TOOLKIT FOR BUSINESS AND HUMAN RIGHTS IN SOUTH AFRICA

Supported by
INTRODUCTION

Human rights and labour are a constant risk for business in South Africa. To understand the extent of the business and human rights landscape, the Global Compact Network (GCN-SA) and the National Business Initiative (NBI) began a concerted process of engagement in 2013. The process brings together United Nations Global Compact signatories (UNGC) in South Africa for regular learning and sharing with a view to develop good practice.

In developing good practice on human rights, companies in South Africa have to understand and respond to a range of regulatory and voluntary requirements. These include both domestic frameworks and global conventions and guidelines on human rights. Human rights intersect and are embedded in various other spheres, i.e. environmental and governance issues.

It is due to such complexities that the GCN-SA responded by developing this toolkit for business and human rights to guide integration and alignment in implementation. The toolkit is intended to demonstrate the extent of the requirements on the landscape and how human rights are benchmarked in environmental policies and frameworks, as well as on ethics and governance issues. The toolkit also maps the available codes and conventions, tools and indices, key stakeholders and human rights organisations in context. Where possible, we have provided live links to these frameworks.

As the Human Rights Working Group of the Global Compact Network South Africa, we view this toolkit as generic for all sectors, adaptable and a work in progress given the frequency with which new issues arise. The toolkit is available on our website, and we will update it frequently. Signatories and other stakeholders interested in this work should send us input and feedback, which we will integrate on a regular basis.

As the GCN-SA, we would like to acknowledge the contribution and support of Nedbank, Synergy Global Consulting and all signatories that engaged with us in developing the toolkit. We hope you will find it useful.

The Human Rights Working Group
Global Compact Network South Africa

Paul Kapelus: Chairman (Synergy Consulting)
Driekie Havenga: Member (Nedbank Group)
Achieng Ojwang: Secretariat (NBI)

For comments please contact the Secretariat, Achieng Ojwang AchiengO@nbi.org.za
HUMAN RIGHTS TOOLS FOR BUSINESS

A Guide for Integrating Human Rights into Business Management
An online tool produced by the Business Leaders Initiative on Human Rights (BLIHR), the UN Global Compact and the Office of the UN High Commissioner for Human Rights (OHCHR).

A Resource Guide to Corporate Human Rights Reporting
This collaborative publication offers a practical guide on steps that companies can take to improve their coverage of human rights as part of their sustainability reports and was developed through extensive expert consultation.

Business & Human Rights Resource Centre (BHRRC)
The BHRRC works with everyone to advance human rights in business. They track the human rights abuse and advances of companies around the world, and help the vulnerable eradicate abuse.

This tool is designed to guide companies in assessing their policies and processes as they relate to their responsibility to respect children’s rights and their commitment to support children’s rights.

Community Based Human Right Impact Assessment Initiative
The tool provides communities, practitioners, and advocates the confidence and knowledge that will enable them to identify human rights impacts, propose responses, and engage government and corporate actors to take action to respect human rights.

Conducting an Effective Human Rights Impact Assessment - Guidelines, Steps, and Examples
This report captures lessons from BSR’s efforts to overcome these challenges in the course of conducting HRIAs in various industries, including information and communications technology, energy and extractives, health care, agriculture, and media.

Conflict-sensitive business practice: Guidance for Extractive Industries
This report consists of guidance on doing business in societies at risk of conflict for field managers working across a range of business activities, as well as headquarters staff in political risk, security, external relations and social performance departments. It provides information on understanding conflict risk through a series of practical documents.

Danish Institute for Human Rights
Through research, tools and partnerships with key stakeholders, DIHR aims to contribute to building a global environment in which adverse business impacts are minimised, and opportunities for business’ potential for positive contribution to human rights are realised.

