



# HUMAN RIGHTS DUE DILIGENCE



A TRADE UNION CHECKLIST

# ASSESSING HUMAN RIGHTS DUE DILIGENCE – A TRADE UNION CHECKLIST

This checklist has been drafted for the attention of workers' representatives in trade union alliances and European Work Councils ('EWCs') who wish to assess the quality and the relevance of existing Human Rights Due Diligence ('HRDD') processes. It follows the recommendations of the trade union toolkit published by UNI for effective processes to address violations of workers' rights in value chains.

The checklist addresses the following topics:

1. Company policy for responsible business conduct
2. Risk mapping – transparent value chains
3. Risk mapping – identification of risks to workers' rights
4. Addressing the risks
5. Tracking implementation and results
6. Grievance mechanisms

Green flags  indicate good practices that can help secure effective outcomes. Red flags  highlight potential violation of HRDD duties. Further explanation and examples on each of the topics can be found in the corresponding sections of the trade union toolkit.

Workers' representatives will often find answers to their questions in their company's annual reporting. This checklist can also serve as a guide for EWCs and trade union alliances to requesting relevant information from management.

We recommend workers' representatives coordinate with UNI for the following steps in particular: cross-checking of identified risks in the whole value chain, existence of Global Framework Agreements, and appropriate remediation in case of violation of HRDD duties.

## I. COMPANY POLICY FOR RESPONSIBLE BUSINESS CONDUCT

HRDD should be a permanent, ongoing process, mainstreamed in all business operations. Companies should ensure active trade union involvement. Whilst conducting HRDD is the responsibility of management, meaningful impact on workers' rights can only occur with full trade union engagement.

### Q1. Has the company set up a department dedicated to HRDD?

|                          |   |                           |
|--------------------------|---|---------------------------|
| <input type="checkbox"/> |  | a. Yes                    |
| <input type="checkbox"/> |   | b. No                     |
| <input type="checkbox"/> |   | c. Other (please specify) |

**Q2. How does the company engage with trade unions when conducting HRDD?**



|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Global Framework Agreement   |
| <input type="checkbox"/> |  | b. Permanent point on the agenda of the EWC/trade union alliance          |
| <input type="checkbox"/> |   | c. Social audit conducted by CSR industry                                 |
| <input type="checkbox"/> |  | d. Employees' survey (replacing consultation of workers' representatives) |
| <input type="checkbox"/> |   | e. Multi-stakeholder initiative   |
| <input type="checkbox"/> |  | f. The company does not engage with trade unions                          |

**Note:** Social audit and multi-stakeholder initiatives that do not engage with workers' representatives and/or trade unions should be considered potential violations of HRDD duties.



## II. RISK MAPPING – TRANSPARENT VALUE CHAINS

Companies should provide sufficient information on their business operations to enable workers' representatives to gauge the nature and scale of risks to human rights.



**Q3. Does the company share information on its suppliers (e.g. production by subsidiaries, intermediaries, first-tier suppliers)?**

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> |  | a. Yes, the company provides information on suppliers: type, number and percentage of total supplies |
| <input type="checkbox"/> |   | b. The company only provides broad information on suppliers  |
| <input type="checkbox"/> |  | c. The company does not provide any information on suppliers   |


**Q4. Aside from suppliers, does the company share information on regular business partners (e.g. subsidiaries, franchises, licences, subcontractors, temporary work agencies)?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes, the company provides detailed information on business partners: type, number and volume of operations |
| <input type="checkbox"/> |   | b. The company only provides broad information on business partners   |
| <input type="checkbox"/> |  | c. The company does not provide any information on business partners  |



**Q5. Can the company share a list of all business partners?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes, this list is public             |
| <input type="checkbox"/> |  | b. Yes, to the workers' representatives |
| <input type="checkbox"/> |   | c. No                                   |

**Q6. Do you have a detailed breakdown of countries in which regular business partners are established?**

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> |  | a. Yes, the company provides a list of business partners per country and the respective volume of operations   |
| <input type="checkbox"/> |   | b. The company provides a list of business partners per country but does not indicate the volume of operations |
| <input type="checkbox"/> |   | c. No, the company does not provide details on regular business partners                                       |

**Q7. Does the company provide information on all the countries in which it employs workers?**

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> |  | a. Yes, the company provides a breakdown of the workforce on a country-per-country basis |
| <input type="checkbox"/> |   | b. The company provides a breakdown of the workforce but only on a regional basis        |
| <input type="checkbox"/> |  | c. No, the company does not provide details on the number and location of workers        |



### III. RISK MAPPING – IDENTIFICATION OF RISKS TO WORKERS' RIGHTS

Violations of workers' rights should rank high on company risk mapping. Again, workers' representatives should be consulted to ensure that potentially significant risks to workers' rights are not neglected early in the risk mapping process.




