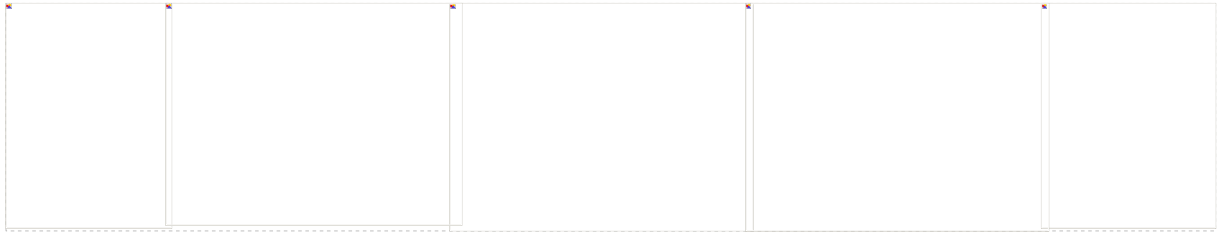


Report Feedback Meeting 6 March 2007



Location: South African Human rights Commission, Johannesburg, South Africa

Participants: Sibylle Baumgarten (Fair Trade in Tourism South Africa), Lesley Joemat (Spier), Marjorie Jobson (Khulumani Support Group), Bheki Ndlela (Association for Rural Advancement), Ralph Hamann (University of Cape Town, Environmental Evaluation Unit), Tagbo Agbazue (AICC), Yoliswa Mawela (AICC), Jean Losango(AICC), Makie Thekiso (NEDBANK), Driekie Havenga (NEDBANK), Paul Kapelus (AICC), John Capel (Benchmarks foundation of South Africa), Marie Busck (Danish Institute for Human Rights), Hansje Plagman (HOM)

Agenda		Presentations: <i>(20 min. presentation, 10 min discussion)</i>
8.30-9.00	Welcome with tea and coffee	
9.00-9.30	Welcome and introductions	
9.30-10.45	Presentation of findings	9.30 Presentation 1: AICC
10.30-10.45	Break	9.50 Discussion
10.45-12.10	Presentation of findings (see other column)	10.00 Presentation 2: FTTSA
12.10-12.30	MoU DIHR; MoU HOM; declaration of costs with HOM	10.20 Discussion
12.30.13.30	Lunch	10.30 Break
13.30-15.00	Setting of priorities (which issues should at least be included in SA HRCA)	10.45 Presentation 3: UCT
15.00-15.30	Ideas Plans for the road testing + IP	11.05 Discussion
15.30-15.45	Break	11.15 Presentation 4: KSG
15.30-16.00	Other issues	11.35 Discussion
16.00	Closure meeting (Road ahead + Handing over of business game)	(Presentations can be made available upon request)
16.15	Explanation/ playing game for those interested	

Presentations:

The main goal of the meeting was to gather inputs for the development of the SA HRCA and to gather feedback on the tools based on the testing. Four organisations presented their findings (AICC, FTTSA, UCT and Khulumani Support Group). From the different presentations and the discussions the following issues emerged:

Input from AICC (content)

(many concrete suggestions in relation to applicable laws in report)

- Transformation in terms of spirit and intent BEE (See report from AICC)
- BEE (SA HRCA need to be adjusted according to SA law)
- Work hours (need to be adjusted according to SA law)
- Mainstream the issue of crime as a human rights issue and the role of business
- Had to “translate”/ adjust certain questions and indicators to make them relevant for the sector (banking)

Input from AICC (structure and practical)

- Boil down the HRCA, merge questions and indicators (found indicators here and there repetitive- some concrete suggestions in report under par 5)
- Cluster indicators on policy, procedure and practice level
- Give hardcopy local “flair”
- Develop a user guide to make it easier to get started
- Include estimates regarding time investment
- How can the yes and no for questions, or true and false for indicators, be measured?

Input from FTTSA (content)

- Very important issues for tourism sector:
 - Security arrangements
 - Non-discrimination
 - Consumer protection
 - Supply Chain Management
- Consumer protection as such not really included in QC, needed to adjust questions/ indicators (Had a look at the UN guidelines for consumer protection)
- More indicators should be included on supply chain management, the HRCA SA should also include elements of the CSR compass
- Had to rephrase certain questions/ indicators to make them sector specific (towards tourism)
- Suggestion: also include employees as possible perpetrators and also training/ empowerment employees against discrimination and sexual harassment

Input BeFSA: (NB: No presentation)

- Should also address guidance on verification/ results should be verified with workers and trade unions
- Procurement policies of suppliers
- For financial sector: Financial integrity (high interest rates etc./ misleading adverts etc.)