Frequently Asked Questions on the Guiding Principles on Business and Human Rights
This publication with frequently asked questions aims to explain the background and the contents of the Guiding Principles on Business and Human Rights and how they relate to the broader human rights system and other frameworks. It aims to help both practitioners and newcomers navigate the principles and improve their understanding.
Getting It Right
This tool is a dynamic participatory approach for analysing the human rights impacts of private and public foreign investments. It enables communities and the organisations that support them to identify human rights impacts, propose responses, and engage government and corporate actors to take action to respect human rights.

Guide to Human Rights Impact Assessment and Management
This tool is the result of collaboration between the International Business Leaders Forum (IBLF) and International Finance Corporation (IFC), in association with the United Nations Global Compact. It is designed to be a practical tool that enables companies to identify, understand, and evaluate actual or potential human rights impacts of a project at each stage of development and operations. This approach links human rights assessment to existing management processes.

How to Do Business with Respect for Human Rights – A Guidance Tool for Companies
The descriptions, learnings and guidance points collected in this guidance tool build on the experience gained during the course of the Business & Human Rights Initiative. They are intended to help companies implement a commitment to respect human rights in line with the framework of the Special Representative.

Human Rights and Business Country Guide: South Africa
This guide contains information regarding the potential and actual human rights impacts of businesses operating in South Africa.

Human Rights and Business Dilemmas Forum
A web page that collates a range of materials that provide further insight, context and guidance to business integrity and the corruption dilemma. It includes general human rights resources and links to international standards, dilemma-specific materials and the background working papers of the project.

Human Rights Compliance Assessment
A comprehensive tool designed to detect human rights risks in company operations. It covers all internationally recognised human rights and their impact on all stakeholders, including employees, local communities, customers and host governments.

Human Rights Compliance Assessment Tool – Version 2.0
A diagnostic tool designed to promote corporate social responsibility by providing companies with information about how to avoid human rights violations in all aspects of their operations.

Human Rights Impact Resource Centre
A collection of tools that ensure the implementation of human rights throughout corporate practices and management systems.

This guide provides insight into best practices developed by some of the companies which have used The Human Rights Compliance Assessment tool (see above). It illustrates how the Human Rights Compliance Assessment has been applied within the management systems of these companies.

Human Rights Training Toolkit for the Oil and Gas Industry
This toolkit has been developed at IPIECA’s request with the assistance of a third party. It is a useful resource document rather than a document representing standards or the views of IPIECA or its individual members. The toolkit is descriptive rather than prescriptive and is not meant to represent consensus among the widely held views of member companies.

Created by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, these guidelines, written for NGOs, offer assistance in fact-finding and report writing "with a view to improving accuracy, objectivity, transparency and credibility in human rights fact finding."
Masizibheke – Human Rights Compliance Assessment South Africa
“Masizibheke” (“Let's look at ourselves”), the South African version of the Human Rights Compliance Assessment, is a voluntary self-assessment tool, specifically tailored to the South African legislative, social, economic and political context. It assists companies with translating human rights into business practice in South Africa by determining the impact of company operations on the human rights of its employees, local residents and all other stakeholders.

Respecting Human Rights – Tools and Guidance for Business
The main objective of this report is to assist the business sector in human rights due diligence by providing an overview of current tools and guidance materials.

SHIFT
Shift is the leading centre of expertise on the UN Guiding Principles on Business and Human Rights. Founded in 2011, Shift’s team of experts works globally with businesses, governments, civil society and international organisations to embed the Guiding Principles into practice.

The Good Corporation Framework on Human Rights
This is a set of management practices that demonstrate a responsible approach to respecting human rights. Organisations can use this framework as a tool to measure and improve the robustness of their policies and systems.

UNEP FI is committed to exploring the intricacies between social issues, human rights and financial sector practices. UNEP FI aims to de-mystify the language and jargon surrounding the social agenda, and clarify how social issues relate to the activities of finance institutions.

University of Minnesota Human Rights Library
This online library includes a large collection of international human rights treaties, instruments, general comments, recommendations, decisions, and views of treaty bodies in a well ordered layout.

