# Responsible Business, Human Rights and Scotland’s National Action Plan

When someone says ‘human rights’ and ‘business’ what do you think of?

Do you think of global supply chains, child labour or the Modern Slavery Act? Or do you think of your equality and diversity policies, your mental health at work activities, or your provisions for parental leave and flexible working? All these are human rights issues, but we don’t often think of them in this light.

Most businesses already play a significant role in promoting and protecting human rights, and would agree that respecting human rights has business benefits. It helps to enhance reputation and brand value; it increases customer base; it is key to attracting and retaining a diverse skilled workforce which in turn increases innovation and productivity; and it reduces the risk of litigation, to name only a few.

In November 2017 we held an information session to articulate the benefits to businesses of promoting and respecting human rights, and to raise awareness of how this is done at domestic and international levels. Contributors to the session noted:

“Integrating respect for human rights at an early stage in our management processes can contribute to avoiding potential abuse, and help to sustain a mutually beneficial relationship with our stakeholders. It can prevent delays in the execution of the Group’s operations and improve our Business Units’ performance. It is everybody’s concern and it is part of our commitment to better energy.” Adebola Ogunlade, Legal Counsel, Total S.A. Paris

“Ideas such as human dignity and fair work, a vibrant economy and a well-integrated society, the benefits of sustainable and inclusive economic growth, all have a very direct bearing on the challenges and ambition which are common to both government and the business community. … So human rights and business are inherently connected. And all of us have a role to play in respecting, protecting and realising human rights - not just because it is the right thing to do – though it is – but because it also makes economic sense.” Keith Brown MSP, Cabinet Secretary for the Economy, Jobs and Fair Work

“Human rights due diligence is a powerful risk management tool. Whether operating locally or embedded in global value chains, it makes businesses more resilient, supports sustainability and ultimately adds value for shareholders as well as stakeholders.” Dr Claire Methven O’Brien, Danish Institute for Human Rights

“The Commission welcomes the interest of Scottish businesses in the area of human rights and I am encouraged today by your commitment to take this seriously. It is now widely accepted that business enterprises are required to respect human rights and companies are no longer satisfied with merely doing no harm, they want to actively do good. This is we are we are asking businesses to further their human rights commitment by participating actively and supporting Scotland’s first National Action Plan on Business and Human Rights. A National Plan would enable policy coherence and alignment for responsible business conduct as well as creating a consistent level playing field for companies across our country.” Judith Robertson, SHRC Chair

## Daily examples of human rights protections in Scottish businesses

Age (both old and young), race, gender, disability and socio-economic background are all areas where responsible businesses will have developed strong, integrated policies to increase equality, diversity and inclusion as part of a successful business practice. In doing so, these businesses have also, consciously or unconsciously, developed a baseline of activity in Scotland of respecting human rights.

Mental health and wellbeing is another area where business has made great strides in recent years, assisted by campaigns and reports such as the Mental Health at Work reports from BITC. According to the Scottish Human Rights Commission: Mental health care and treatment engages a range of human rights standards including adequate information, respect for private and family life and informed consent.” Whenever businesses implement mental health policies which support individuals suffering from poor mental health, they are assisting the individual’s right to health.

Flexible working, parental leave and talent development policies also have human rights elements to them as well as strong business cases for them. Retention, productivity, innovation and resilience all improve when a business has a solid foundation of supporting employees through good policies and practices. They also ensure that the business is respecting human rights as part of its business as usual activities.

## United Nations Guiding Principles

The United Nations Guiding Principles on Business and Human Rights (UNGPs), adopted in 2011, articulate a three-pillar framework:

**Pillar I:** State duty to protect against human rights abuses by third parties.

**Pillar II:** Corporate responsibility to respect human rights, that is to act with due diligence to avoid infringing on human rights and address any adverse impacts.

**Pillar III:** Access to an effective remedy for victims.

“A transformational roadmap to a future where the billions of people whose lives are impacted by corporate activities are treated with respect for their dignity and fundamental welfare – a world where human beings and corporations alike can thrive and prosper.” Professor John Ruggie, former UN Special Representative for Business and Human Rights

The European Union (in 2011) and the United Nations Human Rights Council (in 2014) have called for the development of National Action Plans (NAPs) to support the implementation of the UNGPs. Since 2011 a number of countries, including the [UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-_final_online_version_1_.pdf), have developed NAPs. In October 2016, a National Baseline Assessment was published as the first stage in the development of a NAP to implement the UNGPs in Scotland.

A range of initiatives in Scotland already put into practice aspects of the UN Guiding Principles on Human Rights, for example the Scottish Business Pledge, the Fair Work Convention, the Scottish Government Labour Market Strategy and action to combat human trafficking.

Stakeholders, including businesses, trade unions, civil society organisations and children and young people are being invited to discuss this evidence base and contribute their views and experience to the drafting of Scotland’s NAP.

## Scottish National Action Plan

The development of a Scottish National Action Plan can contribute to highlighting existing good practice in Scotland, sharing international best practice, integrating human rights standards into organisational structures and procedures, and establishing networks of collaboration so that respect for human rights becomes a distinctive feature of businesses operating in Scotland.

Business has a huge part to play in shaping the action plan. As the plan will contain actions for both government and business, it is vital that businesses take this opportunity to engage in its development so that it is achievable, efficient and effective.

Consultation with business began in November 2017 at an event hosted by PwC. This is being followed up by a workshop in March 2018 which will identify existing best practice, review the baseline assessment and propose actions to be included in the plan.

From April 2018 a working group will be established to draft the Scottish NAP. Businesses interested in participating in either the drafting group or a consulting group to inform the drafting should indicate their interest to David Holmes, International Human Rights Policy Coordinator at the Scottish Government: David.Holmes@gov.scot

## Human Rights and the Sustainable Development Goals

Other international policy agendas, such as the UN Sustainable Development Goals (SDGs), also overlap with the objectives of Scotland’s National Action Plan for Business and Human Rights.

Many businesses are aware of the SDGs and at BITC we are working with members to integrate them into their reporting and strategy objectives. But the 17 goals also align with human rights and, by working to support the SDGs, businesses are thereby working to protect and respect human rights in their business.

No matter how large or small, and regardless of their industry, all companies can contribute to the SDGs. While the scale and scope of the global goals is unprecedented, the fundamental ways that business can contribute remain unchanged. Read more about what the SDGs mean for business [here](https://www.unglobalcompact.org/sdgs/about), at the Global Compact website.

The Danish Institute for Human Rights has also created a very useful [resource](http://sdg.humanrights.dk/) showing how each of the SDGs align with international human rights conventions, frameworks and legislation.

BITC Scotland will be delivering a series of workshops for members on the sustainable development goals including an overview, how to align strategy and report against and how to use organisational development and investment to support the SDGs in Autumn 2018 and beyond. If you are interested in benefiting from these workshops or joining BITC Scotland in growing the responsible business movement please contact Alan Thornburrow, Director of BITC Scotland at Alan.Thornburrow@bitc.org.uk