



proforest

Human Rights Policy Commitments Guide

External Document: Guidance on the Process, Structure and Content of the Commitments that Can be Used to Develop a Company's Human Rights Commitments Policy.

Introductory Note

This document could be used by companies to decide if there is a need to update or develop human rights policy commitments, which include their sourcing practice.

It can also be used to guide the process, structure and content of the commitments to develop a policy stating the company's human rights commitments.

Ideally, a company would have a strong human rights policy stating the company's commitments to respect internationally recognised human rights and then cascade its human rights commitments into all other policies, including responsible sourcing and supplier documents such as Supplier Code of Conduct and Supplier Guidance documents, the latter generally providing a higher level of details on the human rights standards to respect.

“Internationally recognised human rights” means rights that are protected by International Instruments (e.g. Covenants, Conventions, Treaties and Declarations). According to the United Nations Guiding Principles on Business and Human Rights

(UNGPs), the minimum rights to be respected are those protected in the International Bill of Human Rights, which is made of the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR), and the 8 ILO Core convention.

The responsibility of a company is understood by the UNGPs, civil society and, increasingly, by-laws to cover all of those rights even if not mentioned in their policies.

However, it is important that human rights are featured in companies' policies because commitments in policies are then translated or referred to in suppliers' Codes of Conduct and supplier contracts. This makes policy tools also used for compliance.



1. Structure with Human Rights Commitments

1.1. Introduction and Scope

- How the policy **links to other existing internal policies** and external human rights-related frameworks/conventions.
- **Scope:** should apply across all segments of the company's operations, including business units, its joint ventures, subsidiaries, commodities, geographical locations, and suppliers (as applicable), which should be stated. Third-party suppliers should also include contractors and smallholders. Any exemptions should be clearly specified if the policy does not cover the full scope of the company's operations.
- Commitment to **respect human rights as protected by national and international law** (section 3.1).

1.2. Mention of human rights commitments, including salient human rights issues for the company

- **Use the rights-holders approach and language.** For example, use workers instead of labour issues, IPLC instead of land issues, HRDs and Whistle-blowers, Smallholders, etc. Other categories of rights-holders may need to be included if at risk of being particularly affected by the company (e.g. women, children, migrant workers, people with disabilities, etc.).
- **See table for information** on the human rights commitments and related content to include (section 3.1).

1.3. How the company plans to implement commitments

- Include reference to the implementation of commitments through **meaningful Human Rights Due Diligence (HRDD) process** by taking actions to identify, prevent and mitigate the risks and adverse impacts that may be caused, contributed to and linked to through business relationships, as well as track and communicate how those impacts are addressed.
 - One of the steps both downstream and upstream companies will have to take is the development of an Action Plan to address, mitigate and prevent the

identified human rights risks. The Action Plan can be framed as actions within and beyond their supply chain to address, prevent and mitigate human rights risks (see ACRES);

- It is important to clarify that for downstream companies, the implementation of HRDD will require a cascade action to reach the full chain, while the upstream companies usually will need a direct system to implement it with their own operations and direct suppliers. Engagement with suppliers is an essential component for downstream companies to support suppliers respecting human rights in their operations and supply chain and ultimately prevent and mitigate risks. This includes supporting suppliers' HRDD systems and the ability to provide remedy.
- **Engagement with stakeholders**, including potentially and actually affected stakeholders and/or their legitimate representatives.
- Include information on the mechanisms the company has to **provide for or contribute to provide fair and just remedy** to affected stakeholders (e.g. grievance management/mechanisms) when the company has caused or contributed to adverse impacts.
- In addition, this section can include companies' efforts on **traceability**, as it is an important enabler of their policy commitments.

1.4. Governance structure

- Clarify who is accountable for the implementation of the policy. This would depend on the type of policy, for example:
 - For a Sustainability or Human Rights policy, the accountability would typically be of the Board of Directors of the company;
 - For a Responsible Sourcing policy, the responsibility for implementation may be in a specific company department.

2. Process to Develop a Human Rights/RS/Commodity Policy

2.1 Guidance

As the basis for embedding their responsibility to respect human rights, the UN Guiding Principles (GP 16) state that **business enterprises should express their commitment to meet this responsibility through a statement of policy** that:

- Is approved at the most senior level of the business enterprise;
- Is informed by relevant internal and/or external expertise;
- Stipulates the enterprise’s human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;
- Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;
- Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

2.2 Recommended Process

- **Understand the current context:**

Internal:

What are the existing commitments and actions on sustainability, including human rights, and what is the current level of internal engagement on the topic?