Voluntary Principles on Security and Human Rights – Implementation Guidance Tool
This is a set of tools designed to help companies, their employees, and their contractors implement the Voluntary Principles.
### HUMAN RIGHTS BENCHMARKS: ENVIRONMENT

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HUMAN RIGHTS BENCHMARKS: GOVERNANCE, ETHICS, EMPLOYEES, CLIENTS, THE VALUE CHAIN & ANTI-CORRUPTION

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| • Skills Development Act  
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  o Labour  
  o John Ruggie Guiding Principles*  
• Universal Declaration of Human Rights  
• Voluntary Principles on Security and Human Rights  
• Waste Electronics and Electrical Equipment convention | | | • Regulators  
• SAHRA  
• Shareholders  
• Special Interest Groups  
• UN GRI  
• UNEP FI  
• UNGC |

*In addition to the listed tools, indices and stakeholders, items marked with an asterisk indicate a helpful focus on anti-corruption benchmarks.
### STRATEGIES, POLICIES, PROCESSES AND PROCEDURES THAT COMPANIES SHOULD HAVE IN PLACE

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 • Integrated reporting  
 • Legal and insurance risk management  
 • New product approval policy  
 • Outsourcing policy  
 • Privacy policy  
 • Procurement policy  
 • Reputational risk policy  
 • Risk appetite policy  
 • Rumour policy  
 • Sanctions compliance policy  
 • Smoking policy  
 • Social and ethics board committee  
 • Strategic risk principles  
 • Taxation policy  
 • Technology management  
 • Whistleblowing policy |
Anti-Corruption

- Anti-money laundering and the combating of financing and terrorist-related activities policy
- Business integrity policy
- Code of ethics on:
  - Political donations
  - Bribes and facilitation payments
  - Gifts
  - Conflicts of interest
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## HUMAN RIGHTS BENCHMARKS: COMMUNITY LEGISLATION

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<pre><code>                                                                                       | • Declaration on the Elimination of Violence against Women                        | • Human Rights Commission                                             |                                                                        | • Government                           |
                                                                                       | • Declaration on the Protection of Women and Children in Emergency and Armed Conflict |                                                                        |                                                                        | • Human Rights Commission              |
                                                                                       | • Declaration on the Right to Development                                        |                                                                        |                                                                        | • International Integrated Reporting Council |
                                                                                       | • Declaration on the Right of Peoples to Peace                                   |                                                                        |                                                                        | • International Telecommunications Union |
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<td>• Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995)</td>
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<td>• The South African Human Rights Commission Act 2013</td>
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### Strategies, Policies, Processes and Procedures That Companies Should Have in Place

- Communications plan
- Community agreements guidance
- Community complaints, disputes and grievances mechanism
- Community relations policy
- Environmental policy
- Social and environmental management system
- Social and environmental assessment
- Transformation, social and ethics board committee
- Social investment procedure
- Stakeholder engagement plan
- Sustainable development policy
**NETWORK OF ORGANISATIONS ENGAGED IN HUMAN RIGHTS**

**Action Support Centre (ASC)**  
www.actionsupportcentre.co.za/  
The ACTION Support Centre (ASC) is the Africa regional hub of a global network of organisations and individuals committed to conflict transformation.

**Africa Unite**  
www.africaunite.org.za/  
Africa Unite (AU) is a human rights and youth empowerment organisation that works with citizens, refugees and migrants to prevent conflicts, enhance social cohesion and promote socio-economic development.

**African Diaspora Forum (ADF)**  
http://adf.org.za/  
The African Diaspora Forum is a federation of African migrants associations in South Africa. It seeks to facilitate relationships between all Africans living in South Africa.

**AIDS Foundation of South Africa (AFSA)**  
www.aids.org.za/  
This development organisation exists to mitigate the impacts of HIV and AIDS and poverty through the implementation of health and community development projects in vulnerable communities.

**AIDS Law Project**  
www.aidslawproject.org  
This non-governmental organization works exclusively to promote equal rights and justice for people living with HIV and AIDS.

**Amnesty International South Africa**  
www.amnesty.org.za  
A worldwide movement of people who campaign for internationally recognised human rights.

