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Business and Human Rights: An Analytical View

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Abstract

Business and Human Rights is a new age phenomenon. Business enterprises are held responsible for protection of human rights discourse within the working environment. There is a dire need for corporates to address human rights issues in the area of operation. There may be diverse human rights issues to which the employees would be exposed to and shall be vulnerable to, an analysis is to be made as to how the business enterprises address and tackle them and incorporate the remedial measures in their everyday operations. Various forms of insecurities in the business environment are identified, that impact the full enjoyment of fundamental human rights. Since corporates are also moral agents that have an ongoing relation with employees, contractors, customers and various members of the community, so the individual with whom the corporates share a relationship have claim on the enterprises to meet basic human rights duties. In the era of globalization, a commitment to respect human rights is vital to the corporates. Various potential human rights impacts and risks that companies may face need to be discovered and plugged out. There is a dire and utmost need for enterprises to not to ignore their human rights protections into their international operations.

Keywords: Business, Human Rights, Enterprises, Corporates, Employees, Principles and Codes, Work Environment, Governance, United Nations.

1. INTRODUCTION

The corporations have human rights obligations and are agents responsible for their policies and practices and in today's era, it is extremely important for the enterprises to incorporate human rights into their operations. Initially, talking about the forms of enterprises, there could be different types and sizes of the companies that operate internationally and nationally. There could be multinational companies, characterized by a decentralized governance structure or there could be global companies, characterized by a centralized governance of parent company operating from home nation. The existence of internal decision structures and ethical infrastructure is essential to exhibit human rights principles.

The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Severity of impacts will be judged by their scale, scope and character. So the policies and processes have to be framed in a way that the enterprises stand committed to meet their responsibility to respect human rights regardless of any factor. There is a need for the enterprises to assess actual and potential human rights impacts, to integrate and act upon the findings, track responses and communicate how impacts are addressed.

Most business ethics signify human rights as rights held by the individuals and inalienable. The enterprises have to enforce various human rights of the employees and the staff as a whole so that safe working environment can be provided and workers are not exposed to issues such as forced labor, trafficking, discrimination, neglect or suppression of freedom to organize, work freely or injury resulting from poor safety standards. There are number of internationally recognized provisions and policies contained in the International Bill of Human Rights coupled with principles concerning fundamental rights in the eight ILO set out in the Declaration on Fundamental Principles and Rights at Work. These are the benchmarks against which other social actors assess the human rights impacts of business enterprises. The business enterprises are required:

- i. To avoid causing/contributing to adverse human rights impacts through their own activities and address such impacts when they occur.
- ii. To seek to prevent/mitigate adverse human rights impacts that are directly linked to their operations, products, services by their business relations, even if they have not contributed to those impacts.

While the human rights impacts are being addressed, track the appropriate qualitative and quantitative indicators and drawing upon feedback from internal and external sources including affected stakeholders. States are also a vital agent to protect against business related human rights abuses, states need to ensure that through appropriate means that as and when abuses occur within their jurisdiction, the affected have access to remedy and a justice is provided instantly. Ensuring access to remedy for business related human rights abuses requires that states facilitate public awareness, how the tools can be used and accessed and if any expertise is required. The Guiding

principles significantly elevated the United Nation's role in business and human rights issues in a way that may lead to future duty for Transnational Corporations under international law. There is a need to provide a mechanism of accessibility, transparency and equitability to work freely.

2. PROBLEM DEFINITION AND SCOPE

There could be a number of issues existing at the workplace. Every employee needs to be treated equally with respect and dignity so that he/she can also grow personally and professionally. The businesses need to recognize their moral, legal and commercial responsibility and act upon it. The research paper focuses on what different strategies are being followed by an enterprise Asia Steels, situated in Industrial Area, Mohali, India to deal and combat various human rights issues prevalent in their everyday activities at the workplace. In case the issues would not be resolved, the employees shall lack the desired motivation and zeal to work and in turn affect the organizations turn over.

Asia Steels is an enterprise engaged in manufacturing, exporting and supplying a qualitative assortment of agricultural equipments, tractor parts, gearbox and automotive parts. It supplies high quality steel products, graded cast Iron and SG Iron, Castings and machine components for automotive and engineering application. The human rights indicators undertaken by the enterprise would be taken into consideration and the human rights management policies would be identified and interaction with the employees would be done. In case this is properly done, it shall not affect employee turnover or relocation, motivation, staff morale and productivity of the enterprise. The paper stresses upon a need to properly develop human rights management practices so that they can be fully motivated and driven to work and deliver their roles as expected.

