

A.5 – UN BUSINESS AND HUMAN RIGHTS FRAMEWORK (RUGGIE’S FRAMEWORK)

ASSESSMENT OF THE CSR CODE OF CONDUCT IN THE SUGAR SECTOR

28.2.2012

<p align="center">RUGGIE’S FRAMEWORK ON BUSINESS AND HUMAN RIGHTS (HR) Final report 21.3.2011</p>	<p align="center">COVERAGE BY THE CSR CODE OF CONDUCT FOR THE SUGAR SECTOR</p>	<p align="center">RELEVANCE/ PROPOSALS IF NEEDED</p>
<p align="center"><u>Guiding principles</u></p> <p align="center">Recognition of :</p> <ul style="list-style-type: none"> . States’ existing obligations to respect, protect and fulfil HR . The role of business enterprises to comply with laws and respect HR . The need of effective remedies when rights and obligations are breached <p>Objective : enhancing standards & practices regarding business & HR Not creating new international obligations.</p>	<p align="center"><u>CoC Introduction</u></p> <p>“Promote social development as well as respect for fundamental rights” - “Our companies are not only responsible for their products and services but also for the conditions in which they are produced”(§ 1)</p> <p align="center"><u>Standard 1 – Human Rights</u></p> <p>Compliance with the ILO and UN principles as well as the European legislation</p>	<p align="center"><u>Standard 1</u></p> <p>Add a reference to the Ruggie’s framework in addition to current UN reference to Universal Declaration of Human Rights if needed</p>
<p align="center"><u>Part I – Protect</u></p> <p>This part is mainly devoted to State duty to protect against HR abuses, including by business enterprises. This should include the respect of HR abroad, including requirements on possible “parent companies” and their reporting. A reference is made to the OECD Guidelines for multinational companies.</p>	<p align="center"><u>Standard 8</u></p> <p>The OECD reference is present in the CSR CoC Standard 8. The need to counteract fraud and corruption is underlined.</p>	

<p style="text-align: center;"><u>Part II – Respect</u></p> <p>This part concerns more directly the responsibility of business enterprises to respect HR wherever they operate. “Addressing adverse HR impacts requires taking adequate measures for their prevention, mitigation and where appropriate remediation” (II.A.11).</p> <p>A list of the core international recognized HR is mentioned (II.A.12).</p>	<p style="text-align: center;"><u>Introduction</u> <u>Standard 1-Human Rights</u> <u>Standard 8</u></p> <p style="text-align: center;"><u>References</u></p> <p>There is no new reference compared to the texts mentioned in the CoC (Standard 1).</p> <p style="text-align: center;"><u>Policy commitment</u></p> <p>In addition to the respect for fundamental rights as underlined in CoC Introduction, Standard 1 clearly states that the European Sugar Industry (ESI) complies with the principles and rights at work as defined by ILO, UN and the European legislation. It is also mentioned that the ESI expects a socially responsible behaviour from its suppliers. Actions against child labour, counteracting, fraud and corruption should be taken (Standard 8).</p> <p style="text-align: center;"><u>Due diligence</u></p> <p>(Coverage of the business enterprise’s potential adverse human rights impacts including due to certain suppliers or clients’ operating context as well as risk management systems including risks to rights holders).</p> <p>As for ISO 26 000 the question of “due diligence” is partly covered by concrete good practice examples. This is not directly covered by the CoC. The reason is that this aspect is more of the direct responsibility of each company, depending of their specific situation. See 3rd column “Comments”.</p>	<p style="text-align: center;"><u>Relevance</u></p> <p>The CoC comprehensively refers to the core international HR.</p> <p><u>However, operational aspects</u> like “<u>due diligence</u>” are linked to companies’ responsibility. As explained in the Ruggies’ framework “one size does not fit all” (II.B.17), and such identification and remediation operational mechanisms have to be decided at specific company level. Such aspects are not relevant for the CoC.</p>
<p style="text-align: center;"><u>Part III – Remedy</u></p> <p>This Part underlines the characteristics of effective state based judicial mechanisms. It also encompasses grievance mechanisms administered by business enterprises and other HR bodies.</p>	<p style="text-align: center;"><u>Remediation/grievance mechanisms</u></p> <p>Not directly covered in the CoC.</p> <p>The optional level mechanism described in III.B.31 is however de facto existing. The European social dialogue and regular reporting on implementation of the CoC always allows to raise any specific concern to the social partners and try and solve it through engagement and dialogue.</p>	<p style="text-align: center;"><u>Relevance</u></p> <p>Same comment as for “due diligence”. This operational aspect is not directly relevant for the CoC.</p> <p>However the monitoring and assessment process provided in the CoC (Part III) always allows to raise concerns and exchange views on how to resolve them if needed.</p>