**Anti-Xenophobia Action South Africa**  
www.axasa.org.za/  
AXA is a coordinating body that works on a national scale by providing a shared, technologically-based infrastructure to help its member organisations work more effectively both individually and collectively. Its aim is to meet and address the basic needs of the victims of refugee situations.

**Apartheid Survivors Khulumani Group**  
www.khulumani.net  
A membership-based organisation of roughly 85,000 victims and survivors of Apartheid-related gross human rights violations in South Africa that has become a globally recognised movement spear-heading healing and memory, the struggle for reparations, and active citizenship in countries transitioning out of conflict.

**Art for Humanity**  
www.afh.org.za  
An organisation that engages with cultural production, specifically in the visual arts, to promote human rights awareness regionally and globally.

**Association for Rural Advancement**  
www.afra.co.za/  
AFRA is an independent non-governmental organisation working on land rights and agrarian reform in KwaZulu-Natal, South Africa. AFRA's work focuses on African rural people whose rights to land have been undermined, whose tenure is insecure, and who do not have access to sufficient land to fulfil their development aspirations, or even their basic needs.
Benchmarks Foundation
http://www.bench-marks.org.za/
Bench Marks Foundation is a non-profit, faith-based organisation owned by the churches in South Africa. It is a unique organisation in the area of corporate social responsibility (CSR) and monitors corporate performance against an international measuring instrument, the Principles for Global Corporate Responsibility; Bench Marks for Measuring Business Performance.

Black Sash
www.blacksash.org.za
This organisation works to advance equality, social justice and human rights in South Africa, in part by providing a paralegal service.

Centre for Environmental Rights
http://cer.org.za/
The Centre was established in October 2009 by eight civil society organisations (CSOs) in South Africa’s environmental and environmental justice sector to provide legal and related support to environmental CSOs and communities.

Centre for Human Rights, University of Pretoria
www.chr.up.ac.za
Both an academic department and a non-governmental organisation, the Centre works towards human rights education in Africa, a greater awareness of human rights, the wide dissemination of publications on human rights in Africa, and the improvement of the rights of women, people living with HIV, indigenous peoples, sexual minorities and other disadvantaged or marginalised persons or groups across the continent.

Centre for the Study of Violence and Reconciliation (CSVR)
www.csvr.org.za
The CSVR adopts a multi-disciplinary approach to understand and prevent violence, heal its effects and build sustainable peace locally, continentally and globally.

CIVICUS
http://civicus.org
CIVICUS is an international alliance of members and partners, which constitutes an influential network of organisations at the local, national, regional and international levels, and spans the spectrum of civil society.

Commission for Conciliation, Mediation and Arbitration
www.ccma.org.za
The CCMA is a dispute resolution body established in terms of the Labour Relations Act (Act 66 of 1995). It is an independent body and is not controlled by any political party, trade union or business. It works to conciliate and arbitrate workplace disputes, as well as facilitate the establishment of workplace forums and statutory councils.

Commission for Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities
http://crlcommission.org.za
This commission was established in terms of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002. Its purpose is to promote and protect the rights of different cultural, religious and language communities. It must promote and develop peace, tolerance and national unity amongst these communities, on the basis of equality, non-discrimination and freedom of association.

Commission of Gender Equality
http://cge.org.za/
Established in terms of Section 187 of the Constitution of the Republic of South Africa in order to promote respect for gender equality and the protection, development and attainment of gender equality. The CGE advances, promotes and protects gender equality in South Africa through undertaking research, public education, policy development, legislative initiatives, effective monitoring and litigation.
Community Law Centre  
www.communitylawcentre.org.za

The Community Law Centre, part of the Law Faculty at the University of the Western Cape, works to realise the democratic values and human rights enshrined in South Africa’s Constitution.

Consortium for Refugees and Migrants in SA  
www.cormsa.org.za

The Consortium for Refugees and Migrants in South Africa (CoRMSA), formerly known as the National Consortium for Refugee Affairs, is a registered NPO whose main objectives are the promotion and protection of the rights of asylum seekers, refugees and international migrants.