3. METHODOLOGY

Research Design and Data collection: The research methodology would combine in both qualitative and quantitative design methods. A sample of 20 employees in different departments such as molding, core molding, core making, melting, quality assurance and repair testing would be selected and various techniques such as filling of questionnaires by each (The questionnaires would consist of close ended and open ended questions enquiring their current state of work, conditions of work providing any lacunae's they face, the rights they are currently enjoying, any form of oppression or suppression faced or any area of work they would like to recommend suggestions). The data would be edited, classified, coded further for analysis, interviews, observation would be employed to gather data. Qualitative research will be employed in obtaining information from the management, senior and junior staff members of HR department of enterprise to collect data on policies, practices, interaction with the employees and the use of feedback. A sample, representative of the study population will be selected.

4. ANALYSIS AND RESULTS

Qualitative techniques were employed to get first hand information from the interviews with the employees and the staff. The primary data was extracted from the questionnaire administered and data collected from the field was coded into readable descriptive form. The employees wanted to remain anonymous though but a comprehensive data was gathered. The analysis is carried out for each functional area and findings are aggregated per topic. Eighty Two percent employees seemed satisfied with the working conditions and wished to continue working with the enterprise for a longer time. The remaining argued that there should be higher levels of training amongst the workers to carry on the operations. Around 60 percent cited that their grievances were addressed while others lacked enough knowledge about the internal grievances mechanism offered by the enterprise to the employees.

As far as working conditions are concerned, effects of night work and working in long hours in hot environment leads to the decrease of efficiency of the factory workers. Though there are regular work timings mentioned, but fifteen percent argue that the work timings for the temporary staff vary from time to time and they might need to work overtime. The employees and the staff were questioned if there is any harassment or coercion faced in the daily work routine, ninety seven percent said that they do not face any such oppression or harassment, though sometimes there are in group arguments witnessed within the employees which are quickly addressed by the management. Thirty percent of the workforce believed that they should have received more training for rightly using the high level of equipments, more theoretical and practical knowledge will prevent minor/major injuries. Eight percent workforce reported that though their injuries are well treated but in case while working or dealing with the equipment, the worker faces any kind of disability and post treatment the worker does not find a suitable employment outside, he/she should be provided rehabilitation in any department within the firm itself. It was analysed that if they were given the right breaks in between, to which it was found that the workers and the staff had breaks and gaps for their meals and adequate rests.

The enterprise has received an enormous growth ever since its launch in 2012. As a part of corporate social responsibility efforts, employees are motivated to work for a cause voluntarily in various programmes such as Swachh Bharat Integrated Sanitation Programme and Mass Tree Plantation Camps. There might be minor lacunaes, but the enterprise is working towards the better human rights approach. The enterprise also believes in a sustainability policy to provide a clean, safe environment for employees, customers and community and encourage the employees to adopt sustainable practices.

5. RECOMMENDATIONS

- A. Regular human rights training programmes of the employees should be organized so that they are aware of their rights and duties in the work environment.

- B. Proper working conditions should be provided to the workers ensuring them a Right to just and favorable conditions at work and Right to adequate health.
- C. Universal fixed working hours across all sections of the employees in the enterprise need to be fixed, which shall further protect their Right to work.
- D. An anonymous feedback system should be set up in the enterprise where the employees and the staff can freely express their concerns without any hesitation.
- E. It should be ensured that employees are strictly monitored to use the safety equipments while working at all times even if they are working on something for a short time. This will ensure better occupational health and safety of the workers.
- F. Assessment of potential human rights risks must be held at regular intervals and take into account different risks that can be faced by both men and women.
- G. Time to time counseling sessions and workshops should be held so that it is assessed that the workers are not facing any stress and mental pressure at the workplace. Their mental health, besides the physical health is equally important.
- H. Occasional get togethers can be arranged where the team members can also spend time with one another and know each other which shall also enhance the team work spirit and ultimately help in better productivity of the enterprise.

6. CONCLUSION

There is a need to raise awareness on human rights issues and focus on them within what the priorities of business enterprises are. The understanding of human rights might differ from country to country but every nation needs to realize that these are the potential issues they need to address. There is a need for each enterprise to include all internationally recognized human rights as a reference point. Human Rights risks are understood to be enterprise's potential adverse human rights impacts. Potential impacts should be addressed through prevention/mitigation while actual impacts should be subject to remediation. For protection against business related human rights abuses, states must also ensure that to such abuses there is an effective access to remedy. There is a growing consensus that a new approach needs to be used for assessing business and human rights in the corporate literature that involves a proactive Corporate Social Responsibility for preventing human rights abuses. United Nations has certainly added by giving prominence to business and human rights on the international stage. On June 16, 2011, the UN unanimously endorsed a set of Guiding Principles to help Corporations maintain responsible for human rights issues. The business and human rights regime has exploded significantly. More and more, institutions at the national and international level are placing corporations under continuous scrutiny for their business and human rights practices as well as the

relationship they have that may also affect the individual human rights. It would hence be right to state that the legal discipline of 'Business and Human Rights' has grown exponentially in the last ten years.

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