

econsense

Values & Valuations

**A comprehensive compilation of quantitative
human rights indicators for companies**

econsense discussion paper 2020



econsense

econsense – Forum Nachhaltige Entwicklung
der Deutschen Wirtschaft e.V.

Office: Oberwallstraße 24, 10117 Berlin

T: +49 30 2028-1474

E: info@econsense.de

www.econsense.de

econsense.de/newsletter

linkedin.com/company/econsense

twitter.com/econsense

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Author: Laura Franken

Project support: Valentina González

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Executive summary

Companies face increasingly high requirements regarding the corporate responsibility to respect human rights. In this context, many guidelines on human rights policies, risk analyses, measures, and reporting have already been developed. Most of these guidelines are qualitative in nature. Methodologies that allow to report on human rights in quantitative terms are less common. However, if human rights are to be at the core of corporate management and financial systems, concrete quantitative Key Performance Indicators (KPIs) are indispensable. While acknowledging that quantitative indicators have limits, are difficult to assess, and do not replace a human rights due diligence, this paper nonetheless attempts to describe a set of quantitative human rights indicators relevant for companies. This list builds on indicators drawn up by established and recognized institutions. It can be downloaded as an Excel spreadsheet here: www.econsense.de

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List of abbreviations

CSR	Corporate Social Responsibility
EU	European Union
ESG	Environmental, Social and Governance
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
KPI	Key Performance Indicator
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the UN High Commissioner for Human Rights
TEG	Technical Expert Group on Sustainable Finance
UN	United Nations
UNEP FI	UN Environment Programme Finance Initiative
UNGPs	UN Guiding Principles on Business and Human Rights
UNGPRF	UNGPs Reporting Framework
WBCSD	World Business Council for Sustainable Development

1. Introduction

Human rights are fundamental to our well-being, as they define the essence of our needs as human beings. It is primarily the duty of states to protect these rights, but it is now widely understood that corporate actors carry a responsibility to respect these rights as well. However, human rights are often perceived as abstract and complex. They need to become more tangible and actionable for companies and investors alike. **If human rights are to be at the core of corporate management and financial systems, concrete quantitative indicators are indispensable** to effectively define, track, and compare company performance.

While this is the core topic of this paper, it is important to point out that human rights, even when influenced by a business activity, have links to many issues beyond the corporate realm, such as local governance. An effective work on human rights issues therefore requires awareness and collaboration with actors within and outside of the company. The two international frameworks that are constantly referred to in this context are the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Companies. The UNGPs are an internationally recognized framework that consists of three pillars: a) the state duty to protect human rights; b) the corporate responsibility to respect human rights; and c) access to remedy (United Nations, 2011). The OECD Guidelines provide principles and standards for responsible business conduct in a global context. In their chapter on human rights, these guidelines also refer to the UNGPs.

The corporate responsibility to respect human rights is also addressed in the fields of Sustainable Finance and Non-Financial Reporting. In this context, human rights fall into the second category of environmental, social, and governance factors (so-called ESG factors). However, while the debate on Sustainable Finance is accelerating, **the social dimension of sustainability still receives much less**

attention than environmental issues. This challenge is not only addressed by many civil society actors, but increasingly by investors as well:

“While the current taxonomy regulation is focused on climate-related factors (...) success in achieving a workable taxonomy can and should be a basis for future coverage of not only more “E” issues but also “S” and “G” factors.”
(Blackrock 2020, p. 4)

Many issues of the “S” in ESG are in fact human rights issues, since social and employee matters can often be clearly linked to international human rights documents. With the upcoming EU Taxonomy

Sustainable Finance

... is a term that describes actions that aim to direct financial investments towards sustainable economic activities. Sustainable investments encompass social, environmental and governance (ESG) factors. Currently, a classification system (“taxonomy”) for environmentally sustainable activities is being developed at the EU level. In December 2019, a political agreement on the Taxonomy Regulation was reached between the Council of the European Union and the European Parliament. In April 2020, the Council adopted its position regarding the Taxonomy Regulation. This text was then approved by the European Parliament in June 2020. It has now been published in the Official Journal of the European Union.

