



*Logos of members of Ethos Engagement Pool International are not shown; please refer to signatory list

BHREA Business Statement for UK Human Rights Due Diligence

We, the undersigned businesses, business associations and initiatives call on the Government to create ambitious primary legislation – a ‘Business, Human Rights and Environment Act’ – to mandate businesses and the public sector to prevent human rights and environmental harm in their own operations and value chains by conducting human rights and environmental due diligence.

All businesses, regardless of size, sector, operational context, ownership and structure, have a responsibility to respect human rights and the environment. The process of continuously conducting robust human rights and environmental due diligence (HREDD) is a core requirement for businesses in fulfilling that responsibility, as specified in the recognised international standards of the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. The public sector must also carry out HREDD considering its market power and role in leading by example.

The UK Government – a member of the UN Human Rights Council when it unanimously endorsed the UNGPs in 2011 – was, until recently, a leader on these issues. It is now, sadly, a laggard. Mandatory HREDD is high on the agenda in the G7, and the EU is currently negotiating a directive which would also apply to UK companies over a certain threshold. Laws already exist in France, Germany and Norway.

Businesses can cause, contribute to, or otherwise be linked to human rights abuses or environmental harm in their own operations or throughout their value chain. While some businesses are already conducting HREDD to prevent harm from happening, there are significant gaps. Legislation is urgently needed to bring all businesses to the same standard and create a competitive level playing field.

A new law would increase legal certainty about the standards expected from companies, ensure consequences when responsibilities are not met, promote engagement and leverage between value chain partners and, above all, incentivise impactful and effective action on the ground. Investors also make a strong case in favour of HREDD legislation as it allows them to make more informed and sustainable investment decisions for people and the planet and demonstrate to beneficiaries that their money is being managed in line with international standards and expectations.

Governments have a duty to protect against human rights abuses, including those of businesses, through effective regulatory measures, particularly where voluntary corporate measures continue to leave significant gaps in human rights protections throughout value chains. In light of already developing legislation around the world, the UK has to act to set its own legal standards and not fall further behind.

Therefore, we, as businesses, make the following recommendations for robust UK legislation on mandatory human rights and environmental due diligence:

Due diligence processes aligned with international frameworks:

- In line with the requirements detailed in the UN Guiding Principles and the OECD Guidelines, businesses should have an obligation to identify, prevent, mitigate, and account for how they address their potential and actual human rights and environmental impacts through an ongoing due diligence process.
- Throughout the human rights and environmental due diligence process, businesses should meaningfully engage with actually and potentially affected stakeholders or their appointed representatives. Listening to the voices of workers, community members and others is vital to a company’s understanding of risks to people and planet and strengthens its due diligence.

Scope:

- Mandated human rights and environmental due diligence should be cross-sectoral, covering the operations and value chains of all business enterprises and financial institutions, public and private, domiciled or based in, operating, or offering a product or service within the UK.
- The legislation should introduce an adaptable framework that sets an ambitious standard of conduct and requires the widest possible range of businesses to reach it. Rather than excluding smaller companies, the legislation should ensure proportionality by anchoring the due diligence requirements in the UNGPs and OECD Guidelines understanding that, while the responsibility to respect human rights and the environment applies to all businesses, the means through which a company meets this standard will vary according to its size and the severity of its impacts, among other factors.

Remedy and accountability:

- Due diligence legislation should ensure accountability when businesses cause or contribute to harms and should enable and support the provision of adequate and effective remedy. As laid out in the Pillar 2 of the UNGPs, dependent upon their connection to a harm, businesses should provide for, cooperate in, or use leverage to ensure remediation of adverse impacts in their global value chains and within their operations.
- Businesses should be held legally liable for harm, loss and damage arising from their failure to prevent adverse human rights and environmental impacts within their operations and throughout their global value chains and be required to adequately compensate victims of abuse. This should include appropriate administrative and civil liability legislative provisions for human rights and environmental adverse impacts within their operations and throughout their global value chains, while also exploring the potential for other types of liability. It could be a defence from liability for businesses to prove that they acted with due care, including by conducting HREDD, to prevent harm.

Enforcement:

- To ensure a level playing field in practice, there needs to be enforcement. Liability for harm must be enforced through the courts. Administrative sanctions for harm or the failure to conduct HREDD must be enforced through a regulator. The regulator should also provide sectoral guidance in line with the UNGPs and create transparency on the HREDD conducted by each business.

Governance:

- Good corporate governance is key to ensuring that mandated due diligence requirements are fulfilled. Corporate boards should oversee and be accountable for the implementation of rigorous human rights and environmental due diligence processes; monitor, discuss, and report on their development; and ensure their results are reflected in forward-looking targets relevant for the prevention and mitigation of human rights and environmental risks and impacts and adequately considered and integrated in the company's overall strategy.

