

# AN INTRODUCTION & COMMENTARY TO THE 2011 UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS & THEIR IMPLEMENTATION IN THE MARITIME ENVIRONMENT

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HUMAN RIGHTS AT SEA

Human Rights apply at sea, as equally as they do on land.

CEO, Human Rights at Sea | London International Shipping Week 2013

When companies operate with respect for human rights, they contribute to an enabling environment where people may live with freedom and dignity.

A.P. Moller-Maersk 2015 Sustainability Report

Global standards and initiatives relating to business and human rights have started to converge around the Guiding Principles.

UN Human Rights Council, 28 April 2015

## FOREWORD



While some industry sectors with high risk of human rights abuse have been grappling with their human rights impacts for years, the maritime sector has been largely absent from the discussions and the spotlight. However, as this report highlights the sector faces urgent human rights issues, and public scrutiny of maritime companies' behaviour is rising rapidly. From working conditions of ship workers, to modern-day-slavery in the fishing industry, to violent attacks by pirates and others, to environmental contamination affecting human health, the industry is in need of norms, and standards to address these issues effectively. This Human Rights at Sea publication is a welcome and important contribution to raise awareness about human rights responsibilities of businesses among a sector that has been largely absent from most discussions around the UN Guiding Principles on Business and Human Rights.

As a first and essential step, the publication highlights the difference between Corporate Social Responsibility and puts human rights due diligence at the core of a company's business model. There is now rising evidence that thriving companies integrate human rights into their policy and practice, both for their own operations and those of their supply chain. Maritime companies need to assess their major human rights risks, and then prepare due diligence plans to ameliorate those risks, and promote respect for human rights. The report brings these responsibilities to life by providing examples of company best practices and highlighting that the consequences of a failure to respect human rights can bring serious consequences for a company.

Companies in the maritime sector can use this publication as a first step to understand their responsibilities and start developing robust policies and management systems with human rights at the centre.

Phil Bloomer

Executive Director | Business & Human Rights Resource Centre



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## AN INTRODUCTION & COMMENTARY TO THE 2011 UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS & THEIR IMPLEMENTATION IN THE MARITIME ENVIRONMENT

### PART 1 PUBLICATION OVERVIEW

The following Human Rights at Sea publication provides an extended introduction and commentary of the 2011 UN Guiding Principles on Business and Human Rights (the “UNGPs”<sup>1</sup>). It demonstrates the increasing need for the implementation of the UNGPs in the maritime environment for all maritime business enterprises<sup>2</sup> as a matter of course; not as a matter of exception.

It explains in plain-English how and why the UNGPs should apply throughout the maritime environment to all business enterprises and in all business operations throughout the maritime supply chain, both on land and at sea. It highlights risks, delivers case studies and identifies pertinent examples, including references to existing business and human rights policies, and their application.

The publication alludes to the benefits of adopting the UNGPs in respect to their integration into business documents such as Corporate Social Responsibility (CSR)

policies, reporting and assurance strategies and associated policies. It suggests that the use of the UNGPs should be implemented alongside core business values of transparency, accountability and effective remedy.

The publication also provides a background to the increasingly common requirement for consideration and use of Human Rights Impact Assessments (HRIAs) in the business sector, as highlighted by the European Commission’s guidelines<sup>3</sup> on the analysis of human rights impacts in impact assessments as part of the Better Regulation agenda adopted by the Commission in May 2015. Finally, the publication offers up some key self-help guidance as part of basic management actions that can be taken to address implementation of business and human rights in a business enterprise.

Human Rights at Sea is a UK registered charity whose aim is to explicitly

raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused. It has been a member of the UN Global Compact since 2015. This publication is produced in support of the charity’s objectives, specifically those covering the developing topic of business and human rights.



WE SUPPORT

<sup>1</sup> <http://business-humanrights.org/sites/default/files/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

<sup>2</sup> Includes businesses and Limited Liability companies

<sup>3</sup> [http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc\\_153591.pdf](http://trade.ec.europa.eu/doclib/docs/2015/july/tradoc_153591.pdf)

## PART 2

# WHAT ARE THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS?

## THE THREE PILLARS - PROTECT, RESPECT, REMEDY

The UNGPs are voluntary guidance that set out how States and business enterprises should protect and respect human rights in the field of business and how to prevent and address (remedy) business related human rights abuses.<sup>4</sup>

The UNGPs are referred to as being an example of 'soft law'. This is opposed to 'hard law' imposed by State legislation and international conventions. In time the UNGPs are expected to become

customary in both their use and acceptance as business enterprises increasingly engage with such voluntary, but authoritative international guidance.

The UNGPs were developed by the former UN Special Representative on Business and Human Rights, John Ruggie, during his mandate between 2005 and 2011.

In an unprecedented step in June 2011, the UN Human Rights Council unanimously endorsed the UNGPs by Resolution.<sup>5</sup> In the

same Resolution the UN Human Rights Council established the UN Working Group on Business and Human Rights.<sup>6</sup> The UNGPs are therefore the **authoritative global reference point on business and human rights**. They are based on and implement the three pillars of the UN **"Protect, Respect and Remedy" Framework**<sup>7</sup> ("the Framework") that recognises the complementary, but distinct roles of States and business in protecting and respecting human rights.<sup>8</sup>

**1** The State duty to **PROTECT** against human rights abuses by third parties, including businesses, through effective policies, legislation, regulations and adjudication;

**2** The corporate responsibility of business to **RESPECT** human rights, meaning that business enterprises should avoid infringing on the rights of others and address negative impacts in which they are involved; and

**3** The need for greater access to effective **REMEDY** for victims of business-related human rights abuses, through both judicial and non-judicial means.<sup>9</sup>

At a global level there is an ongoing convergence of business standards focusing around the UNGPs. For example:

- The Organisation for Economic Co-operation and Development (OECD) has added a new human rights chapter that closely mirrors the UNGPs.<sup>10</sup>
- The ISO26000 Guidance on Corporate Responsibility standards reflects the UNGP provisions.<sup>11</sup>
- The International Finance Corporate (IFC) has incorporated the corporate responsibility to respect human rights in its revised Sustainability Framework and Performance Standards.<sup>12</sup>
- The European Community (EC) has a new Corporate Social Responsibility plan that calls on all business enterprises operating in the EU to respect human rights.<sup>13</sup>

## PART 3

# THE MARITIME ENVIRONMENT



For the sake of this publication, the **'maritime environment'** can be defined as the environment in which State authorities and government agencies, business enterprises and individuals work and operate throughout the maritime supply chain. This includes those employed in the design, construction and manufacturing of vessels, the operating of shipping, fishing and cruise ship fleets, brokerage services, shipyards, dry-docks, construction & expansion of ports, freight-forwarding, insurance, education, seafarer and fisher recruitment, the role of private maritime security companies, as well as related associations, Port State authorities, flag States and trade bodies, for example.

<sup>4</sup> [http://shiftproject.org/sites/default/files/GuidingPrinciplesBusinessHR\\_EN.pdf](http://shiftproject.org/sites/default/files/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>5</sup> <http://business-humanrights.org/en/un-secretary-generals-special-representative-on-business-human-rights/un-protect-respect-and-remedy-framework-and-guiding-principles>

<sup>6</sup> <http://business-humanrights.org/en/un-guiding-principles>

<sup>7</sup> <http://www.reports-and-materials.org/sites/default/files/reports-and-materials/Ruggie-protect-respect-remedy-framework.pdf>

<sup>8</sup> Ibid.