The Council for the Advancement of the South African Constitution (CASAC)  
www.casac.org.za/

This council is an initiative led by progressive people who want to advance the South African Constitution as a platform for democratic politics and the transformation of society and who believe in the advancement of a society whose values are based on the core principles of the Constitution – the promotion of socio-economic rights, judicial independence & the rule of law, public accountability and open governance.

Desmond Tutu HIV Foundation  
http://desmondtutuhivfoundation.org.za/

The Desmond Tutu HIV Foundation, housed within the Desmond Tutu HIV Centre (DTHC) at the University of Cape Town, is committed to the pursuit of excellence in research, treatment, training and prevention of HIV and related infections in Southern Africa.

Diakonia Council of Churches  
www.diakonia.org.za

The Diakonia Council of Churches is an ecumenical, inter-church agency, working with churches and church organisations in the pursuit of a more just society, including an improved quality of life for the poor, as well as changes in attitudes and structures which perpetuate injustice.

FoodBank South Africa  
www.foodbank.org.za/

FoodBank South Africa (FoodBank SA) sources donated food items and then arranges for these products to reach its Beneficiary Organisations, which are registered non-profit organisations in the community that provide food to the needy. Beneficiary organisations include orphanages, crèches, senior citizen homes, shelters, community kitchens and HIV/AIDS clinics.

Foundation for Human Rights  
www.fhr.org.za

This grant-making institution supports civil society organisations in South Africa and the region that implement programmes which promote and protect human rights.

Freedom of Expression Institute  
http://fxi.org.za/home/

The Freedom of Expression Institute is a non-profit, non-governmental organisation which was established in 1994 to protect and foster the right to freedom of expression. The Institute was formed from a merger of three organisations: The Campaign for Open Media, the Anti-Censorship Action Group and the Media Defence Trust.

Greenpeace Africa  
www.greenpeace.org/africa/

Greenpeace Africa works to expose crimes against the environment wherever they might occur and irrespective who they are committed by.

Helen Suzman Foundation (HSF)  
http://hsf.org.za/

This foundation promotes liberal constitutional democracy and upholds the principles of the South African Constitution. The HSF is committed to reasoned discourse, fairness and equity, the protection of human rights, and the promotion of the rule of law.

Human Rights Development Initiative  
www.hrdi.org.za

This initiative works with university-based law clinics at leading universities and human rights NGOs in Southern and East Africa to build a cadre of young lawyers dedicated to social and economic justice.
Human Rights Institute of South Africa (Hurisa)
www.hurisa.org.za
This is an NGO that provides professional services towards the promotion of a human rights culture, peace and democracy.

Human Sciences Research Council
www.hsrc.ac.za
The HSRC is committed to creating cutting-edge research which supports national development.

Land Claims Commission (LCC)
The Commission on Restitution of Land Rights (the Land Claims Commission) was set up under Section 25 (7) and (8) of the Bill of Rights (the property rights section) to mediate and decide on claims to land made by people who had been forcibly removed under the laws of apartheid. The Land Claims Commission is an independent body that is only accountable to the Constitution and to Parliament. It must send a report of its activities and findings to Parliament at least once a year.

Lawyers for Human Rights (LHR)
www.lhr.org.za
LHR provides free legal services to vulnerable, marginalised and indigent individuals and communities, both non-national and South African, who are victims of unlawful infringements of their constitutional rights.

Legal Resources Centre
www.lrc.org.za
This public interest, human rights law clinic uses the law as an instrument of justice for the vulnerable and marginalised, including poor, homeless and landless people.

Masimanyane Women’s Support Centre
www.masimanyane.org.za
This NGO focuses on violence against women, sexual and reproductive health and rights and the gendered nature of HIV and Aids. It aims to build the capacity of women and human rights advocates to claim and realise women’s human rights.