External:

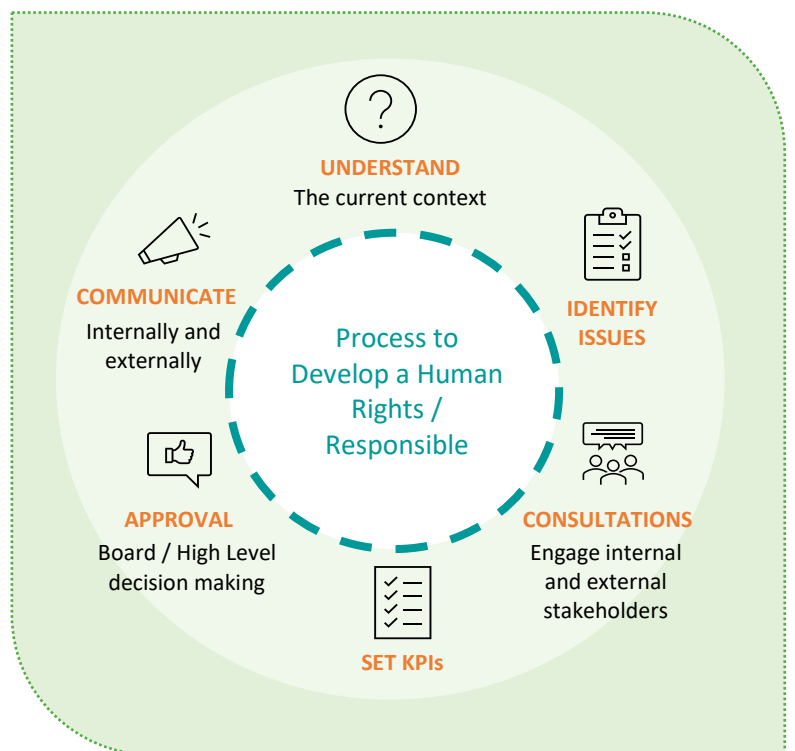
What are the expectations and/or demands from stakeholders (clients, customers, civil society organisations, investors, regulators, etc.), and industry (peers, certification standards)? What are their commitments?

- **Identify salient human rights issues:**

Engage key stakeholders to identify salient human rights issues (it could be direct engagement with rightsholders in the case of a mill or plantation or through proxies, e.g. CSOs, for downstream companies). The whole supply chain should be in scope not only T1 suppliers or producers but also human rights risks that are brought in through outsourced services.

NOTE: Supply chain mapping is an important point linked to risk identification.

- **Draft a policy** (if new) or conduct a policy review (if existing) addressing the salient issues and the gaps in the current commitments. Consider also comparing against policies and requirements of peers, clients, investors, civil society, regulations, and recognised certification standards.
- **Run internal consultations** with relevant staff (across departments) in key areas to support the drafting and implementation of the policy.
- **Consult external stakeholders** such as NGOs, trade unions and CSOs on the final draft of the policy.
- **Set KPIs** to monitor the implementation of the policy.
- Get Board or **high-level decision-making body approval** and policy signed by the CEO.
- **Communication** of the policy internally across departments and externally to suppliers, including capacity sessions.



What Next?

- **Implementation of the policy** through:
 - Its embedding in management systems and tools; (e.g. Standard Operating Procedures, internal audits, staff performance targets, etc.)
 - Ensuring internal cohesion across policies and practices.
- **Monitor the implementation** of the policy through KPIs
- **Include a report on progress** on KPIs to implement the policy as part of sustainability reporting



3. Human Rights Commitments in Policies

While companies of all types and sizes need to make the same commitments, the level of detail in the policy may depend on the company's position in the supply chain, the relationship to the impacts and the saliency of the risk/issue.

For example, responsible sourcing policies of downstream companies tend to have a light touch approach (e.g. no child labour), whereas more upstream companies may elaborate more on the same topic (e.g. no child below 15 years old engaged in full-time work and no child below 18 years old engaged in hazardous activities). Downstream companies tend to include those details in Supplier Codes of Conduct or Guidance documents for suppliers.

3.1 Human Rights Commitments Summary Table

Human Rights Issues	Recommended Content of Commitments
Respect for Internationally Recognised Human Rights	<p><i>At minimum:</i></p> <ol style="list-style-type: none"> 1. International Bill of Human Rights. Alternatively, it could be mentioned “Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights” 2. ILO Declaration on the Fundamental Principles and Rights at Work. Alternatively, it could be mentioned the 8 ILO Core conventions that codify the Principles. 3. United Nations Guiding Principles on Business and Human Rights (UNGPs) <p><i>Best in Class:</i></p> <ol style="list-style-type: none"> 4. Additional reference to particular international conventions related to vulnerable groups that the company has an impact on. For example, the Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women, Declaration on Human Rights Defenders, Declaration on the Rights of Indigenous Peoples, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Convention on the Rights of Persons with Disabilities, etc. 5. OECD Guidelines for Multinational Enterprises 6. FAO’s Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security (VGGTs)
Respect the Rights of all Workers	Respect the rights of all workers, including employees, temporary, contractual, migrant and subcontractor workers
Child Labour	No child labour. Children shall be free from physical, sexual, and emotional abuse or exploitation, damaging their mental and physical health
Forced Labour	No forced labour, including bonded, indentured, slave labour, and human trafficking. No use of involuntary prison labour
Ethical Recruitment Practices	Commitment to ethical recruitment practices. This includes no recruitment fees, no retention of passports and other important documents, contracts in a language the employee can understand, and no unfair wage deductions