<sup>9</sup> [http://www.ihrb.org/pdf/eu-sector-guidance/EC-Guides/E&RA/EC\\_Guide\\_E&RA.pdf](http://www.ihrb.org/pdf/eu-sector-guidance/EC-Guides/E&RA/EC_Guide_E&RA.pdf)

<sup>10</sup> <http://www.oecd.org/daf/inv/mne/48004323.pdf>

<sup>11</sup> <http://www.iso.org/iso/home/standards/iso26000.htm>

<sup>12</sup> [http://www.ifc.org/wps/wcm/connect/Topics\\_Ext\\_Content/IFC\\_External\\_Corporate\\_site/Sustainability\\_and+Disclosure/Environmental-Social-Governance/Sustainability+Framework](http://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_site/Sustainability_and+Disclosure/Environmental-Social-Governance/Sustainability+Framework)

<sup>13</sup> [http://ec.europa.eu/growth/industry/corporate-social-responsibility/index\\_en.htm](http://ec.europa.eu/growth/industry/corporate-social-responsibility/index_en.htm)



## PART 3

# THE MARITIME ENVIRONMENT

## HOW THE UNGPS SHOULD BE APPLIED IN THE MARITIME ENVIRONMENT

### MARITIME BUSINESS ENTERPRISES

The Second Pillar of the UNGPs, namely the **Corporate Social Responsibility (CSR) to Respect** human rights directly applies to all business enterprises operating within the maritime environment.

The UN Framework sets a baseline expectation of all business enterprises in their activities relating to and touching upon matters of human rights. This includes all business enterprises operating throughout the entire maritime supply chain both on land and at sea.

#### 'KNOW AND SHOW'

Although a maritime business enterprise may have an established and integrated CSR, reporting and assurance strategy and policies, the UNGPs are clear that such organisations should not only **respect** internationally recognised human rights, but that they should **'know and show'** this.

This means that an integrated CSR, reporting and assurance strategy and policy should be specifically and explicitly tailored to ensure that there is a **published policy commitment to human rights** together with a clear **commitment to embed and implement the UNGPs**. CSR is defined by the European Union as "the responsibility of enterprises for their impact on society. CSR should be company led".<sup>14 15</sup>

There is also an expectation that where a business enterprise fails to respect human rights in one part of their operations or supply chain, the failures cannot be 'offset' by philanthropic or other contributions for promoting human rights elsewhere.<sup>16</sup>

Many business enterprises have CSR policies in place,<sup>17</sup> however, not all explicitly address human rights.<sup>18</sup> Such

a selective stance by business enterprises operating throughout the maritime environment and within all associated supply chains needs to change in order to develop a common standard and approach to business and human rights.

### KEY ELEMENTS

The UNGPs provide Key Elements<sup>19</sup> that are considered essential for a business enterprise to be able to demonstrate its commitment to human rights and as part of an integrated CSR, reporting and assurance strategy and policy:

- Policy Commitment
- Human Rights Due Diligence
- Remediation

<sup>14</sup> [http://ec.europa.eu/growth/industry/corporate-social-responsibility/index\\_en.htm](http://ec.europa.eu/growth/industry/corporate-social-responsibility/index_en.htm)

<sup>15</sup> Comment. CSR is defined differently by different stakeholders, for some CSR is synonymous to philanthropic initiatives/strategic investment initiatives such as the establishment of schools/hospitals, for example.

<sup>16</sup> Page 8, Rachel Davis, 'The UN Guiding Principles and Human Rights and conflict – affected areas: state obligations and business responsibilities': International Review of the Red Cross, Lexis Library.

<sup>17</sup> Commentary on CSR and the shipping industry [http://www.he-alert.org/filemanager/root/site\\_assets/standalone\\_pdfs\\_0355-HE00375.pdf](http://www.he-alert.org/filemanager/root/site_assets/standalone_pdfs_0355-HE00375.pdf)

<sup>18</sup> Page 398 <https://www.icrc.org/eng/assets/files/review/2012/irrc-887-davis.pdf>

<sup>19</sup> Page 8, Rachel Davis, 'The UN Guiding Principles on Business and Human Rights and conflict – affected areas: State obligations and business responsibilities'.



## PART 3

# THE MARITIME ENVIRONMENT

## POLICY COMMITMENT

A **Policy Commitment** that is embedded throughout the business through leadership by example. This includes internal transparency and accountability as well as **continuous professional training** throughout the entire business structure from top to bottom. The development of such a policy should be informed by internal and external human rights' expertise and should be publicly available.

### EXAMPLE: KUONI GROUP<sup>20</sup>



As part of the travel industry, Kuoni Group is committed to embedding human rights into its business. The group has published a 'Statement of Commitment on Human Rights'.<sup>21</sup>

This statement refers to the UNGPs, but also to international laws, the UN Global Compact and specifically, the UN Tourism Organisations (UNWTO) Global Code of Ethics.<sup>22</sup>

While there is no discussion in relation to due diligence, Kuoni states that all employees are encouraged to report any transgressions against their statement. This is an example of a company-based approach to the UNGPs.



<sup>20</sup> <http://www.kuoni.com/group/about-kuoni-group/>

<sup>21</sup> [http://www.kuoni.com/docs/statement\\_of\\_commitment\\_human\\_rights\\_1.pdf](http://www.kuoni.com/docs/statement_of_commitment_human_rights_1.pdf)

<sup>22</sup> <http://ethics.unwto.org/en/content/global-code-ethics-tourism>

<sup>23</sup> <http://www.unilever.co.uk>

<sup>24</sup> <https://www.unilever.com/sustainable-living/what-matters-to-you/advancing-human-rights-in-our-own-operations.html>

<sup>25</sup> Ibid.

### EXAMPLE: UNILEVER<sup>23</sup>

Unilever has issued a human rights policy statement in line with the UNGPs and the International Bill of Human Rights.<sup>24</sup> The policy statement consolidates the company's existing commitments and 'brings increased clarity on our processes and procedures'.<sup>25</sup>





# PART 3 THE MARITIME ENVIRONMENT

## HUMAN RIGHTS DUE DILIGENCE - A FUNDAMENTAL REQUIREMENT

### DUE DILIGENCE

This encompasses:

- Assessment
- Accountability
- Monitoring
- Transparency

### ASSESSMENT

**Assessing** and addressing the business enterprise's actual and potential human rights impacts in all areas of their operations. For assessing impacts, a business enterprise should draw on internal and external, **independent human rights expertise**, it should meaningfully consult with relevant stakeholders and rights-

holders, identify vulnerable groups, and prioritize the findings of the assessment based on severity.

Lastly, **Human Rights Impact Assessments (HRIAs)** should be carried out before operations begin, and should be ongoing throughout all contracts for services. HRIA's should be an iterative process.