Regulation¹ and ongoing political debates on mandatory human rights due diligence², **requirements to disclose a company's human rights performance are likely to increase even further.**

Human rights are an important part of doing business. Several guidelines regarding human rights policies, risk analyses, measures, and reporting have already been developed, such as the UN Guiding Principles Reporting Framework. Most of these guidelines are qualitative in nature. **Methodologies that allow to report on human rights in quantitative terms are less common.** Correspondingly, corporate disclosure on human rights is often “narrative and case-specific” (Alliance for Corporate Transparency, 2019, p. 18). One reason for this could be that “business and human rights norms (...) are often too vague for unmediated translation into operational indicators” (Damiano de Felice, 2015, p. 549). This is not surprising given the nature of the matter. Quantifying human rights issues and impacts is at best challenging, as “from a human rights perspective, every adverse human rights impact is one too many” (Damiano de Felice, 2015, p. 549). Also, there is no hierarchy of human rights issues.

Guidelines often simply state relevant human rights conventions without providing a list which issues are part of these documents. On the one hand, this is understandable, as human rights are complex and defined through a variety of conventions, some of which are overlapping. Also, such a list would come with the danger of oversimplifying. On the other hand, if no clear list of human rights is provided, the range of human rights that corporate activities touch upon remains somewhat blurred. Many frameworks in the field of business and human rights reference neither a list of rights nor their respective definitions. This is problematic, as language in these documents is often incorporated word-for-word into legislative texts. This in turn can lead to misunderstandings, as the content and scope of human rights will be left open

to interpretation when these policy instruments are applied in practice. **This paper therefore assumes that companies need a list of human rights issues and corresponding indicators to operate with in order to track and steer human rights performance.**

For this reason, this paper has aggregated existing quantitative indicators by established institutions and matched these with specific human rights issues. This list can be downloaded as an Excel spreadsheet at www.econsense.de

1 Regulation (EU) 2020/852 of the European Parliament and the European Council states that: „(...) an economic activity shall qualify as environmentally sustainable where that economic activity (...) is carried out in compliance with the minimum safeguards (...). The minimum safeguards (...) shall be procedures (...) ensure the alignment with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights (...)“ (Official Journal of the European Union 2020, Art. 3 and 18).

2 A continuously updated list on initiatives for mandatory human rights due diligence in Europe can be found here:

<https://www.business-humanrights.org/en/national-movements-for-mandatory-human-rights-due-diligence-in-european-countries>

2. A note of caution

Human rights indicators can be helpful for companies to define ambition levels and for investors to understand and compare companies' human rights performance. However, there are a few caveats:

Quantitative indicators do not replace human rights due diligence

In accordance with the UNGPs, each company must perform its own analysis with regard to salience³ and materiality⁴ by conducting a human rights due diligence. Once a company has conducted this analysis, managers may want to set targets for their company's performance regarding these issues. The impact of adopted measures should then be tracked. In corporate management systems, both target setting and performance tracking is strongly linked to quantitative indicators. In this context, the list provided in this paper can be consulted and used. It should be noted however, that company activities on human rights should not be limited to complying with a few indicators. Furthermore, depending on the industry, the focus on specific human rights issues may change over time, requiring an ongoing risk analysis.

Quantitative indicators have limits

Quantitative indicators have a notion of being objective and reliable facts: "The essence of an indicator is that it is simple and easy to understand. Embedded theories, decisions about measures, and interpretations of the data are replaced by the certainty and lack of ambiguity of a number." (Sally Engle Merry, 2011, p. 86). Indicators are a selective focus on some aspects and cannot adequately describe the full scope of a human rights issue. Hence, caution is needed when interpreting quantitative human rights indicators. It will be necessary to provide additional qualitative contextual information when reporting such indicators (see also IIRC, 2013, p. 17).