Human Rights Issues	Recommended Content of Commitments
Discrimination	No discrimination is allowed on any basis, including race, colour, ethnicity, gender, sexual orientation, religion, political opinion, national extraction or social origin.
Harassment/Violence	No worker should be subject to any form of violence and harassment in all forms. This includes all unacceptable behaviours and practices or threats, whether be it a single or repeated occurrence that aims or results in physical, psychological, sexual or economic harm and includes gender-based violence and harassment
Freedom of association and collective bargaining	All workers, regardless of rank or job grade, have the right to form and join trade unions of their choice and to bargain collectively
Wages	<ol style="list-style-type: none"> 1. Pay workers' wages that meet or exceed legal minimum wages, taking into account normal working hours to achieve reasonable production targets and that amount to living wages. 2. All workers shall receive equal pay for equal work
Working Hours	Limit working hours according to national or international standards. Overtime is undertaken on a voluntary basis only. Workers' rights with regard to rest and paid leave are observed
Occupational Health & Safety	Provide workers with a safe and healthy workplace, including adequate protection for vulnerable workers (such as pregnant and breastfeeding women) and by minimising hazards
Worker's Benefits & Social Security	Workers shall enjoy social security and other benefits as per the law or collective agreements. In some cases, this may mean facilitating worker receipt of government or other benefits
Housing	<ol style="list-style-type: none"> 1. Workers shall enjoy safe, secure and hygienic living conditions 2. Workers shall enjoy safe and adequate hygiene standards, sufficient space per occupant, gender-appropriate privacy options and not be restricted, including in their freedom of movement
Respecting the Rights of Indigenous People and Local Communities (IP/LC)	<ol style="list-style-type: none"> 1. Respect the rights of indigenous peoples and local communities, including rights to property, culture, self-determination and self-governance, a healthy environment, non-discrimination and full and effective participation in the decisions that affect them 2. Identify and respect indigenous peoples' and local communities' formal and customary rights to lands, resources and territories that they have traditionally owned, occupied, used or administered
Free, Prior and Informed Consent (FPIC)	Adhere to the right to grant or withhold FPIC for all new or expansions of developments, acquisitions and operations that affect indigenous peoples' and local communities' rights, land, resources, territories, livelihoods, and food security
Human Rights Defenders & Whistle-blowers	<ol style="list-style-type: none"> 1. Commit to zero-tolerance against threats, harassment, intimidation, the use of violence, retaliation against or interference with the activities of human rights defenders 2. Protect the confidentiality and anonymity of human rights defenders, whistle-blowers, complainants, and community spokespersons when raising complaints
Smallholders	<p><i>At minimum:</i></p> <ol style="list-style-type: none"> 1. Smallholders shall not be excluded from supply chains seeking to deliver on sustainability targets but instead be supported to meet best practice <p><i>Best in class:</i></p> <ol style="list-style-type: none"> 2. Smallholders shall be supported towards achieving sustainable livelihoods and living incomes via, for example, access to training on good agricultural practices, access to credit, timely payments, protection from price fluctuations, organisation, formalisation of land tenure, diversification <p>In addition, for short supply chains or upstream companies, it could be added:</p> <ol style="list-style-type: none"> 3. Ensure ethical procurement practices, which could include payment of premiums to regular suppliers, consistency in purchase patterns, stability of prices and supply chain finance

4. Additional Resources:

This is a non-exhaustive list of guidance/resource documents that could support a company in the writing of its human rights policy commitments:

- [AFI Operational Guidance on FPIC](#)
- [AFI Operational Guidance on Respecting the Rights of Indigenous Peoples and Local Communities](#)
- [AFi Operational Guidance on Workers' Rights](#)
- [Corporate Human Rights Benchmark Methodology](#)
- [Earthworm Foundation, Respect for Workers](#)
- [ETI Base Code](#)
- [Free and Fair Principles for Palm Oil](#)
- [ILO General Principles and Operational Guidelines for Fair Recruitment](#)
- [ILO: Minimum Wage Policy Guide](#)
- [Living Income Community of Practice: Roles of Different Actors](#)
- [Proforest Briefing Note on Understanding Commitments to No Deforestation, No Peat and No Exploitation \(NDPE\)](#)
- [RSPO FPIC Guide](#)
- [RSPO Simplified Approach for Independent Smallholders](#)

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