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## HUMAN RIGHTS DUE DILIGENCE - A FUNDAMENTAL REQUIREMENT



### ASSESSMENT EXAMPLE: HUMAN RIGHTS IN THE US TOBACCO SECTOR

Many private investment projects, including extractive industries, infrastructure projects, and agriculture, fail to take adequate measures to respect the human rights of the local communities where work is based. In 2010 Oxfam supported two partners in piloting a **community-based HRIA tool**; one of these assessed the tobacco industry's impact on the human rights of farm workers in the fields of North Carolina. The HRIA methodology is designed to allow communities and the local organisations working to support them to identify the impacts of human rights abuses in context

where business enterprises and government agencies have failed to respond to repeated human rights concerns.

Face-to-face interviews were conducted with farm workers and other key stakeholders including growers, local NGOs working with farm workers, government agencies, and ten of the largest tobacco business enterprises. The research had three main successes, though primarily, an increased knowledge of human rights and improved remediation channels for community members and support

organisations. It also enabled communities and business enterprises to engage better with each other, and resulted in business enterprises taking positive steps to address the concerns of communities. The increasing use of HRIAs among people affected by private investments is needed in order to improve outcomes for communities such as these.<sup>26</sup> The importance of companies therefore engaging in community-based HRIAs in a constructive manner should not be underestimated. Of note, Oxfam published its own perspective on the UNGPs in 2013.<sup>27</sup>

<sup>26</sup> Oxfam America (2011) A State of Fear" <http://www.oxfamamerica.org/publications/a-state-of-fear-human-rights-abuses-in-north-carolinas-tobacco-industry>  
<sup>27</sup> <http://policy-practice.oxfam.org.uk/publications/business-and-human-rights-an-oxfam-perspective-on-the-un-guiding-principles-293857>

## PART 3

# THE MARITIME ENVIRONMENT

## HUMAN RIGHTS DUE DILIGENCE - A FUNDAMENTAL REQUIREMENT

### ACCOUNTABILITY

**Integrating** findings from specific internal risk and impact assessments into the business enterprise's senior management decision-making processes and budget allocations, subsequently taking auditable actions to address and monitor the findings.

### MONITORING

**Tracking** how effectively the business enterprise is managing to address its impacts in all areas of its operations. Tracking should be based on qualitative and quantitative indicators and should draw on feedback of internal and external stakeholders.

### TRANSPARENCY

**Communicating to stakeholders** formally in reports, as well as through informal discussions and meetings about how the business enterprise addresses its impacts in all areas of its operations is fundamental

to transparency of actions. Reports should include the methodology applied for identifying impacts and should be accessible to the intended audience, including any affected stakeholders. **Stakeholder engagement** is a cross-cutting element that applies to all the steps for practicing human rights due diligence. The company is expected to engage with relevant stakeholders, including rights-holders and specifically with vulnerable groups throughout the human rights due diligence process.<sup>28</sup>

### RESPONSIBILITY

**Remediation** is the final element. The company has to help remediate any negative impacts that the business enterprise causes or contributes to, either by itself, or in collaboration with others. The effectiveness criteria of the UNGPs as set out for non-judicial grievance mechanisms should be referred to.<sup>29</sup>

**These elements should be an ongoing process and not something that organisations see as a 'once off' exercise.<sup>30</sup> They should be the rule, not the exception.**

It is also important for a business enterprise to recognise what is unique about human rights risks and to adapt and develop policies and procedures that reflect this. There are many business enterprises that already manage their human rights impacts through existing accountability systems such as:<sup>31</sup>

- Health and Safety
- Environmental
- Ethics
- Compliance Systems

<sup>28</sup> There are different resources available on stakeholder engagement human rights due diligence in human rights due diligence. For example: UN Global Compact Germany Network, Stakeholder Engagement in Human Rights Due Diligence, October 2014: [http://www.globalcompact.de/wAssets/docs/Menschenrechte/stakeholder\\_engagement\\_in\\_humanrights\\_due\\_diligence.pdf](http://www.globalcompact.de/wAssets/docs/Menschenrechte/stakeholder_engagement_in_humanrights_due_diligence.pdf)

<sup>29</sup> Guiding Principle 31.

<sup>30</sup> Page 10. Rachel Davis, 'The UN Guiding Principles on Business and Human Rights and conflict - affected areas: State obligations and business responsibilities'.

<sup>31</sup> Ibid.

<sup>32</sup> <http://www.ungpreporting.org/resources/the-ungps/> and <http://www.ungpreporting.org/consult-the-reporting-framework/download-the-reporting-framework/>

<sup>33</sup> <http://www.mazars.co.uk/Home/Our-Services/Consulting/Business-and-Human-Rights>

<sup>34</sup> <http://global-csr.com/respect-human-rights-in-your-supply-chain/>

## PART 4

# WHAT ARE THE BENEFITS OF IMPLEMENTING THE GUIDING PRINCIPLES?

## HUMAN RIGHTS DUE DILIGENCE - THE BENEFITS

The UNGPs expect that business enterprises will not only **'know'** where they may impact on human rights, but also **'show'**, or **demonstrate** that they are not abusing human rights.

### The Benefits For Business Enterprises To Demonstrate Greater Respect For Human Rights Are Many <sup>32</sup>

- Attracting investment given the size and importance of ethical funds;
- Improved reputation risk management;
- Greater engagement with rights-holders including workers, communities and suppliers and thereby generating greater trust;
- Reduced costs arising from fewer adverse human rights impacts;
- Attractive to Generation Y recruits;
- Greater worker retention;<sup>33</sup>
- Better supply chain risk management.

Integrating the UNGPs into business operations will not only give rise to the benefits that are listed above, but it is also likely that business enterprises adopting a leadership approach to integrating the UNGPs will also have a positive effect on their suppliers.<sup>34</sup> This is as true in a maritime environment, as it is on land.



## PART 5

# WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## INTRODUCTION



Business enterprises can impact human rights abuses in a number of ways. They can either contribute to human rights risks **directly** or **indirectly**, by association or through being linked to adverse human rights impacts through their business relationships.<sup>35</sup>

Business enterprises might also impact the human rights of people who are working within their organisation in terms of poor application of employment rights, labour rights' or abuse of basic human rights; or

by the deliberate recruiting or harbouring of people whose rights have been deliberately limited or removed from them by employers.

**Direct linkage** may be where a business enterprise recruits victims of trafficking or forced labour to carry out services on behalf of the business enterprise. An example of this in practice might be employing victims of forced labour or trafficking to work on the construction of a vessel or fleet or buildings associated with the maritime sector, the dismantling

of end of life vessels under hazardous conditions or working in fishing fleets having been trafficked into crewing positions without any contractual protections with poor pay and use of physical abuse and coercion.