Quantitative indicators need additional data

Clearly, data scarcity is an issue when using the list provided by this paper. The data needed for the indicators is in most cases not readily available and/or not reliable. In some cases, departments such as HR, Compliance, or CSR may need to collaborate to provide the necessary data. Also, the integration of human-rights related topics could be included in standardized company and supplier surveys. Other approaches should be explored. In any case, collaboration with actors beyond the company is needed to raise awareness about these complex and highly interlinked issues.

³ Salient human rights = "(...) those that stand out as being most at risk. (...) The Guiding Principles make clear that an enterprise should not focus exclusively on the most salient human rights issues and ignore others that might arise. But the most salient rights will logically be the ones on which it concentrates its primary efforts." (United Nations, 2012, p. 8).

⁴ Materiality = "(...) status of information where its omission or misstatement could reasonably be expected to influence decisions (...)" and (...) "to the extent necessary for an understanding of the [...] impact of the company's activity (...)" Impacts may be positive or adverse." (European Commission, 2017, p. 5)

3. The relation between social and human rights issues

Several initiatives on social and human rights indicators already exist. As described in a paper published by the NYU Stern Center for Business and Human Rights, there are three categories of social measurements:

- a) company-focused frameworks such as sustainability and human rights reporting guidelines,
- b) investor-focused frameworks such as those established by ESG data providers or rating agencies, and
- c) human-rights focused frameworks provided by institutions that publish company rankings in this field (O'Connor and Labowitz, 2017, p.11).

O'Connor and Labowitz have assessed twelve such frameworks in detail. However, there is **no common, coherent definition of the social dimension of sustainability**:

"(...) we found no consistent set of standards underpinning "S" among ESG frameworks (...) most measured social issues vaguely or with respect to a small set of labor concerns. The highest number of "S" indicators (35%) examined social issues generally, using vague terms such as "social," "human rights," or "ESG" without greater definition. Another 20% focused on a limited set of common labor issues such as occupational health and safety, freedom of association, compensation and benefits, or diversity and equal opportunity." (O'Connor and Labowitz, 2017, p.20)

There is a need to clarify the issues encompassed by human rights. When looking at company reporting, it can be observed that reports tend to differentiate between social issues (such as diversity) and human rights issues (such as child labor). This is linked to the definition of sustainability topics as laid out in the EU Non-Financial Reporting Directive (2014/95/EU). The directive distinguishes between "social and employee matters" and "respect for human rights" without providing a clear definition of either term. But human rights are more than the prevention of forced labor or child labor. When hu-

man rights are only assessed from the angle of extreme negative impacts and social issues only refer to labor standards, this creates a gap because some human rights are simply not addressed, such as the right to privacy. **The distinction between social and human rights issues is somewhat arbitrary.** Social matters are part of the human rights spectrum. This aspect was also addressed by the former UN Secretary-General's Special Representative for Business and Human Rights, John Ruggie, in a recent paper on ESG Investing:

"(...) human rights elements are conceptualized in the S domain (...) The S column includes (...) elements (community relations, diversity issues, union relationships, health and safety, and so on), each of which will have numerous indicators (...) The conceptual oddity is that virtually all of these elements are well established human rights issues – while, at the same time, the list also includes a separate human rights category. By well-established I mean that they reflect human rights that states have formally recognized (...)" (Ruggie 2019, p. 14/15)