Input from UCT (content)

- BEE components need to be added (i.e. skills development, employment equity, affirmative procurement, etc)
- Housing – it is particularly important for the mining sector e.g. to what degree is the company contributing to informal resettlements? This is related to migrant worker issue and migrant hostels
- Security industry (problematic role, including way in which contractors are used)
- Corruption low risk area in CRA, is misleading for certain companies
- Supply Chain

Input from UCT (structure and technique)

- Guidance in how to move from indicators to questions
- More guidance on indicators – when is a policy and policy + how to work with the performance indicators, e.g. how to do you engage in good stakeholder dialogue, what if you get conflicting information etc?
- Make the QC shorter
- What is the scale/extent of analysis
- Award attention to SA companies operating in Africa
- Link in to UN Global compact structure + initiatives
- Relationship to ISO (can it be assumed that if company has ISO status, all H&S issues have been dealt with properly?)
- Problems with the web-based tool:
 - cannot be used by two persons simultaneously when using the same password
 - you cannot open a closed checklist

Input from Khulumani group

- Gave an impressive oral report of a meeting with a number of workers on the Friday before the meeting
- The presentation also demonstrated the importance of obtaining different narratives from respective stakeholders
- Redress and dealing with past violations + complicity
- Also with ongoing problems: for example high incidence of rape in Sasolburg; health and safety (incidence of accidents); decrease in union membership; etc.
- Also see report Jason Green (as presented at the Round Table meeting in October 2006)

Issues that emerged from the general discussions:

- Should the tool be sector specific? (Is a discussion that is occasionally raised. Tool is generic, and not sector specific. This has its advantages and disadvantages. Questions and in particular indicators have to be tailored (e.g. rephrased) for each specific case. Yet many favour a generic tool, preventing an overload of different tools. And although generic, the tool is very specific regarding human rights.)
- Supply chain management should be included
- A good user guide is necessary to guide the tool
- It is very valuable to have input from workers and Unions. How to involve these in the assessment process?

Prioritisation of Issues:

On the basis of the presentations a number of recommendations for the SA HRCA emerged. The technical suggestion will be taken along in the development. The Focal areas will be the basis for the SA HRCA. In addition for the additional issues raised each participant was given 4 stickers to attach a priority were attached to a number of issues raised by the organisations that were present at the meeting.

Technical suggestions:

- Issues in relation to web-based tool (see above)
- Cross referencing (e.g. HIV/AIDS is dealt with under different topics (e.g. discrimination and health), there should be cross-referencing and maybe links (if possible) – make sure not too duplicate indicators.
- Make the QC as short as possible (merge questions and indicators to the extent possible), try cluster issues effectively.
- Guidance document to the HRCA – put the usage of the HRCA in context. Maybe some general guidance on human rights & business and the requirements of the company *before* doing a HRCA check, e.g. identifying risk in value chain pertaining to particular sector. More guidance on how to use the HRCA. Possibly include this in the Quick Check.
- Usage of the QC – extend current user’s guide:
 - o Who uses it?
 - o terminology
 - o Extent of operations (geographically)
 - o Performance indicators & verification
 - o Guidance to how indicators and questions relate to each other
- Link to UNGC and relationship to other standards, e.g. ISO 14000
- Adjustment to SA law
- Group indicators according to policy, procedure and performance
- Give SA HRCA ‘local’ layout
- Align the numbering of the online version and hardcopy
- Look at wording questions: should be phrased in such a way that questions are also applicable to local companies

Focal areas:

1. Freedom from discrimination (BEE, migrants, ethnicity, gender, xenophobia, homosexuality). With the prioritisation stickers emphasis was put on: migrants and xenophobia.
2. Conditions of employment (work hours, remuneration, work conditions, vulnerable groups, living wage, equality in benefits, staff development)
3. Right to property and right to adequate housing (land management, vulnerable groups, including indigenous people)
4. Right to health and adequate food (HIV/AIDS, access to health care, poverty and health care)
5. Right to education (access to education (including adults), child labour)