**Indirect linkage** means where a business enterprise in the maritime sector may impact human rights, for example where a ship may be used by criminal gangs related to organized crime to smuggle people into other countries.<sup>36</sup>

<sup>35</sup> <https://www.icrc.org/eng/assets/files/review/2012/irrc-887-davis.pdf>

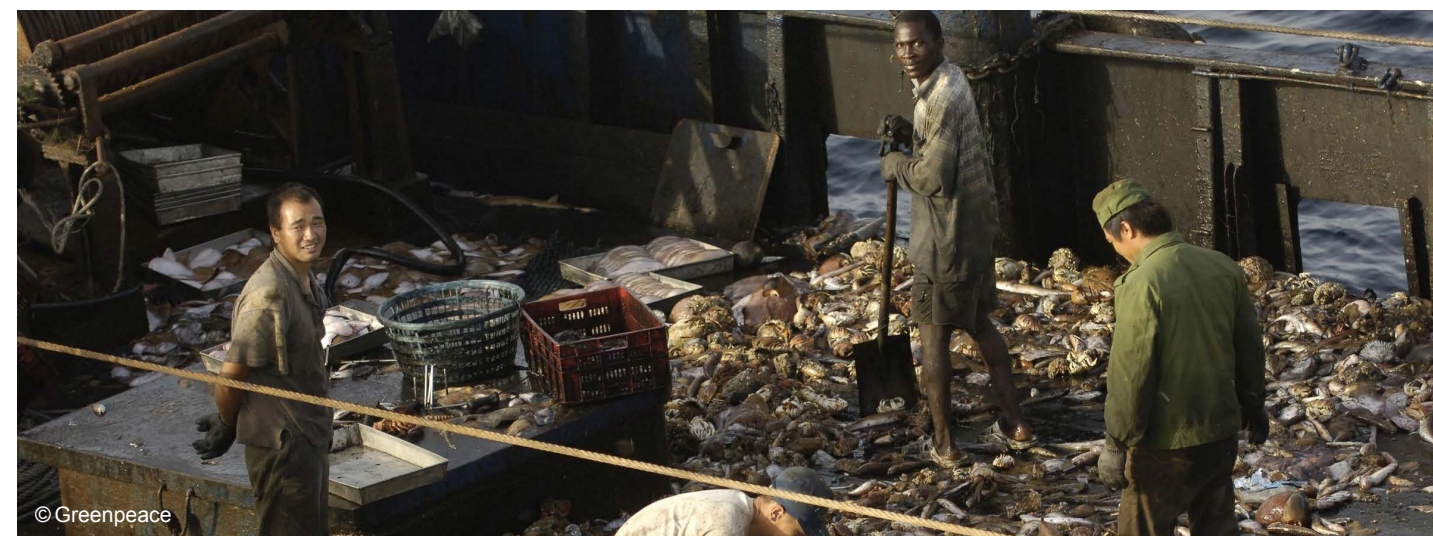
<sup>36</sup> <http://business-humanrights.org/sites/default/files/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>

## PART 5

# WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## EXAMPLE

### THE THAI FISHING INDUSTRY



In 2015, the Guardian newspaper exposure<sup>37</sup> of the extensive role of authorities, fishermen and traffickers in enslaving thousands of Rohingya people (migrants from Myanmar) held in deadly jungle camps to be trafficked and sold to Thai fishing vessels as slaves to produce seafood then sold across the world. This followed a previous exposure in 2014 of the Thai slave trade at sea.<sup>38</sup> (Human Rights at Sea first alerted the issue of the abuse of the Rohingya boat people in May 2015<sup>39</sup>). The Guardian investigations highlighted that slaves were forced to work for no

pay for years at a time under the threat of extreme violence in the production of seafood sold by major US, British and other European retailers. This evidence of abuses within the business supply chain was corroborated by a series of reports from the Environmental Justice Foundation<sup>40</sup>, articles in The New York Times<sup>41</sup> and from inputs received from other global NGOs such as the International Labor Rights Forum, Greenpeace, Humanity United, Human Rights Watch and global trade unions. Furthermore, a year-long investigation

and assessment was commissioned by Nestlé<sup>42</sup> and carried out by Verité to uncover the labour situation in its shrimp supply chain.

The report was titled: 'Recruitment Practices and Migrant Labor Conditions in Nestlé's Thai Shrimp Supply Chain'.<sup>43</sup> This resulted in an Action Plan that Nestlé developed to address the findings in their supply chain.<sup>44</sup> This can be viewed as an example of Human Rights Due Diligence.

<sup>37</sup> <http://www.theguardian.com/global-development/2015/jul/20/thai-fishing-industry-implicated-enslavement-deaths-rohingya>

<sup>38</sup> <http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour>

<sup>39</sup> <http://humanrightsatsea-news.org/2015/05/12/hras-alert-potential-that-1000s-of-trafficked-persons-have-been-abandoned-at-sea-in-se-asia/>

<sup>40</sup> [http://ejfoundation.org/sites/default/files/public/EJF\\_Slavery-at-Sea\\_report\\_2014\\_web-ok.pdf](http://ejfoundation.org/sites/default/files/public/EJF_Slavery-at-Sea_report_2014_web-ok.pdf)

<http://ejfoundation.org/video/slavery-sea-continued-plight-trafficked-migrants-thailands-fishing-industry>;

<sup>41</sup> <http://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html>

<sup>42</sup> <http://www.cips.org/en-gb/supply-management/analysis/2016/february/nestle-exposes-forced-labour-in-its-thai-supply-chains/>

<sup>43</sup> [http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp\\_prepared-by-Verite.pdf](http://www.verite.org/sites/default/files/images/NestleReport-ThaiShrimp_prepared-by-Verite.pdf)

<sup>44</sup> <http://www.nestle.com/csv/rural-development-responsible-sourcing/responsible-sourcing/fish-seafood>



## PART 5

# WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

### EXAMPLE

## THE THAI FISHING INDUSTRY - CONTINUED

#### FACTS

Thailand was the third largest seafood exporter in the world with seafood exports valued at \$7.3 billion in 2011. The European Union imported more than \$1.15 billion (€835.5 million) worth of seafood from Thailand in 2012 while the value of imports by the United States exceeded \$1.6 billion in 2013.



#### THE EFFECT

The effect of the public exposure of human rights abuses in the Thai seafood industry was significant for Thailand both in terms of global reputation, but also in lost revenue which continues to the present day though remains unquantified, or accurately assessed.

In 2014, the US Department of State released its influential Global Trafficking in Persons (TIP) Report<sup>45</sup> in which Thailand was downgraded to Tier 3, the lowest assessment Tier for “countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so”.

In July 2015, the US Department of State decided to maintain Thailand’s Tier 3 designation in the 2015 TIP report<sup>46</sup>. This was supported by 25 global NGOs

and charities<sup>47</sup>. This was not the only international action taken against Thailand following such revelations. At the time of writing, the European Commission is assessing whether Thailand has taken sufficient measures in the international fight against illegal, unregulated and unreported fishing (IUU) after Thailand was awarded a yellow card designation<sup>48</sup>. The decision of the Commission to show a yellow card starts a formal procedure of dialogue with the Thai authorities to make them take the necessary corrective measures. This issue has again been pressed by 27 global human rights organisations in an open letter<sup>49</sup> dated February 17, 2016 to Karmenu Vella, the EU Commissioner for Fisheries, Maritime Affairs and Environment at the EU Commission.

<sup>45</sup> <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226832.htm>

<sup>46</sup> <http://www.state.gov/documents/organization/243562.pdf>

<sup>47</sup> <http://humanrightsatsea-news.org/2015/07/27/letter-to-secretary-of-state-john-kerry-regarding-thailands-ranking-in-the-2015-tip-report/>

<sup>48</sup> [http://europa.eu/rapid/press-release\\_IP-15-4806\\_en.htm](http://europa.eu/rapid/press-release_IP-15-4806_en.htm)

<sup>49</sup> <http://humanrightsatsea-news.org/2016/02/21/press-release-human-rights-at-sea-joins-with-global-organisations-in-letter-to-eu-commission-concerning-thai-fishing-and-human-rights-abuses/>

## PART 5

# WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

### EXAMPLE

## LABOUR RIGHTS VIOLATIONS ON CRUISE-SHIPS



Approximately 200,000 people around the world work on cruise ships.<sup>50</sup> Over the years, numerous negative impacts of cruise ship companies have been documented<sup>51</sup>. Human rights impacts include violation of labor rights of workers from poor countries on cruise ships, including excessive working hours, low wages and confiscation of passports of workers forcing them to work under slave-like conditions<sup>52</sup>. Sexual harassment of employees by crew members or passengers has also been reported<sup>53</sup>.

