



COMMUNICATION ON ENGAGEMENT (COE)

Ludwig Boltzmann Institute of Human Rights

Period covered by this Communication on Engagement

From: 2016

To: 2017

Part I. Statement of Continued Support by the Chief Executive or Equivalent

November 2017

Dear stakeholders,

I am pleased to confirm that the Boltzmann Institute of Human Rights reaffirms its support to the UN Global Compact and its Ten Principles in the areas of Human Rights, Labour, Environment and Anti-Corruption. This is our Communication on Engagement (CoE) and we welcome feedback on its contents.

In this CoE we describe the actions that our organization has taken to support the UN Global Compact and its Principles as suggested for an organization like ours. We also commit to sharing this information with you, our stakeholders, using our primary channels of communication.

Sincerely yours,

Univ. Prof. Dr Hannes Tretter

Academic Director



Part II. Description of Actions

Over the last two years BIM has taken the following activities to support the UNGC Principles, in particular Principles 1-6 (human rights, labour):

- Incorporating of GC Principles into internal operations

In September 2016, BIM established the department "Social Justice". Thereby the traditional areas of state and corporate responsibility for corporate human rights impacts and development cooperation have been extended and completed by women's rights, human trafficking and rights of persons with disabilities. Our research has particularly focused on judicial and non-judicial complaints mechanisms, labour exploitation in the supply chain, human rights in development cooperation and export credit business, the impact of the economic crisis on economic, social and cultural rights, the impact of MNCs on sustainable development and the role of human rights in the European Union.

Further topics that will be enhanced in the future are obligatory reporting of corporations on human rights (transparency in supply chains) and the role of public procurement to prevent human rights abuses in supply chains.

Internally, BIM has established a works council consisting of 3 employees of different departments which serves as a mediator and internal monitoring body for labour rights issues. As an academic institution BIM reports biannually to the UNGC.

- Promoting the GC Principles through education

BIM experts give classes at universities, master programmes and international workshops and trainings. The Social Justice Team is teaching specifically on corporate responsibility at the Vienna Master of Human Rights and the Human Rights Master in Krems. In the context of research projects specific lectures and presentations were given and publications were developed. Those include for example:

- *Business and Human Rights Challenges for Cross Boarder Litigation*

National civil courts have the potential to provide appropriate redress for victims of human rights abuses caused by multinational corporations but, many times, they lack jurisdiction or adequate procedural rules. The most common jurisdictional principles in tort cases call for the jurisdiction of the courts of the country where the tort took place (such as article 5.3 Regulation (EC) 44/2000). Certain situations of massive human rights violations, armed conflicts or institutional discrimination that may have taken place in that country may go, however, hand in hand with an inadequate, biased or easily manipulated judiciary. Furthermore, the applicable law will probably be "the law of the country in which the damage occurs" (cf. art. 4.1 Regulation (EC) 864/2007), which may be a country with insufficient legal norms.

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. BIM was mainly responsible for non-judicial remedies, building on the research results of previous projects in this area.

In addition to the research results, the project also developed a practical handbook on judicial and non-judicial redress mechanisms for human rights abuses by European corporations and offered trainings for stakeholders in the area of business and human rights. The outcomes were presented at the final conference on 8 September 2016 in Brussels. Further information, videos and podcasts of the four training seminars can be found on the project's website businessineurope.eu. The book "Human Rights in Business –



Removal of Barriers to Access to Justice in the European Union”, edited by Juan José Álvarez Rubio and Katerina Yiannibas was published by Routledge in early 2017.

- *Corporate Liability regarding Trafficking in Human Beings for the Purpose of Labour Exploitation and Access to Effective Remedy*

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 many economic sectors, including agriculture, construction, garments, care and cleaning work. Nevertheless, access to effective remedies is often out of reach for trafficked persons. Additionally, 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. Exploited workers and their legal possibilities to claim compensation from corporations by criminal or civil proceedings are at the centre of this project.

The study focused on Austria and assessed to what extent the Austrian legislation provides for means of sanctioning corporations in the context of THB. Thereby it feeds into ongoing research on THB and compensation for corporate human rights violations. During 2016, the researchers presented the findings at different conferences and the first publications were prepared. The project was finalized in 2017.

- *Nosso Jogo- Corporate Responsibility in the Context of the Olympic Summer games 2016:*

Nosso Jogo (port. “our game”) used the public attention on the Olympic Summer Games in Rio to raise awareness on human rights and sustainability issues in the background of the mega sport event. BIM was part of an NGO consortium and elaborated a study on “Corporate Responsibility in the context of the Olympic Games. Best practices and innovative approaches”.

It outlined the legal framework and the corporate responsibilities for business enterprises and highlighted international best practices. Given that a range of Austrian companies were involved in the preparation and execution of the Olympic Games, BIM conducted interviews with these companies and included their experiences and good practices. The study and its recommendations were presented at a press conference in 2016. Project website: nossojogo.at

- Promoting the GC Principles through conducting applied research and thought leadership

BIM has a long-standing record of applied research. Over the last two years it focused on the following areas:

- consulting the Austrian Development Agency on how to ensure corporate responsibility in its internal and external conduct,
- developing guidance on how to address labour exploitation of trafficked persons,
- conducting a field study on the effectiveness of CSR standards for the realisation of core labour standards in Tanzania.

- Promote the GC Principles through providing support to UNGC business participants

BIM has done consultancies for a range of MNCs. Most of them are already concluded. The consultancy for the Austrian oil company (OMV) is still ongoing.



Part III. Measurement of Outcomes

- Number of new UN Global Compact business participants resulting from your organization's promotional efforts

None. Businesses we work with are usually already UNGC members.

- Expertise provided by your organization to further the aims of Global Compact Local Network in your country

BIM functions as an expert hub for human and labour rights issues linked to the UNGC principles. Its experts participate at/organise workshops, panel discussions and cooperate closely with the national UNGC network. For recent BIM publications see <http://bim.lbg.ac.at/en/human-rights-development-cooperation-and-business-0>.

- Partnerships formalized with mutual aims to advance the UN Global Compact principles

BIM participates as an expert at the International Commission of Jurist's (ICJ) Initiative on Operational Grievance Mechanisms. The first meeting will take place at the Business and Human Rights Forum in November/December 2017.

Besides this, BIM cooperates with academic and civil society networks in the field of corporate responsibility (e.g. Business and Human Rights Resource Centre, Network Social Responsibility in Austria, Respect Austria).