Additional issues

- HIV/AIDS (*4 stickers*)
- Security (*6 stickers*)
 - o Crime as human rights issue
 - o Security arrangements, public and private security, including contractors
 - o Employees
 - o Freedom of movement
 - o Underlying causes of crime
- Redress & complicity (*1 sticker*)
- Corruption (*4 stickers*)
- Sexual harassment (*4 stickers*) Could also be integrated into discrimination

- Housing (informal settlements, migrant labour and migrant hostels) (3 stickers)
- Suppliers (2 stickers) Make link to CSR compass and supply chain management.
- BEE (skills development, etc. – could be integrated into discrimination and adjustment into SA law) (4 stickers)
- Consumer protection + vice versa (sexual harassment and discrimination, see also employees as perpetrators towards customers) (3 stickers)
- Conditions of employment (5 stickers)
 - Temporary contracts
 - Outsourcing

Ideas Plans for the road testing + IP

Planning for the development of the SA HRCA:

- January-March 2007: Testing Quick Check/HRCA on basis CRA
- 6 March: Meeting to discuss findings of testing
- March/April: Development SA - HRCA by DIHR
- End of April-half June: Road testing SA – HRCA by PO's business enterprises and gathering of feedback Research Organisations and other organisations

The focal point (AICC) will assist and guide organizations through the roadtesting. HOM will feed information to the focal point.

Organisations will receive instructions/ a guidance document for the testing and a reporting framework.

However, as it is foreseen now roadtesting will concern:

- Time investment organisations:
 - 2-3 days (preparation, test = meeting with company, reporting),
 - Reimbursement of costs upto EUR 500 per participating organisation
- Time investment companies:
 - 4-8 hours,
 - Voluntary

Regarding Intellectual Property of the SA HRCA, based on the issues raised at the Round Table meeting in October HOM has had a number of discussions with DIHR (of which Project Organisations have been notified by e-mail). In sum: the following has been agreed:

The IP of the SA HRCA lies with DIHR, however:

- Full access to the South African HRCA for PO's (electronic version and hardcopy) initially for the period of 2 years.(see MoU below)
- The lay-out of the hard copy: PO's, HOM and DIHR will think of lay-out for the cover of the hard-copy of SA-HRCA, which will acknowledge both the project organisations and DIHR.
- Focal point, HOM and DIHR will look at differentiation of fees for different users in South Africa (MNE, SME, NGO etc)
- Possibility of 20% Commission to the project for selling tools (e.g. will be used for project activities).

- DIHR is open for discussions regarding possible licensing of tools to a National Human Rights Institute (such as SAHRC) for the promotion tools in the future.
- MOU with DIHR: initially the MOU will be for a period of 2 years. Late 2007 / early 2008, evaluation of the cooperation and usage of tool by project organisations together with evaluation of plans for the period after 2008, in order for possible continuation of the MOU.

Also see attached powerpoint presentation.

Other issues

The idea is raised to do a more in depth analysis with a company, including consultation of workers and trade unions. And to ask a company to compensate the time and resources needed.

As long as this is done within the road testing framework and feedback is given to the focal point regarding use and suggestions for improvement of the SA HRCA, there is no objection to this by the project or DIHR.

It is also suggested to do a survey amongst companies (what do they do in relation to Human Rights, etc.). To get an idea of the “landscape” the project is operating in.

Other suggestions made were to liaise with MBA’s and to see how human rights and business could be incorporated in the curricula.

Within the UN Global Compact framework a number of case studies on South African companies have been developed that might be of interest for the project. These will be published in a book. It is not sure whether the publication will be ready before October, but it may be of interest as an input to the project Conference that is scheduled for the first week of October.

It was also noted that it is important to establish a link with Business Leaders Initiative on Human Rights (BLIHR). DIHR might be able to facilitate this.

Closure meeting (Road ahead + Handing over of business game)

The South African Human Rights Commission was thanked for making their premises available for the meeting for free. All persons present, AICC and DIHR were thanked for their presence, participation and work regarding preparation.

All project organisations received the human rights and business game and were asked to report on use and suggestions for the improvement of the game and in particular the business dilemmas.