Other examples include environmental impacts of cruise ships that can affect communities. In Belize, the Belize Tourism Industry Association (BTIA) filed a lawsuit against government agencies and Norwegian Cruise Line that they took shortcuts and skirted their obligation to disclose information to affected communities about the environmental impacts of Norwegian Cruise Line’s (NCL) Harvest Caye Berthing facility and the case was won by BTIA in January 2016<sup>54</sup>.

#### THE EFFECT

A recent example is the fining of Royal Caribbean Cruises, when it underwent labour inspections while docked in Rotterdam, in the Netherlands. The company was fined €600,000 (\$760,000) for violating Dutch labour laws and the International Maritime Labor Convention 2006. According to the labour inspectors, employees from the Philippines and South America lacked proper work permits and were working excessive hours<sup>55</sup>.

<sup>50</sup> <http://www.itfseafarers.org/ITI-cruise.cfm>

<sup>51</sup> <http://www.tourismconcern.org.uk/floating-abominations-exposing-the-cruise-ship-industry/>

<sup>52</sup> Ibid.

<sup>53</sup> <http://www.cruiselawnews.com/articles/sexual-assault-1/>

<sup>54</sup> <http://www.guardian.bz/all-politics/10685-supreme-court-says-neac-fast-tracked-norwegian-cruise-line-harvest-caye-facility>

<sup>55</sup> Ibid note 51.



## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## COMMERCIAL RISKS

The commercial risks for business enterprises in the maritime sector that arise from being involved either directly, or indirectly through association in human rights abuses are threefold:



LEGAL



REPUTATIONAL



OPERATIONAL

## LEGAL RISK

Legal risks can involve increased litigation, fines and costs<sup>56</sup>. Increased litigation is a growing risk for the maritime environment where human rights are being abused and where NGOs and individuals are increasingly looking to use legal proceedings to seek remedy. The results of which can cause lasting reputational damage whether complaints are upheld or not.

<sup>56</sup> <http://financeagainstrafficking.org/resources/?path=resources>

<sup>57</sup> [http://www.cpmlegal.com/media/cases/224\\_222\\_Costco%20Prawns%20Complaint.pdf](http://www.cpmlegal.com/media/cases/224_222_Costco%20Prawns%20Complaint.pdf)

<sup>58</sup> <http://fortune.com/2015/08/19/costco-lawsuit-slavery/>

<sup>59</sup> <http://www.theguardian.com/global-development/2015/aug/19/costco-cp-foods-lawsuit-alleged-slavery-prawn-supply-chain>

<sup>60</sup> Ibid.

## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## LEGAL RISK



## EXAMPLE: COSTCO AND CP FOODS US LAWSUIT

Widely reported by international media platforms in August 2015, was a U.S. class action lawsuit<sup>57</sup> by the Plaintiff and California resident, Monica Sud, as a customer of Costco accused the retailer Costco Wholesale Corp. (and suppliers Charoen Pokphand Foods Public Company Limited and C.P. Food Products, Inc.) of knowingly selling frozen prawns linked to a company that allegedly used slave labor.<sup>58</sup> This followed the investigation

by The Guardian newspaper<sup>59</sup>. The Plaintiff brought the class action on behalf of herself and all other similarly situated Californians for violation of California's consumer protection statutes, including California Civil Code § 1750, et seq.; the Consumer Legal Remedies Act (the "CLRA"); California Business and Professions Code § 17200 et seq., the Unfair Competition Law ("UCL")<sup>60</sup>. In the complaint document dated August

19, 2015, lawyers for the Plaintiff alleged that: "For years, and presently, Costco has allowed human trafficking and slave labor to taint its supply chains. The use of slave labor by its suppliers and/or sub-suppliers allows Costco to maintain competitive prices and produce high sales." Also that "Costco is aware that if its customers knew that the supply chain was "tainted" with unsafe, unethical practices it would lose sales". The case is ongoing.



## PART 5

WHAT KIND OF HUMAN RIGHTS RISKS EXIST  
IN THE MARITIME ENVIRONMENT?

## LEGAL RISK

EXAMPLE: HUMAN TRAFFICKING AND SLAVERY IN  
UK FISHING FLEETS

At the time of writing, the Scottish police are investigating<sup>64</sup> allegations of human trafficking and slavery in parts of the UK fishing fleet. It was reported that foreign fishermen suffering from exhaustion and malnutrition on UK-owned boats have leapt into the sea off the coast of Britain to escape abusive treatment on board<sup>65</sup>.

EXAMPLE:  
NAKIS CASE - GREEK  
MISSING SEAFARER

The disappearance of the 23 year old Greek Sub-lieutenant, Anastasios Nakis, at sea in April 2015 from onboard the bulk carrier MV Ingrid C (Marshall Islands Flag)<sup>61</sup> owned by Efstathiou Theodoros Shipping resulted in initial civil litigation proceedings<sup>62</sup> brought by the Nakis family against the company in May 2015 in the Texas Southern District Court claiming negligence.

The case is ongoing and is understood to have extended to the Greek jurisdiction with investigations by the Piraeus Public Prosecutor and flag State.<sup>63</sup>

<sup>61</sup> <https://www.humanrightsatsea.org/wp-content/uploads/2015/05/20160204-MSRP-FIS-KATERINA-NAKIS-ENGLISH-FINALSECURED.pdf>

<sup>62</sup> Houston Division of the Southern District of Texas Case 4:15-cv-01288

<sup>63</sup> <http://business-humanrights.org/en/greece-seafarer-anastasios-nakis-goes-missing-onboard-efshipping-vessel-includes-company-response>

<sup>64</sup> <http://www.independent.co.uk/news/uk/crime/police-investigate-claims-of-slavery-in-uk-fishing-fleet-9877879.html>

<sup>65</sup> Ibid.



## PART 5

WHAT KIND OF HUMAN RIGHTS RISKS EXIST  
IN THE MARITIME ENVIRONMENT?