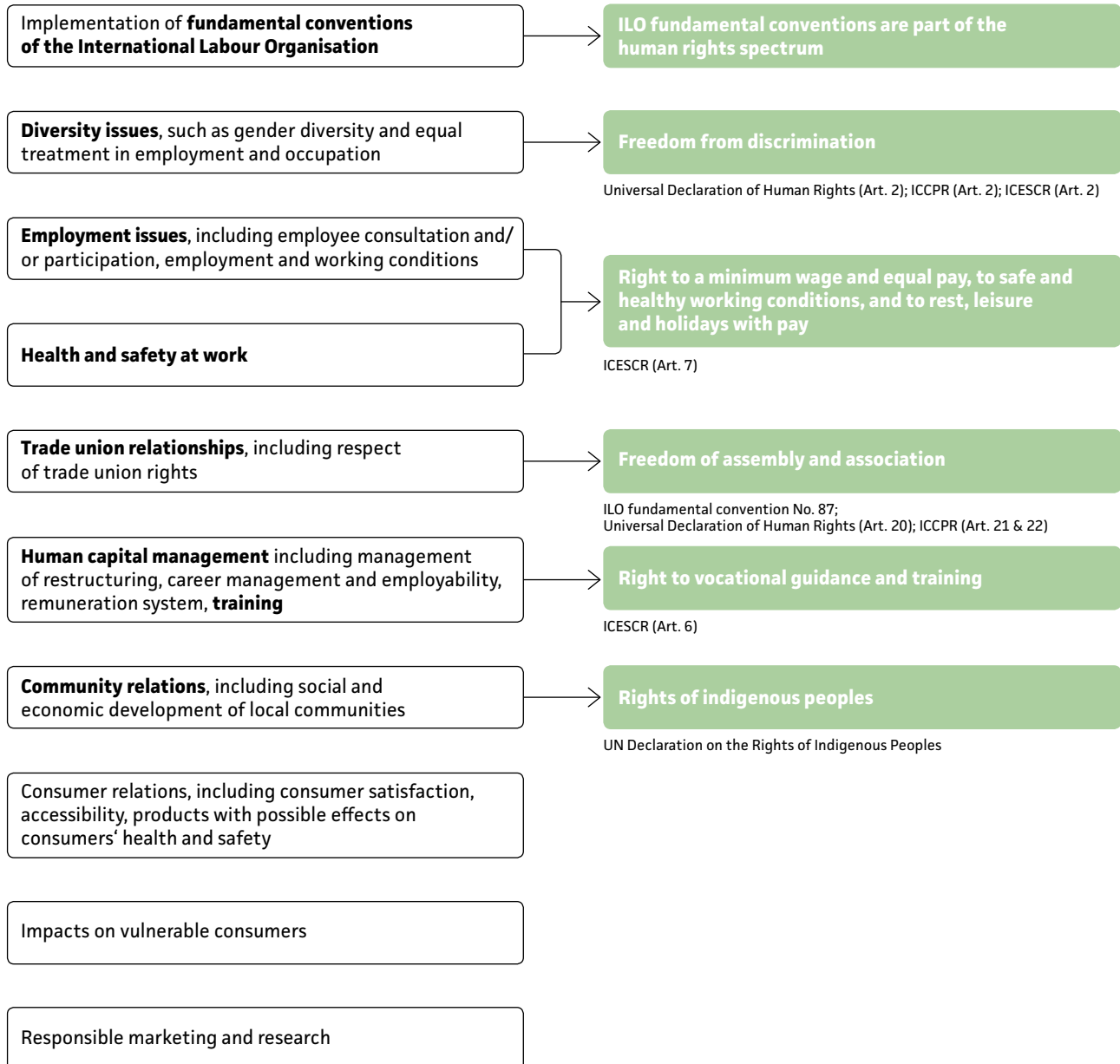
Social and human rights issues in sustainability reporting

The EU Non-Financial Reporting Directive states that companies that fall under the scope of the regulation must report on "environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters". Definitions of these issues are not provided in the directive. Instead, reference is made to non-binding guidelines. These guidelines list social and employee matters that can in fact be clearly linked to concrete human rights (see illustration on the following page).

Many social issues are human rights issues

Social and employee matters*

Corresponding human rights



* As defined by the European Commission in its Communication on Guidelines on Non-Financial Reporting, see [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705(01))

Note: ICCPR = International Covenant on Civil and Political Rights; ICESCR = International Covenant on Economic, Social and Cultural Rights

4. Methodology

Clarifying which specific human rights can be strongly impacted by companies

This paper assumes that the whole spectrum of human rights as defined in the **International Bill of Human Rights together with the eight core conventions of the International Labor Organisation** (ILO) on fundamental principles and rights at work should be considered when engaging in a discussion on human rights indicators for companies. Together, they are the “most authoritative list of internationally recognized human rights” (UNEP FI 2014) and the minimum baseline defined by the UNGPs, the OECD Guidelines, and the Taxonomy Regulation. Furthermore, the **UN Declaration on the Rights of Indigenous Peoples** has been included as potential damage to their livelihood is a topic often addressed in the field of business and human rights.