Media Monitoring Africa
www.mediamonitoringafrica.org
Media Monitoring Africa (formerly Media Monitoring Project) is a non-profit organisation that promotes democracy and a culture where the media and the powerful respect human rights and encourage a just and fair society. MMA acts in a watchdog role to promote ethical and fair journalism that supports human rights.

National Anti-Corruption Forum
www.nacf.org.za/
The NACF is comprised of three sectors, namely business, civil society and government. It contributes towards the establishment of a national consensus through the co-ordination of sectoral strategies against corruption, advises government on national initiatives on the implementation of strategies to combat corruption, shares information and best practice on sectoral anti-corruption work, and advise sectors on the improvement of sectoral anti-corruption strategies.

National Consumer Forum
www.consumerfair.co.za
An umbrella body for consumer organisations, the forum is dedicated to the promotion and protection of consumer rights. Members include the National Credit Regulator, the nine Provincial Consumer Affairs Directorates, the Council for Medical Schemes, the Financial Services Board and the Independent Communications Authority of South Africa.

NISAA – Institute for Women’s Development
www.nisaa.org.za/
NISAA is an organisation opposed to all forms of oppression, exploitation and violence against women. NISAA focuses on the prevention of gender violence and the empowerment of women who have been abused by their partners.

People Against Suffering Oppression and Poverty (PASSOP)
www.passop.co.za
PASSOP is a not-for-profit human rights organisation devoted to fighting for the rights of asylum-seekers, refugees and immigrants in South Africa.
Right2Know (R2K)
www.r2k.org.za/
While the Right2Know Campaign launched in August 2010 as a coalition of organisations and people responding to the Protection of State Information Bill (the Secrecy Bill), the campaign broadened its scope to tackle related issues of secrecy in law and practice, access to existing information that is critical to broader struggles for social justice, media freedom, and linking whistle-blowers to appropriate partner organisations for legal support and advocacy.

Section27
http://section27.org.za/
SECTION27 is a public interest law centre that seeks to influence, develop and use the law to protect, promote and advance human rights.

Socio-Economic Rights Institute of South Africa (SERI)
www.seri-sa.org
SERI is a section 21 non-profit organisation providing professional and dedicated socio-economic rights assistance to individuals, communities and social movements.

Sonke Gender Justice
www.genderjustice.org.za
Sonke Gender Justice works across Africa to strengthen government, civil society and citizen capacity to promote gender equality, prevent domestic and sexual violence, and reduce the spread and impact of HIV and AIDS.

South African Human Rights Commission (SAHRC)
www.sahrc.org.za/home/
SAHRC promotes, protects and monitors human rights in South Africa.

South African Prisoners’ Organization for Human Rights (SAPOHR)
www.sapohr.org.za/
SAPOHR is a politically and religiously non-aligned organisation concerned with the creation of a non-racial, non-sexist human rights culture in South Africa. Its area of work is reform of the apartheid criminal justice system.

Street Law
www.streetlaw.org.za
Street Law South Africa is a non-profit company that specialises in presenting participatory legal, human rights and democracy education. It also provides opportunities for training in democracy, participatory development and policy development.

The Human Rights Media Centre
www.hrmc.org.za/
The Human Rights Media Centre advances an awareness and activism about human rights through the documentation and dissemination of oral histories through a variety of media forms and social interventions.

The South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)
www.uj.ac.za/EN/Faculties/law/research/SAIFAC/Pages/default.aspx
SAIFAC is part of the University of Johannesburg and is a leading research centre in South Africa producing advanced research in its focus areas. SAIFAC’s vision is to be an internationally recognised centre of research excellence in its key focus areas of constitutional, human rights, public and international law.

The South African Institute of Management
http://saim.co.za/
The purpose of the SAIM is to develop competent managers through self-discovery, self-management, accountability to others, respect for human rights, good corporate governance and responsibility to those less fortunate.

World Wildlife Fund (WWF)
https://www.worldwildlife.org/
WWF’s mission is to conserve nature and reduce the most pressing threats to the diversity of life on Earth. The vision is to build a future in which people live in harmony with nature.