## REPUTATIONAL RISK



According to a report published by Deloitte<sup>66</sup> reputational problems have the biggest impact on revenue and brand value. Legal cases combined with prolific free flowing media and social media coverage mean that business enterprises have little ability to hide from public criticism and news reporting. **EY reports that in relation to the effects of social media: “Companies caught ill prepared may risk the loss of customer confidence, share value and overall market reputation<sup>67</sup>.”**

<sup>66</sup> [http://www2.deloitte.com/content/dam/Deloitte/pl/Documents/Reports/pl\\_Reputation\\_Risk\\_survey\\_EN.pdf](http://www2.deloitte.com/content/dam/Deloitte/pl/Documents/Reports/pl_Reputation_Risk_survey_EN.pdf)

<sup>67</sup> <http://www.ey.com/US/en/Issues/Governance-and-reporting/Audit-Committee/BoardMatters-Quarterly---April-2014---4---The-business-of-social-media>

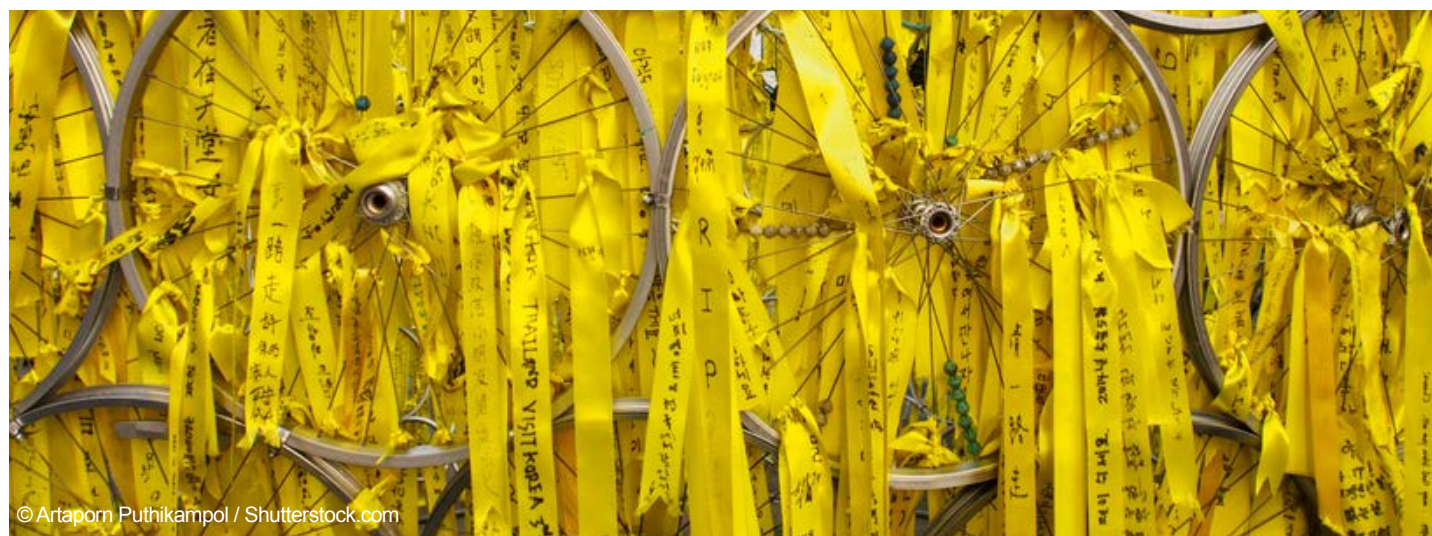




## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## REPUTATIONAL RISK



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## EXAMPLE: CHONGHAEJIN MARINE COMPANY - 2014 SEWOL FERRY DISASTER

An example of negative human rights impacts for a business enterprise in the maritime sector is laid out in the 2014 report by RepRisk<sup>68</sup>. It highlighted Chonghaejin Marine Company as one of the ten most controversial business enterprises globally in 2014 citing its violation of national legislation and impact on communities as top issues linked to the company. On April 16, 2014, the Republic of South Korea was hit by one of its worst marine tragedies in recent history, when the Ferry Sewol sank off the island of Jindo. The ferry, owned by Chonghaejin Marine, was carrying 476 people, mostly secondary

school students. By November, the death toll had risen to over 300 people. In November 2015 the CEO of Chonghaejin Marine, Kim Han-Sik, was sentenced to seven years in prison for involuntary homicide and embezzlement, reduced on appeal from 10 years<sup>69</sup>. Prosecutors froze more than \$100 million in company assets during the investigation, while more than \$161 million was demanded from the company by the South Korean government<sup>70</sup> in a lawsuit and which, after the death of the billionaire owner Yoo Byung-eun in unexplained circumstances, effectively ended the business.



Over 304 people  
Mostly young students,  
9 missing victims,  
drowned to death.

is Korean. We are ashamed  
of the Government which  
covers up the truth  
about this tragedy and  
denies its responsibility.

## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## REPUTATIONAL RISK



## EXAMPLE: IRISH FISHING INDUSTRY ALLEGED MIGRANT WORKER ABUSE

In 2015, the Guardian newspaper published a report<sup>71</sup> following a year long investigation into allegedly trafficked migrant workers being abused in the Irish fishing industry. The report documented a number of abuses including: “sleep deprivation, inhuman hours and low pay... of undocumented migrants working on prawn and white-fish trawlers operating from Ireland”. In January 2016, the Irish Government’s rejoinder report of the Government’s Task

Force on Non-EEA workers in the Irish Fishing Fleet<sup>72</sup> was published. Simon Coveney T.D. Minister for Agriculture, Food and the Marine stated in the report’s foreword that: “In making its recommendations the Task Force was focused on bringing forward practical arrangements which will enable the risks of exploitation to be minimised while ensuring that reputable employers are able to recruit trained and experienced crew members.”

The Guardian report was strongly challenged by leaders of the Irish Fishing Industry with the Castletownbere co-op chief John Nolan stating: “This article has the potential to be very damaging to the Irish fishing industry but to my mind it does not represent the reality of the industry - it’s tough work but people are treated equally and fairly<sup>73</sup>.”

<sup>68</sup> <https://www.reprisk.com/publications - Most Controversial Companies 2014.>

<sup>69</sup> <http://worldmaritimenews.com/archives/160640/ceo-of-sewol-operator-gets-seven-years/>

<sup>70</sup> <http://rusmill.com/161-million-from-sewol-operator-demanded-by-sk-government/>

<sup>71</sup> <http://www.theguardian.com/global-development/2015/nov/02/revealed-trafficked-migrant-workers-abused-in-irish-fishing-industry>

<sup>72</sup> <http://www.agriculture.gov.ie/media/migration/publications/2015/TaskForceReport141215.pdf>

<sup>73</sup> <http://www.irishtimes.com/news/ireland/irish-news/fishing-leader-rejects-guardian-report-on-exploitation-1.2415966>



## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## REPUTATIONAL RISK



© NGO ShipBreaking Platform

## EXAMPLE: MAERSK

On 11 February 2016, Maersk, the world's leading container ship owner announced<sup>74</sup> that it would beach its end-of-life vessels in Alang, India. The following day the influential NGO Shipbreaking Platform sharply criticized<sup>75</sup> the move which appeared to deviate from what the NGO said was "a progressive policy on ship recycling: its old vessels were dismantled in modern ship recycling facilities in China, Turkey or Europe." Patrizia Heidegger, Executive Director of the NGO Shipbreaking Platform

stated: "Maersk estimates they can realise an additional 1-2 million USD per ship by on selling to dismantling companies in India. It is hypocritical to see Maersk's engagement in India presented proudly in the company's CSR Report as one that aims at promoting higher standards. The fact is that they are already selling ships now to facilities that operate under conditions that would not be allowed in Europe - they admit themselves that the decision to go to India is primarily taken

to make their financial report look better".

For Maersk, this is not only an example of reputational risk from direct civil society challenge, but also operational human rights risks in considering using beaching facilities with asserted and recorded human rights and labour rights abuses. It further raises the issue of continuity in approach and messaging by business enterprises in relation to business and human rights matters.

