



Part 4



4.2 Policy brief 4

Developing a Strategic Policy Framework (SPF) using the 17 Sustainable Enterprises Policy Pillars

RESPECT FOR UNIVERSAL HUMAN RIGHTS

- ❑ Business has always recognized that it has an important role alongside other actors in contributing to the development of the communities in which it operates.
- ❑ To be sustainable, enterprises must operate within an environment that guarantees values such as freedom, equality, justice, and respect of the law.
- ❑ Businesses must comply with national labour law and anti-discrimination requirements, and the enforcement of legal rights.
- ❑ Respect for internationally recognized rights is essential, including those reflected in the ILO's 1998 Declaration on Fundamental Principles and Rights at Work (emphasizing the effective abolition of child labour, the elimination of all forms of forced or compulsory labour, the elimination of discrimination, rights to freedom of association, and recognition of collective bargaining).
- ❑ Companies, like other social actors, must respect the obligations placed on them by laws and regulations.
- ❑ The State has a duty to protect against human rights abuses by third parties, including business; corporate responsibility¹ is to respect human rights, which means to avoid infringing on the rights of others.²
- ❑ The dynamic surrounding the role of business is extremely complex. It provides opportunities for positive contributions, but it also requires recognition of the legal and practical limitations faced by any non-State actor.
- ❑ To remain viable, businesses must be profitable, but profitability may simply be too hard to achieve if undue expectations are placed on enterprises. The key role of business in society is wealth creation, innovation, and as a consequence, employment.
- ❑ Enterprises are not an alternative to government. Neither enterprises nor EOs have the mandate to enforce laws on others.

¹ The term “responsibility” to respect, rather than “duty” is meant to indicate that respecting rights is not an obligation that current international human rights law generally imposes directly on companies, although elements may be reflected in domestic laws. At the international level it is a standard of expected conduct acknowledged in virtually every voluntary and soft-law instrument related to corporate responsibility. (John Ruggie: USCIB, 24 February 2010 Atlanta).

² United Nations: “Protect, Respect, Remedy”, The Special Representative's Report to the Human Rights Council, June 2008.

- ❑ The primary role of an enterprise in society is to succeed in its markets and deliver products, wealth, employment, and incomes. Expectations on enterprises should never place that role at risk.
- ❑ Many enterprises are active in working with suppliers to ensure that their products/services are produced in a manner consistent with local laws and their own values. That positive engagement should not make them “responsible” for the enforcement of national legal systems.
- ❑ Enterprises need to continually monitor the impact of their operations to ensure legal compliance or, in those areas where legal regulation is lacking, act to ensure that they are not negatively impacting on the society through their activities.