

QUICK BRIEF 2019



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The State of Human Rights in the Business Sector

“A right which is believed to belong to every person”

Definition of Human Rights, Oxford Dictionary

The World Health Organisation (WHO) estimates that **58% of the global population** spend just over 33% of their adult life at work. This creates the idea that the workplace is a rich platform upon where human rights are exchanged between most adults in workplaces across the world. Recent inquiries into malpractices in government procurement have highlighted the active role that business has played in using corruption to violate basic human rights.

The **University of Stellenbosch Business School (USB)** in partnership with the **National Business Initiative (NBI)** hosted a two-part session to explore the state of human rights in the private sector. The aim of the engagement was to challenge the private sector to reinvent itself to accelerate the delivery of human rights as promised in the relevant Charter of the Constitution.

The **interactive, panel-style event** comprised of Professor of Law and Chair of Social Justice at the University of Stellenbosch **Prof. Thuli Madonsela**, political and social activist **Jay Naidoo**, the National Executive Director for General Electric South Africa **Lerato Molebatsi**, Mining and Natural Resources Manager for ActionAid South Africa **Christopher Rutledge** and the CEO of the NBI, **Joanne Yawitch**. The panel was facilitated and moderated by **Prof. Brian Ganson** of the African Centre for Dispute at USB.

The panellists were of the view that business finds itself at a crossroads. Leaders across the world agree that the traditional model of capitalistic opportunism has pushed us past the limits of traditional social, economic and environmental ecosystems. The world is a global village and a system, so the implication is that national borders will offer minimal protection from the negative disruptions which are already impacting societies and business alike.

The human rights discourse offers an opportunity for business to meaningfully use its power and privilege. Business can unlock the enjoyment of human rights for all by tackling poverty and unemployment. Large pockets of unemployment will eventually destabilise the business environment. So, it is in the interests of business to lean in because the turbulence presented by Industry 4.0 is tiny compared to the dilutionary effects of poverty on the same markets in which business needs to thrive.

Although the South African business landscape finds itself in challenging times, it is also experiencing the best of times: a good Constitution, relative respect for the rule of law, a fairly well-managed economy, a business-literate President and what many believe to be the sundown of state capture. The panel agreed that there are numerous opportunities for local business to play a meaningful role in reversing and ultimately preventing the human rights violations. The opportunity was illustrated through the example of the grand corruption that was state capture.

It was suggested that the perspective through which the well-being of society is measured needs to change. South African business tends to define itself through the lens of middle-class South Africa. It was noted that this perspective is disturbingly similar to the one seen during apartheid by white South Africa in that it excludes the 55% of the population who live below the upper-bound poverty line ([Statistics SA, 2017](#)).

Furthermore, business needs to find a way of being that is responsive to the evolving demands of society on companies. Colonialism and the early developmental stages of capital created the idea that capitalism is the only sustainable system. This binary idea was relevant to the binary environment under which it was conceptualised – an environment that no longer exists.

The Constitution suggests humanness as the key factor. What was meant to be a guide for building sustainable ecosystems has since been layered with regulation like BBBEE that has done little to advance the spirit of the Constitution. Business has an opportunity to leverage policy as an enabler (1) to expand economic participation and economic advancement for the marginalised majority and (2) to infuse the human factor into business.

There was agreement that Leadership is crucial to the realisation of business and its role as a force for good. If widespread subscription to this idea is anything to go by, then we are faced with the danger of a one-dimensional perspective. The cohort of CEOs of large South African companies is largely made up of professionals who entered the workplace during the early days of democracy. They entered an unchanged business landscape which became their idea of what business should be like. The result by and large is a leadership that has not sufficiently engaged with the spaces and places of the marginalised majority. Change happens outside of comfort zones, so the view was that we need to push our leadership to experience different contexts and diversify their narrow perspective.

Finally, panellists agreed that democratic South Africa was built on a culture of dialogue with strong leaders at the helm and a foundation of the energy of its citizens. The threats to human rights in South Africa as a result of corruption and exclusionary business practices can only be overcome through collective action, inclusive dialogues, collaborative innovation and shared learnings. Successful businesses are the heart of thriving societies.

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