## PART 5

## WHAT KIND OF HUMAN RIGHTS RISKS EXIST IN THE MARITIME ENVIRONMENT?

## OPERATIONAL RISK



Many business enterprises consider operational risk to be significant, for example: closing of factories due to human rights abuses<sup>76</sup>. In the maritime environment the issues of forced labour and trafficking in the shrimp supply chain by the media has highlighted the impact that human trafficking can have on supply chain security.

Some brands, in the wake of media reports on the shrimp industry, decided to stop sourcing shrimp from the main supplier, CP Foods, which is directly linked to the abuses<sup>77</sup>. Whilst this might not significantly affect CP's revenue stream, if others follow suit this may impact both supply and demand. In July 2014, the world's biggest

shrimp farmer hosted a meeting with international supermarket chains and NGOs to address the problem<sup>78</sup>. In the UK, the government backed Sea Fish<sup>79</sup> organisation is one entity attempting to understand and qualify the seafood supply chain for fishing business enterprises.

<sup>74</sup> <http://www.dr.dk/nyheder/penge/maersk-skrotter-igen-paa-den-bergytgede-alang-beach>

<sup>75</sup> <http://www.shipbreakingplatform.org/press-release-maersk-end-of-life-vessels-to-hit-the-beaches-again-ngos-denounce-container-ship-companys-step-back-to-boost-profits/>

<sup>76</sup> <http://www2.deloitte.com/content/dam/Deloitte/dk/Documents/risk/Nordic-Human-Rights-Study.pdf>

<sup>77</sup> <http://www.sustainalytics.com/forced-labour-and-slavery-thai-shrimp-industry>

<sup>78</sup> <http://www.unepfi.org/humanrightstoolkit/agriculture.php>

<sup>79</sup> <http://www.seafish.org/>



## PART 6

### GOVERNMENT POLICY EXAMPLE: THE UK NATIONAL ACTION PLAN



#### THE UNGPs AND THE UNITED KINGDOM GOVERNMENT BUSINESS AND HUMAN RIGHTS ACTION PLAN

The United Kingdom (UK) has been promoted as a leading centre for business and financial services to the international maritime community<sup>80</sup>. The first pillar of the UNGPs sets out the State duty to protect against human rights abuses by third parties, including businesses, through appropriate policies, regulations and adjudication<sup>81</sup>.

As part of fulfilling the requirements of the first pillar of the UNGPs the UK Government<sup>82</sup> published its National Action Plan entitled 'Good Business: Implementing the UN Guiding Principles for Business and Human Rights' in September 2013. The Action Plan sets out the approach that UK business enterprises should take in line with the UNGPs. **This expectation should cover businesses operating in the maritime sector, though unfortunately little implementation action has been undertaken to date.**

Since the unanimous endorsement of the UNGPs, they have become **the authoritative global reference** for preventing and addressing adverse impacts on human rights arising from business related activity<sup>83</sup>.

<sup>80</sup> <https://www.gov.uk/government/policies/maritime-sector>

<sup>81</sup> Rachel Davis 'The UN Guiding Principles on Business and Human Rights and Conflict – affected areas: State obligations and business responsibilities' Lexis Nexis

<sup>82</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236901/BHR\\_Action\\_Plan\\_-\\_final\\_online\\_version\\_1\\_pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236901/BHR_Action_Plan_-_final_online_version_1_pdf)

<sup>83</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/26/25/Add.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/26/25/Add.1)

<sup>84</sup> [http://www.global-business-initiative.org/wp-content/uploads/2014/09/A-HRC-26-25-Add1\\_en-2.pdf](http://www.global-business-initiative.org/wp-content/uploads/2014/09/A-HRC-26-25-Add1_en-2.pdf)

<sup>85</sup> [http://ec.europa.eu/finance/company-reporting/non-financial-reporting/index\\_en.htm](http://ec.europa.eu/finance/company-reporting/non-financial-reporting/index_en.htm)

<sup>86</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/216](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/216)

## PART 7

### HOW THE GUIDING PRINCIPLES CAN BE APPLIED BY BUSINESS ENTERPRISES

#### EXPECTATIONS AND APPLICATION

The UN Working Group on business and human rights published a report (July 2015) on the need to measure the uptake and implementation of the UNGPs, as this empirical information has not yet readily been made available or reported. This indicates a degree of lethargy in the wider application and integration of the UNGPs.

##### The Working Group's report highlights that business enterprises are applying the UNGPs to their business in the following ways:

- Including human rights in their policies to regulate their operations and their suppliers
- Including indicators on human rights into their framework of sustainability reporting
- Using management systems to measure their level of awareness and commitment

In April 2014,<sup>84</sup> The UN Human Rights Council published a report of the Working Group on the uptake of the UNGPs from a 2013 questionnaire to corporations.

**It is notable that of the corporations surveyed those in the maritime business sector were not explicitly represented.**

Two key issues arising from the report include a lack of clear recognition by business of their responsibility to respect human rights from a risk management perspective, but also that businesses see this as **'the right thing to do'**.

#### HOW THE UNGPs SHOULD BE APPLIED IN COMMERCIAL BUSINESS SECTORS

Business enterprises are **expected to respect** human rights throughout their supply chains.

Individual national or community legislation may prescribe minimum standards or benefits relating to human rights that business enterprises are expected to attain or report against, for example, as part of non-financial reporting requirements<sup>85</sup>.

##### Nonetheless, the UNGPs expect business enterprises to set high standards

**Business enterprises are expected to respect internationally recognised human rights<sup>86</sup> for all employees and other potentially affected rights-holders even if companies operate in, or employ individuals from, States with poorly implemented human rights protections.**



## PART 8

### EXAMPLE OF UNGP APPLICATION IN THE MARITIME INDUSTRY



#### EXAMPLE: A.P. MØLLER - MÆRSK A/S

“WHEN COMPANIES OPERATE WITH RESPECT FOR HUMAN RIGHTS, THEY CONTRIBUTE TO AN ENABLING ENVIRONMENT WHERE PEOPLE MAY LIVE WITH FREEDOM AND DIGNITY.”

A.P. Moller-Maersk 2015 Sustainability Report

## PART 8

### EXAMPLE OF UNGP APPLICATION IN THE MARITIME INDUSTRY

As one of the world's largest global shipping groups A.P. Moller-Maersk has in the past two years increased and expanded its focus on the application of business and human rights through its supply and value chain.

The 2014 Maersk Sustainability Report<sup>87</sup> set out how Maersk intended to integrate human rights throughout their activities. Whilst they did not then directly mention the UNGPs in that report, they referred to the need to “strengthen due diligence capabilities within their business which is in line with the UNGPs due diligence requirements”.

Maersk also set out how they would have to develop a remediation processes for human rights grievances and ensure that it was implemented across the group going

forward. In terms of its progress it reported provision of “human rights training to strengthen the capabilities of our CSR employees managing human rights risks” and the “development of guidelines for grievance mechanisms.”

In the 2015 Sustainability Report<sup>88</sup> Maersk advanced their position and internal policies expressly relating to integrating and solidifying business and human rights into the Maersk business model building upon their 2014-2015 Action Plan.

Their stated ambition is to: “ensure that we conduct our business in alignment with the UNGPs on Business and Human Rights<sup>89</sup> while the company has prioritized human rights risks across its value chain “which have the greatest potential to cause, contribute or be linked to severe human rights impacts.”