**Q8. Are trade union rights identified as salient human rights?**

*Freedom of association, the right to organize and the right to collective bargaining are fundamental workers' rights, guaranteed by international standards.*



*Salient human rights always stand out in risk mapping because they are at risk of the most severe negative impact throughout the company's activities. In contrast, a materiality analysis involves a subjective assessment by internal and external stakeholders (e.g. investors, shareholders, workers).*

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> |  | a. Yes, trade union rights are identified as salient human rights                    |
| <input type="checkbox"/> |   | b. The company identifies risks to trade union rights, but these are not prioritized |
| <input type="checkbox"/> |  | c. The company does not identify trade union rights as possible risks                |

**Q9. How has the company involved workers' representatives in risk mapping?**

|                          |   |  |
|--------------------------|---|--|
| <input type="checkbox"/> |  | a. Through consultation of workers' representatives                              |
| <input type="checkbox"/> |  | b. Through employee surveys only   |
| <input type="checkbox"/> |  | c. The company has not engaged with workers' representatives in the risk mapping |


**Q10. Have risks to workers' rights been identified?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes  |
| <input type="checkbox"/> |  | b. No, the company does not identify any risks to workers' rights |



**Q11. Does the company report on situations which may heighten the risks to workers?**

*The following situations in particular may heighten the risks to workers:*

- Operations in countries at risk, as documented by the ITUC Global Rights Index
- Outsourcing of labour-intensive activities (e.g. to subcontractors or temporary work agencies)
- Work carried by a vulnerable category of workers (e.g. migrant workers)
- Significant risks to health and safety (e.g. use of chemicals, hazardous maintenance work)

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes  |
| <input type="checkbox"/> |   | b. No   |
| <input type="checkbox"/> |  | c. The company does not address workers' rights |


**Q12. Does the list of risks to workers' rights address your concerns?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes, the mapping is sufficiently detailed and complete |
| <input type="checkbox"/> |   | b. Partially: the mapping is too vague                    |
| <input type="checkbox"/> |   | c. Partially: some risks are missing                      |
| <input type="checkbox"/> |  | d. The company does not address workers' rights           |

**IV. ADDRESSING THE RISKS**

On the basis of the identified risks, the company should stop activities that cause an adverse impact on human rights. The company should also develop a plan to prevent or at least mitigate potential future impact.








**Q13. Does the company commit to ensuring that trade union rights are respected in its own operations and global value chain?**

|                          |   |        |
|--------------------------|---|--------|
| <input type="checkbox"/> |  | a. Yes |
| <input type="checkbox"/> |   | b. No  |


**Q14. Has the company signed a Global Framework Agreement?**

|                          |   |        |
|--------------------------|---|--------|
| <input type="checkbox"/> |  | a. Yes |
| <input type="checkbox"/> |   | b. No  |

**Q15. Does the company action plan contain one or several of the following measures?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Training and capacity building for the advancement of decent work and trade union rights                   |
| <input type="checkbox"/> |  | b. Action to tackle health and safety issues, including election of health and safety committees on all sites |
| <input type="checkbox"/> |  | c. Reviewing risky business models (e.g. outsourcing, temporary agency work)                                  |
| <input type="checkbox"/> |  | d. Reviewing operations in high-risk countries  |
| <input type="checkbox"/> |  | e. Supplier/business partner codes of conduct   |
| <input type="checkbox"/> |  | f. Divestment/cessation of business relationships   |
| <input type="checkbox"/> |   | g. Other: please specify  |
| <input type="checkbox"/> |  | h. No, the action plan does not contain concrete measures to address the risks to workers' rights             |

**Q16. Does the action plan respond to the risks listed in the mapping (see above Q10)?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Yes  |
| <input type="checkbox"/> |   | b. No, but the most important risks are addressed |
| <input type="checkbox"/> |  | c. No   |

**V. TRACKING IMPLEMENTATION AND RESULTS**

Companies should report on the way they are addressing human and workers' rights. The goal for workers' representatives is to ensure constant improvement of the due diligence process through permanent and joint monitoring.





**Q17. Has the company set up a permanent monitoring mechanism?**

|                          |   |        |
|--------------------------|---|--------|
| <input type="checkbox"/> |  | a. Yes |
| <input type="checkbox"/> |   | b. No  |

**Q18. Are workers' representatives involved in the monitoring of risks to workers' rights?**

|                          |   |        |
|--------------------------|---|--------|
| <input type="checkbox"/> |  | a. Yes |
| <input type="checkbox"/> |   | b. No  |

**Q19. Has the company provided one or several of the following indicators to measure progress?**

|                          |   |   |
|--------------------------|---|---|
| <input type="checkbox"/> |  | a. Detailed breakdown of the workforce and evolution of operations in high-risk countries |
| <input type="checkbox"/> |  | b. Collective bargaining coverage globally and per country                                |
| <input type="checkbox"/> |  | c. Number of meetings with EWC/trade union alliances/UNI                                  |
| <input type="checkbox"/> |  | d. Presence of elected health and safety committees                                       |
| <input type="checkbox"/> |  | e. Evolution of staff turnover  |
| <input type="checkbox"/> |  | f. Number of work-related accidents   |
| <input type="checkbox"/> |  | g. Corporate tax information, in line with GRI Standard 207                               |
| <input type="checkbox"/> |   | h. Other (please specify)   |
| <input type="checkbox"/> |   | i. The company does not provide any objective indicators                                  |

## VI. GRIEVANCE MECHANISMS

If an adverse impact on human rights occurs in spite of due diligence, remediation should be made available. This step is particularly relevant for voluntary frameworks where the legal consequences for absent or weak due diligence are unclear. Depending on the instruments, remediation procedures can sometimes be available through an independent mechanism, external to the company.

**Q20. Has the company set up a mechanism for workers to raise grievances?**

|                          |   |        |
|--------------------------|---|--------|
| <input type="checkbox"/> |  | a. Yes |
| <input type="checkbox"/> |  | b. No  |

**Q21. Are trade unions involved in the grievance mechanism?**

|                          |   |                         |
|--------------------------|---|-------------------------|
| <input type="checkbox"/> |  | a. Yes. Please specify: |
| <input type="checkbox"/> |  | b. No                   |

To access UNI Europa's trade union toolkit for  
due diligence on human rights, scan the following QR code:



The European Services Workers Union

