolution between business and human rights interests



The full report can be downloaded at

http://bim.lbg.ac.at/files/sites/bim/Right%20to%20Remedy_Extrajudicial%20Complaint%20Mechanisms_2013_1.pdf

Follow-Up Project on the right to remedy

Building on the findings of the pilot study, this current research project explores the right to remedy more in-depth, and widens its scope to include multi-stakeholder initiatives such as the Fair Labor Association and the Fair Wear Foundation. The project aims at informing companies and those affected by their operations about the effectiveness of these tools. It will help to raise awareness among victims with regard to access to justice as well as the costs and conditions of these mechanisms. The findings of this research project will be presented as the final event of the workshop „Access to Remedies in the EU for Victims of Corporate-related Human Rights Abuse“ on 16 December 2015 at the „House of the European Union“ in Vienna.

The Human Rights in Business Project

The aim of the project is to explore judicial and non-judicial remedies within the EU to hold companies domiciled in a Member State liable for human rights violations for which they or their subcontractors are responsible, wherever the damage might have occurred. In addition to the research results, the project will also develop a practical handbook on judicial and non-judicial redress mechanisms for human rights abuses by European corporations and offer trainings for stakeholders in the area of business and human rights. The BIM will be responsible for the report on non-judicial redress mechanisms, building on and continuing research of previous projects in this area (see above). In particular, we will analyse the possibilities of and challenges for operational-level grievance mechanisms of selected European businesses from a human rights perspective. The final results will be presented in 2016.

Corporate Liability for Trafficking in Human Beings

In recent years more knowledge has been gained on trafficking in human beings for the purpose of labour exploitation. More and more cases have come to the fore in various economic sectors, including agriculture, construction, garments, care and cleaning work. Nevertheless, as for instance shown in the project COMP.ACT, access to effective remedies is often out of reach for trafficked persons. In addition, it is often difficult for those affected to hold companies accountable in case of labour exploitation. This project analyses corporate liability regarding trafficking in human beings (THB) for the purpose of labour exploitation and exploited workers' existing possibilities to have access to effective remedies. The project identifies legal avenues that can be used in order to claim compensation from corporations.

Corporate Social Responsibility and Sustainable Development

The private sector is an important partner in tackling global development challenges. Despite the calls for private sector accountability for their impacts, comprehensive frameworks that would help Multinational Corporations (MNCs) to better understand and manage their impacts both locally and along their international supply chains are still lacking. GLOBAL VALUE (<http://www.global-value.eu>) aims at responding to this need. The deliverables of this project are: a framework for assessing impacts of MNCs on issues related to the Sustainable Development Goals including environment, human rights, transparency, and anti-corruption; a web-based tool navigator on sustainable development tools for MNCs; and a set of recommendations for decision makers in policy, business and CSOs on enhancing responsible competitiveness and complementarity of public and private sector activities in a development context.



The BIM supports this project with its human rights expertise, inter alia with a contribution on human rights and development and a case study on working conditions in the tea sector in Tanzania. The tool navigator will also contain human rights relevant tools.

Cooperation with companies on human rights issues

The Austrian Export Credit Agency

BIM has been actively supporting the Austrian Export Credit Agency (OeKB) in the implementation of a human rights due diligence process. It provided human rights relevant inputs during the review of the OECD Common Approaches (the OECD regulations on environmental and social impact assessments that have to be applied by official export credit agencies) which have considerably strengthened social criteria. Together with the OeKB, the BIM developed a strategy on the better integration of crucial human rights aspects in future export credit supported projects. In the course of this consultancy, it has elaborated information and training materials and conducted internal and external trainings.

OMV Group

The human rights & business team of BIM supports the Austrian oil company OMV in the implementation of its human rights strategy in the area of Corporate Social Responsibility. The key step of OMV in embracing a human rights related Corporate Social Responsibility strategy was its pledge to adhere to the principles of the UN Global Compact. Based on the assessment of the status quo, the BIM developed a Human Rights Matrix inspired by the „Guide for Integrating Human Rights into Business Management“. This Matrix lays out the human rights responsibilities of OMV and is a tool for prioritizing OMV action in the human rights field. In the subsequent phase of this project, relevant human rights standards were implemented in OMV regions of operation (Tunisia, Yemen and Pakistan).

EVVA

BIM and the Research Institute Austria advised the Security Technology company EVVA on the possibilities and risks of the „AirKey“ technology in terms of labour rights and data protection, including the assessment of the international and national legal framework and an issue-specific compliance report.

The Telekom Austria Group (TAG)

The BIM supports TAG in assessing its human rights related position as a responsible telecommunications provider and in identifying potential human rights risks in its daily operations. Issues like human rights due diligence, good practice of other telecommunication companies and data protection matters were extensively discussed and analysed.

HABAU Group

This construction company works with the BIM to further improve its performance regarding corporate social responsibility and sustainability in the workplace and in its supply chain. BIM also supported HABAU in developing its most recent sustainability report.

Selected trainings, awareness-raising and dissemination events

Coaching “Business and Human Rights”

A coaching for companies on selected human rights issues took place in Konstanz from 16-17 April 2013. The coaching supported companies to identify and understand risks and opportunities regarding the issue and to develop their own approaches and solutions. Upon invitation of the local global compact networks of Austria, Germany and Switzerland, BIM Senior Researcher Karin Lukas gave a training on pillar III of the UN Guiding Principles (remedies).

CSR and Human Resources – 1st General Meeting of the Austrian GC Network

In the course of this event which took place on 23 February 2013 at the premises of the Austrian Export Credit Agency, the relevance of good human resources management for CSR was discussed. The BIM participated in specific group discussions related to human resources and human rights.

The inspection Panel of the World Bank – an effective extrajudicial complaint mechanism?

On 30 September 2014, Karin Lukas held a lecture on the complaint mechanism of the World Bank Group during the 2014 Association of Human Rights Institutes research conference on the panel “Investments and Human Rights”, in Copenhagen, Denmark.

Do’s and Don’ts for Company Grievance Mechanisms

Input made by BIM researcher Barbara Linder in the course of the Annual Conference of the International Bar Association on 6 October 2015.

Annex

Letter of sustained commitment to the UN Global Compact

(see separate document)