Finally, we renew our call on all governments to develop, implement, and enforce mandatory human rights and environmental due diligence requirements for businesses headquartered or operating within their own jurisdictions or, where appropriate, to further strengthen these regulatory regimes where they already exist.

Signed:

- 1 Aargauische Pensionskasse (APK)
- 2 abrdrn
- 3 Accenture Executive Pensionskasse
- 4 Adasina Social Capital
- 5 Aequo
- 6 AP Pension
- 7 ASSEPRO Vorsorgestiftung
- 8 ATISA Personalvorsorgestiftung der Tschümperlin-Unternehmungen
- 9 AVENA - Fondation BCV 2e pilier
- 10 Bernische Lehrerversicherungskasse
- 11 Bernische Pensionskasse BPK
- 12 Berry World
- 13 Boston Common Asset Management
- 14 BVG-Stiftung der SV Group
- 15 Caisse Cantonale d'Assurance Populaire - CCAP
- 16 Caisse de pension du Comité international de la Croix-Rouge
- 17 Caisse de pension Hewlett-Packard Plus
- 18 Caisse de pensions de l'Etat de Vaud (CPEV)
- 19 Caisse de pensions du personnel communal de Lausanne (CPCL)
- 20 Caisse de pensions ECA-RP
- 21 Caisse de pensions Féd. int. des Stés. de la Croix-Rouge et du Croissant-Rouge
- 22 Caisse de prév. des Fonctionnaires de Police & des Etablissements Pénitentiaires
- 23 Caisse de Prévoyance de l'Etat de Genève CPEG
- 24 Caisse de Prévoyance des Interprètes de Conférence (CPIC)
- 25 Caisse de prévoyance du personnel de la Ville de Fribourg
- 26 Caisse de prévoyance du personnel de l'Etat de Fribourg (CPPEF)
- 27 Caisse de prévoyance du personnel de l'Etat du Valais (CPVAL)
- 28 Caisse de retraite professionnelle de l'industrie vaudoise de la construction
- 29 Caisse intercommunale de pensions (CIP)
- 30 Caisse paritaire de prévoyance de l'industrie et de la construction (CPPIC)
- 31 CAP Prévoyance
- 32 CAPUVA Caisse de prévoyance des travailleurs et employeurs du commerce de détail
- 33 Cardano
- 34 Cassa pensioni di Lugano
- 35 CBIS
- 36 CCLA Investment Management
- 37 CIEPP - Caisse Inter-Entreprises de Prévoyance Professionnelle
- 38 CommonSpirit Health
- 39 Compacta Sammelstiftung BVG
- 40 Congregation of St. Joseph
- 41 Corporance Asesores de Voto
- 42 CPCN - Caisse de pensions de la fonction publique du canton de Neuchâtel
- 43 Daughters of Charity, Province of St. Louise

- 44 EdenTree
- 45 EFG Asset Management
- 46 Emmi-Vorsorgestiftung
- 47 Epworth Investment Management
- 48 ESG Portfolio Management
- 49 Etablissement Cantonal d'Assurance (ECA VAUD)
- 50 Etablissement cantonal d'assurance et de prévention (ECAP- Neuchâtel)
- 51 Ethical Partners Funds Management
- 52 Ethos Engagement Pool International
- 53 Ethos Foundation
- 54 Evangelisch-reformierte Landeskirche des Kantons Zürich
- 55 Fashion Roundtable
- 56 Fidelis Partnership
- 57 Fondation de la métallurgie vaudoise du bâtiment (FMVB)
- 58 Fondation de prévoyance Artes & Comoedia
- 59 Fondation de prévoyance des Paroisses et Institutions Catholiques (FPPIC)
- 60 Fondation de prévoyance du Groupe BNP PARIBAS en Suisse
- 61 Fondation de Prévoyance Edmond de Rothschild
- 62 Fondation de prévoyance professionnelle en faveur de AROMED
- 63 Fondation de prévoyance Romande Energie
- 64 Fondation de prévoyance skycare
- 65 Fondation Interprofessionnelle Sanitaire de Prévoyance (FISP)
- 66 Fondation Leenaards
- 67 Fondation Patrimonia
- 68 Fondazione di previdenza LPP per il personale della PKB Privatbank AG
- 69 Fondazione Ticinese per il secondo pilastro
- 70 Fondo di Previdenza per il Personale dell'Ente Ospedaliero Cantonale
- 71 Fonds de Prévoyance de CA Indosuez (Suisse) SA
- 72 Fonds interprofessionnel de prévoyance (FIP)
- 73 Future Group
- 74 Gebäudeversicherung Basel-Stadt
- 75 Gebäudeversicherung Luzern
- 76 Gebäudeversicherung St. Gallen
- 77 GEMINI Sammelstiftung
- 78 Gestion des Biens Universitaires Vaudois (GBUV)
- 79 Greenbank
- 80 Heartland Initiative
- 81 Investor Advocates for Social Justice (IASJ)
- 82 Investor Alliance for Human Rights
- 83 Istituto di previdenza del Cantone Ticino
- 84 Joseph Robertson
- 85 Kirchliche Pensionskasse Urschweiz-Glarus-Tessin
- 86 Lady Lawyer Foundation
- 87 Liechtensteinische AHV-IV-FAK