To date, Maersk reports:

- Identification and prioritisation of most severe human rights issues for further management.
- Developed toolbox to assess the Maersk Group's businesses existing grievance mechanisms.
- Enabled processing of human rights concern through the Group

Maersk does, however, need to reconcile the civil society challenges made to its proposed Indian ship-breaking plans when viewed against its published 2015 Sustainability Policy.

<sup>87</sup> <http://www.maersk.com/en/the-maersk-group/press-room/press-release-archive/2015/2/press-release-sustainability-report-2014>

<sup>88</sup> [http://www.maersk.com/~media/the%20maersk%20group/sustainability/files/publications/2016/files/maersk\\_group\\_sustainability\\_report\\_2015\\_a3\\_final.pdf](http://www.maersk.com/~media/the%20maersk%20group/sustainability/files/publications/2016/files/maersk_group_sustainability_report_2015_a3_final.pdf)

<sup>89</sup> Ibid.

## PART 9

### SELF HELP:

### BASIC MANAGEMENT ACTIONS YOU CAN TAKE

## KEY QUESTIONS AT COMPANY LEVEL

At first instance, Human Rights at Sea suggests that there are a number of basic questions that a business enterprise should consider asking when focusing on the issue of integrating the UNGPs into an existing, or a proposed future business model.

- Do we understand what the UNGPs are and why their integration and implementation will benefit our business?
- Do we have the relevant professional expertise to advise our senior management team and Board correctly?
- Do we have a policy commitment to implementing the UNGPs?
- Do we have a set of core corporate principles and values that uphold the UNGPs and specifically the second pillar of 'Respect' as a matter of agreed company policy?
- Do we have internal implementing guidelines across the business for the UNGPs and reflecting core values of transparency, accountability and effective remedy?
- Do we have a developed internal compliance system to educate about, pro-actively identify and limit any potential human rights abuses?
- Do we have a reporting mechanism and system for the publication of 'lessons identified' and 'lessons learned' which can be shared both internally and externally?
- Do we have an implementation policy for awareness about, and the correct use of Human Rights Impact Assessments (HRIAs)?
- Do we have a policy commitment to implementing HRIAs?
- Do we integrate HRIAs in to all our commercial contracts as part of our standard terms and conditions for new and existing business within our supply chain?
- Do we have an established policy and process to effectively assess human rights impacts, for example through human rights due diligence procedures, including company risk assessments, HRIAs, or integrated assessments?
- Do we have employees trained in human rights and what they mean for the business, our delivery and our market function?
- Do we have a company stakeholder engagement plan and are both internal and external stakeholders consulted on our human rights policies and procedures?
- Do we have an operational level and effective independently reviewed grievance mechanism in place where our employees and other affected stakeholders can lodge grievances?
- Do we have independent and qualified external assessors to undertake periodic reviews and health-checks of our UNGP implementation reporting to the senior management team and Board?

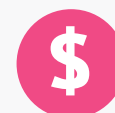
## KEEP IN CONTACT



We welcome any questions, comments or suggestions. Please send your feedback to:  
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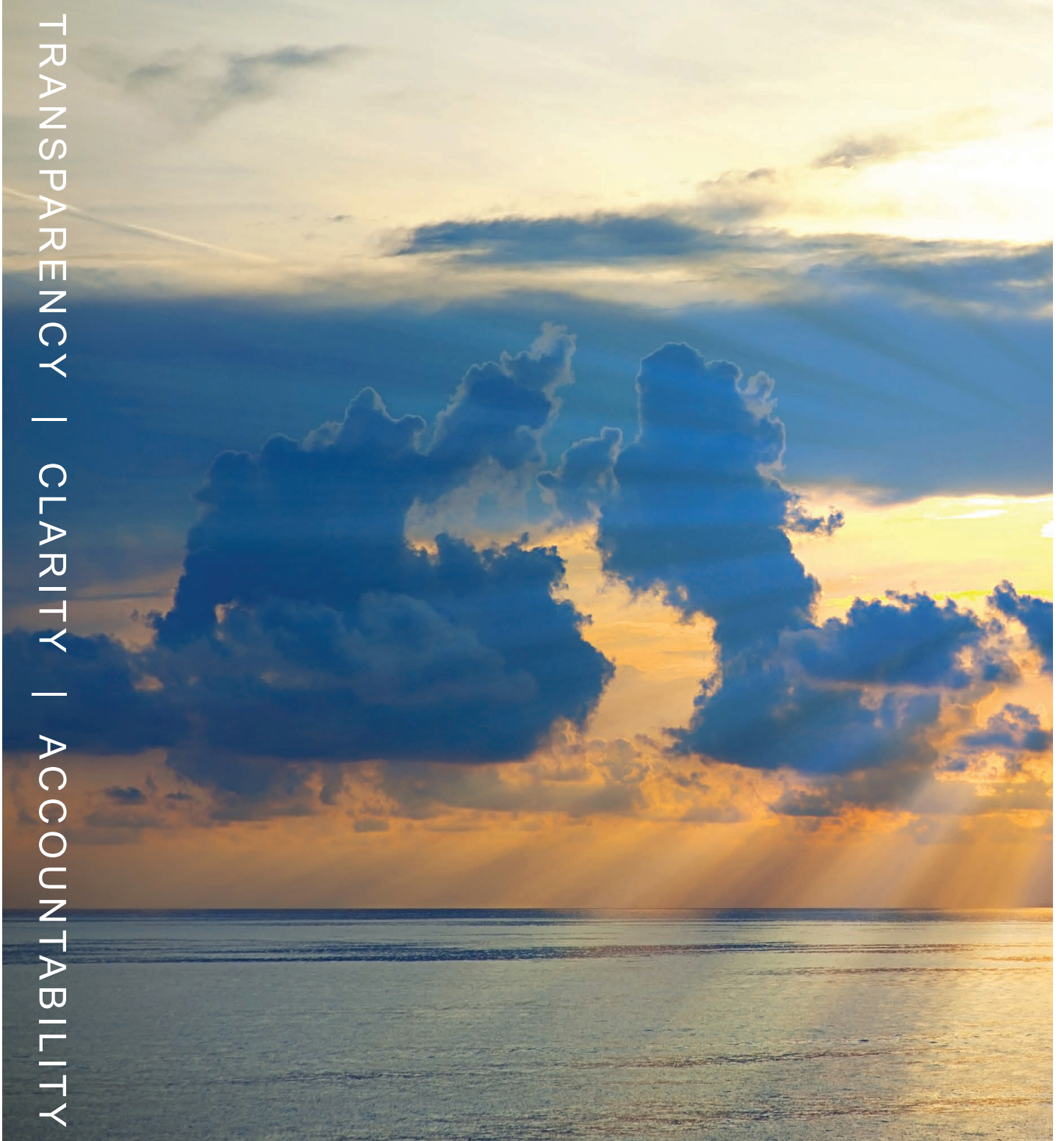
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AN INTRODUCTION & COMMENTARY  
TO THE 2011 UN GUIDING PRINCIPLES ON BUSINESS  
AND HUMAN RIGHTS & THEIR IMPLEMENTATION  
IN THE MARITIME ENVIRONMENT



TRANSPARENCY | CLARITY | ACCOUNTABILITY



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