The International Bill of Human Rights consists of three parts:

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

As a first step of the analysis, all human rights that are defined in the above-mentioned documents have been listed. Afterwards, this paper categorized the human rights issues according to how strongly they can be impacted by companies. Even though the UNGPs state that “business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights” (UNGP p. 13), this paper argues that companies have more influence on some human rights than others. Human

rights where companies wield little influence are for example the right to self-determination for peoples or the right to equality before the law. Other human rights issues such as the right to an adequate standard of living may be influenced by companies to some extent, depending on the case-specific context. A third group of human rights, such as the right to fair working conditions, can be strongly impacted by business activities.

Matching quantitative indicators to specific human rights issues

There are many papers and projects on how to measure human rights⁵. However, most have a macro-economic, state-based perspective and do not take feasibility at the company level into account. For this reason, they are not described in detail in this paper. Where feasible, some state-based indicators were modified to make them fit in a business context. In the field of business and human rights, indicators are often qualitative and input-oriented, describing company policies and processes. It is equally important to include indicators that lead to a better understanding of an actual positive or adverse human rights outcome. For the list at the end of this paper, **mainly quantitative indicators that are output- and/or outcome-oriented were assembled**. Indicators that focus on impact assessment are still too rare. Here, further research is needed.

⁵ For example the Human Rights Measurement Initiative <https://humanrightsmmeasurement.org/> or Human Rights Indicators provided by OHCHR: <https://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

The following openly accessible sources have been consulted for the compilation of indicators:

- [Corporate Human Rights Benchmarking Indicators \(CHRB\)](#)
- [Danish Institute for Human Rights: Platform for Human Rights Indicators for Business](#)
- [Global Reporting Initiative](#)
- [European Commission Guidelines on Non-Financial Reporting](#)
- [Joint Consultation Paper ESG Disclosures by the Joint Committee of the European Supervisory Authorities](#)
- [OHCHR Human Rights Indicators](#)
- [UNEP FI Human Rights Guidance Tool for the Financial Sector](#)
- [UN Guiding Principles Reporting Framework \(UNGPRF\)](#)
- [Sustainable Development Key Performance Indicators \(SD-KPIs\)](#)
- [World Business Council for Sustainable Development \(WBCSD\) Indicator Library within its “Reporting Exchange” initiative](#)
- [Wikirate Project](#)
- [SASB](#)

Applying the list of indicators

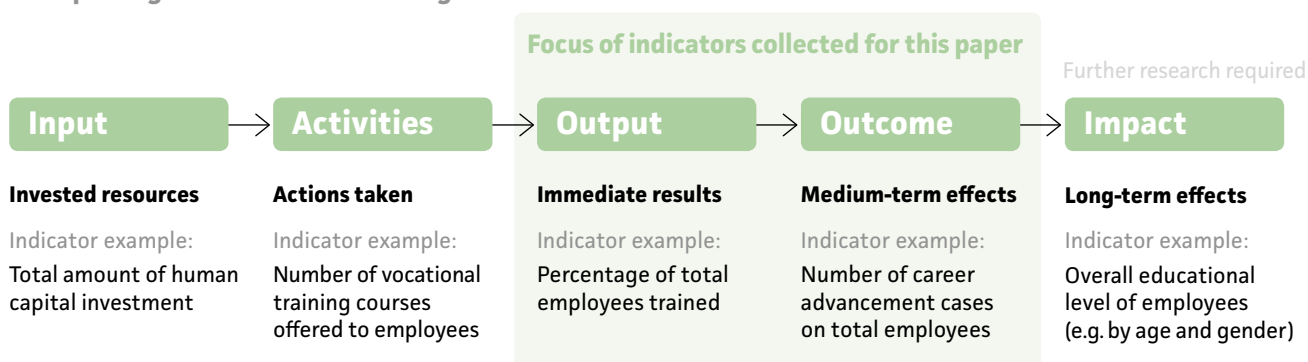
This paper does not propose any one set of human rights indicators (though such a selection could be useful in the future to establish a standard set of core indicators⁶) but rather aims at **describing a large variety of human rights indicators that are relevant for companies**. However, this list of indicators is by no means exhaustive. Further indicators will be developed over time, and the discussion regarding the list of human rights to be included will continue. The compilation as it stands now can be downloaded as an Excel spreadsheet at www.econsense.de.