- 88 Local Authority Pension Fund Forum (LAPFF)
- 89 London CIV
- 90 Luzerner Pensionskasse
- 91 Maryknoll Sisters
- 92 Mercy Investment Services, Inc.
- 93 Miller/Howard Investments, Inc.
- 94 NEI Investments
- 95 Nest Sammelstiftung
- 96 NSV Nidwaldner Sachversicherung
- 97 ÖKK Berufliche Vorsorge
- 98 Pensionskasse Römisch-katholische Landeskirche des Kantons Luzern
- 99 Pensionskasse AR
- 100 Pensionskasse Bank CIC (Schweiz)
- 101 Pensionskasse Basel-Stadt
- 102 Pensionskasse Bühler AG Uzwil
- 103 Pensionskasse Caritas
- 104 Pensionskasse der Basler Kantonalbank
- 105 Pensionskasse der Diözese St.Gallen
- 106 Pensionskasse der Generali Versicherungen
- 107 Pensionskasse der Schweizer Paraplegiker-Gruppe Nottwil
- 108 Pensionskasse der Schweizerischen Nationalbank
- 109 Pensionskasse der Stadt Biel
- 110 Pensionskasse der Stadt Frauenfeld
- 111 Pensionskasse der Stadt Weinfelden
- 112 Pensionskasse der Stadt Winterthur
- 113 Pensionskasse der Stadt Zug
- 114 Pensionskasse der Technischen Verbände SIA STV FSAI USIC
- 115 Pensionskasse des Kantons Nidwalden
- 116 Pensionskasse Graubünden
- 117 Pensionskasse Hirslanden
- 118 Pensionskasse Pro Infirmis
- 119 Pensionskasse Schaffhausen
- 120 Pensionskasse Somedia
- 121 Pensionskasse SRG SSR
- 122 Pensionskasse Stadt Luzern
- 123 Pensionskasse Stadt St. Gallen
- 124 Pensionskasse Unia
- 125 Personalvorsorgekasse der Stadt Bern
- 126 Personalvorsorgekasse Obwalden
- 127 Personalvorsorgestiftung der Accenture Schweiz
- 128 Personalvorsorgestiftung der Ringier Gruppe
- 129 Personalvorsorgestiftung der Würth-Gruppe Schweiz
- 130 Pilgrim's Pride UK
- 131 Previva, fonds de prévoyance des professionnels du travail social

- 132 Prévoyance Santé Valais (PRESV)
- 133 Princes Group
- 134 Profelia Fondation de prévoyance
- 135 Prosperita Stiftung für die berufliche Vorsorge
- 136 Providence St. Joseph Health
- 137 Raiffeisen Pensionskasse Genossenschaft
- 138 Rentes genevoises - Assurance pour la vieillesse
- 139 RP - Fonds institutionnel
- 140 Sandglass Capital Advisors, LLC
- 141 Secunda Sammelstiftung
- 142 Seventh Generation Interfaith Coalition for Responsible Investing
- 143 Sisters of Mary Reparatrix
- 144 Spida Personalvorsorgestiftung
- 145 St. Galler Pensionskasse
- 146 Stiftung Abendrot
- 147 Stiftung Auffangeinrichtung BVG
- 148 Stiftung Personalvorsorge Liechtenstein
- 149 Storebrand Asset Management
- 150 SVA Zürich
- 151 Symova Sammelstiftung BVG
- 152 Terre des hommes Schweiz
- 153 TFG London
- 154 The Very Group
- 155 Tony's Choclonely
- 156 Trillium Asset Management
- 157 Triodos Bank UK
- 158 Tulipshare
- 159 UN Principles for Responsible Investment
- 160 Unfallversicherungskasse des Basler Staatspersonals
- 161 Université de Genève (UNIGE)
- 162 Valitas Sammelstiftung BVG (Independa)
- 163 Van Lanschot Kempen Investment Management
- 164 Verein Barmherzige Brüder von Maria-Hilf (Schweiz)
- 165 Vorsorge SERTO
- 166 Vorsorgestiftung der Bourquin SA
- 167 Zevin Asset Management