The Excel spreadsheet contains manifold information such as links to the original human rights documents, indicator sources, and indications for assessment of these indicators.

On the next page, some examples from the list of indicators are provided.

Focus on output- & outcome-oriented indicators

Example: Right to vocational training



6 As for example a recent White Paper by the World Economic Forum (WEF) “Toward Common Metrics and Consistent Reporting of Sustainable Value Creation” attempts.

5. Excerpt of the compilation of human rights indicators

Human rights issues*	Source
Abolition of Worst Forms of Child Labor	ILO fundamental convention No. 182 ; ICESCR Art. 10
Equal Remuneration	ILO fundamental convention No. 100
Freedom from Discrimination	ILO fundamental convention No. 111 ; Universal Declaration of Human Rights Art. 2 ; ICCPR Art. 2 ; ICESCR Art. 2
Freedom from Slavery (incl. Freedom from Forced or Other Compulsory Labor)	ILO fundamental conventions No. 29 and 105 ; Universal Declaration of Human Rights Art. 4 ; ICCPR Art. 8
Freedom of Assembly and Association	ILO fundamental convention No. 87 ; Universal Declaration of Human Rights Art. 20 ; ICCPR Art. 21 & 22
Freedom of Opinion and Expression	Universal Declaration of Human Rights Art. 19 ; ICCPR Art.19
Minimum Working Age	ILO fundamental convention No. 138
Minority Rights to Culture, Religious Practice, and Language	ICCPR Art. 27
Right to Adequate Standard of Living (incl. Right to Adequate Food, Clothing, Housing and Distribution of Food)	Universal Declaration of Human Rights Art. 25 ; ICESCR Art. 11
Right to Education (incl. Right to Vocational Guidance and Training)	Universal Declaration of Human Rights Art. 26 ; ICESCR Art. 6 & 13
Right to Fair Working Conditions (incl. Minimum Wage, Equal Pay and Safe and Healthy Working Conditions)	ICESCR Art. 7
Right to Form and Join Trade Unions and Right to Strike	ICESCR Art. 8
Right to Marry and to Found a Family (incl. Right to Maternity Leave)	Universal Declaration of Human Rights Art. 16 ; ICCPR Art. 23 & 24
Right to Organize and Collective Bargaining	ILO fundamental convention No. 98
Right to Privacy	Universal Declaration of Human Rights Art. 12 ; ICCPR Art. 17
Right to Remedy	Universal Declaration of Human Rights Art. 8 ; ICCPR Art. 2
Right to Rest and Leisure (incl. Right to Holidays)	Universal Declaration of Human Rights Art. 24 ; ICESCR Art. 7
Right to the Highest Attainable Standard of Physical and Mental Health	ICESCR Art. 12
Right to Water and Sanitation	UN Committee on Economic, Social and Cultural Rights. General Comment No. 15 (2002)
Right to Work	Universal Declaration of Human Rights Art. 23 ; ICESCR Art. 6
Rights of Indigenous Peoples	UN Declaration on the Rights of Indigenous Peoples

Further indicator examples and details on sources can be downloaded at www.econsense.de

Selected indicator examples

Number of operations and suppliers considered to have significant risk for incidents of child labor

Ratio of basic salary and remuneration of women to men for each employee category by significant locations of operations

Number of accessible facilities, documents and websites for people with disabilities

Number of operations and suppliers considered to have significant risk for incidents of forced or compulsory labor

Number of independent and freely formed trade unions

Number of reported cases of corporate pressure against the employees' right to freedom of opinion and expression, e.g. through whistleblower hotline

Number of employees with unclear age identification [in the supply chain]

See Rights of Indigenous Peoples and Freedom from Discrimination

In case of provision of housing to workers: – Average costs of rent, electricity, water compared to local standard
– Size of room / apartment per person
– Number of days to end housing contract upon termination of work contract

Participation rate of employees in educational programs and trainings in the prev. 12 months, by sex and employee category

Number of workers [in the supply chain] earning a living wage

See Freedom of Assembly and Association and Right to Organize and Collective Bargaining

Percentage of employees who used the entire parental leave period to which they were entitled, by gender

Share of company employees covered by formalized employee representation structures and/or collective agreements on working conditions

Percentage of security breaches involving customers' personally identifiable information

Percentage of human rights violation cases within the company in which the victims were granted access to remedy

Number of allegations and/or legal proceedings faced by companies related to working hours, including breaches of legally required hours of rest between two working days or shifts

See Right to Fair Working Conditions and Right to Adequate Standard of Living

The proportion of workers who are provided with fully-functioning, safely managed water, sanitation, and hygiene (WASH) services, regularly measured and monitored across all operations

Proportion of workers in precarious employment (e.g., short-, fixed-term, casual, seasonal workers)

Percentage of operations with local community engagement, impact assessments, and/or development programs

6. Outlook

Selecting relevant indicators suitable to the specific situation of a company is only a first start to integrate these into corporate management systems. They then have to be transformed into Key Performance Indicators (KPIs).

At the corporate level, this entails the definition of targets and corresponding implementation strategies. Such strategies can also include the incorporation into performance incentive systems. However, as not all relevant data is readily available, **strategies will have to be developed for collecting the data required for each indicator**. This process will likely be a joint effort by different company departments, such as Human Resources (HR), Corporate Social Responsibility (CSR), Compliance, and Risk Management. These departments can aggregate internal data, e.g. on female employees in managerial positions, remuneration, parental leave, or consumer privacy. Further tools that can be used are, for example, company surveys and whistleblowing systems. Confidentiality and anonymity play a fundamental role for reliable data, as do the nature and quality of the questions asked. Further research is needed on how to create such surveys and on how to collect data regarding human rights issues along the value chain. This is particularly challenging regarding severe adverse impacts such as child labor or modern slavery, which are inherently difficult to assess. Overall, there is a **need for sector-wide collaboration** so that progress can be tracked regarding specific human rights issues relevant to every company in the industry. Additionally, companies should communicate and cooperate with civil society actors and rightsholders.

At the policy level, further work on the definition of the social dimension of sustainability is needed, for example in the context of the Taxonomy Regulation. This could entail the development of a **“social taxonomy”** and/or a **standard set of core human rights KPIs** in collaboration with human rights and industry experts. The list of indicators provided here can serve as a basis for this work. Further KPIs should recognize positive as well as negative corporate impact on human rights. The final Taxonomy Report by the EU Technical Expert Group on Sustainable Finance states that:

“The TEG considers that a fully realised Taxonomy should incorporate (...) social objectives, in addition to environmental objectives, to identify substantial contributions in addition to minimum safeguards (...). The Taxonomy Regulation includes future reviews by the European Commission on the potential inclusion of social criteria (...) in the Taxonomy.” (TEG, 2020, p. 51)

To develop such social criteria, further research will be needed to

- a) develop further indicators that **measure company impact** on human rights (in addition to current indicators that mostly focus on inputs and direct outputs),
- b) define **ambition levels for the corporate responsibility to respect human rights** and
- c) develop human rights indicators that take into account **interlinked issues such as the effects of digitalization, artificial intelligence and climate change** on human rights.

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