Reference Material on Practical Approaches for Business Enterprises to Respect Human Rights in Responsible Supply Chains

(Attachment 1) Reference Documents

This document is a provisional English translation of Reference Material on Practical Approaches for Business Enterprises to Respect Human Rights in Responsible Supply Chains (Attachment 1) Reference Documents ("the Reference Documents"). The Reference Documents in Japanese are the original, and the English translation is for information only. If there is any discrepancy between the Japanese original and this English translation, the Japanese will prevail.

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(a) Human rights issues by sector

This document provides a provisional translation of "Human Rights Issues by Sector" in "the UNEP FI Human Rights Guidance Tool for the Financial Sector" (revised in 2017)^{1,2}, which categorizes adverse human rights impacts for the various sectors listed below.

[Human Rights Issues by Sector] Agriculture & Fisheries Chemicals & Pharmaceuticals Forestry & Logging General Manufacturing Infrastructure Mining & Metals Oil & Gas Power Generation Services Utilities & Waste Management

While it is assumed that this tool will be used by financial institutions, for example, when providing financing, it is also likely to be useful to business enterprises other than financial institutions when identifying adverse human rights impacts in their operations.

Note that since business enterprises' operations or the supply chains of their products/services may involve different sectors, it is important for business enterprises to take a broad view of potentially related sectors when identifying the types of adverse human rights impacts raised ³.

As this document provides a provisional Japanese translation of the UNEP FI Human Rights Guidance Tool for the Financial Sector, the part of such translation is omitted in this provisional translation. Please see UNEP FI's website through the link provided in footnote 1.

¹ <u>https://www.unepfi.org/humanrightstoolkit/agriculture.php</u>

² "Relevant voluntary and trade initiatives" is omitted.

³ For example, to list a wide range of potentially related sectors, this document states under 4 General Manufacturing: of "For further information on raw materials and their initial processing, see <u>Metals and Mining, Oil and Gas, Agriculture and Fisheries</u>, and <u>Forestry and Logging</u>."

(b) Human rights issues by product (forced labour, child labour)

This document was prepared by extracting examples of products that may have involved forced or child labour, as reported in various reports and websites published by international organizations.⁴

It should be noted that the table below is not a comprehensive list of products reported by international organizations. It does not imply that other products are free from the risk of forced or child labour. In addition, since the human rights situation is constantly changing, it is important to check regularly for the latest information.

Examples of reported products that may Examples of reported products that in						
	have involved child labour	have involved forced labour				
	Cocoa, Coffee, Tea, Sunflowers, Flowers,	Coffee, Tea, Palm, Bananas, Strawberries,				
	Palm, Spices (Cloves、Vanilla), Wheat, Rice,	Citrus Fruits, Brazil Nuts, Sugarcane, Tobacco,				
	Corn, Bananas, Melons, Citrus, Fruits,	Tomatoes, Rice, Corn, Pepper				
Agricultural	Blueberries, Grapes, Cassava, Potatoes,					
produce	Cashews, Hazelnuts, Brazil Nuts, Chestnuts,					
	Beans, Olives, Sugarcane, Tobacco, Poppies,					
	Khat, Cabbages, Cucumbers, Onions,					
	Tomatoes, Garlic, Broccoli, Lettuce					
Livestock	Shrimp, Fish, Cattle, Hogs, Poultry, Sheep,	Shrimp, Fish, Shellfish, Cattle, Sheep, Goats				
products/Seafood	Goats					
Apparel/Fabric	Cotton, Sisal, Silk Cocoons, Textiles,	Cotton, Textiles, Garments, Footwear, Carpets				
products	Garments, Footwear, Carpets, Thread/Yarn					
	Tin, Tantalum, Tungsten, Cobalt, Gold、Silver,	Tin、Gold, Silver, Sapphires, Jade				
Minerals	Copper、Mica, Iron, Sapphires, Diamonds,					
Minerais	Tanzanite, Trona, Zinc, Coal, Sand, Jade,					
	Granite, Fluorspar, Gypsum					
	Pornography, Leather Goods, Fireworks,	Timber, Electronics, Rubber Gloves, Bricks,				
Miscellaneous	Electronics, Soccer Balls, Bricks, Ceramics,	Rubber				
goods/Other	Furniture, Incense, Matches, Salt, Charcoal,					
	Surgical Instruments, Rubber					

Examples of products that may have involved forced or child labour, as reported by international organizations

⁴ The information is based on published ILO, UNICEF, and OHCHR materials.

(c) Human rights issues by region (child labour)

As examples of reference materials for "local risks" The Guidelines list: (1) "Ending child labour, forced labour and human trafficking in global supply chains" (prepared by ILO et al.); (2) "Children's Rights and Business Atlas" (prepared by UNICEF et al.); and (3) a list of countries and regions (prepared by OHCHR).

From each of the above documents (1) to (3), this document, as an example, provides a tabulation of the "Children's Rights in the Workplace Index," one of three indexes provided by (2) "Children's Rights and Business Atlas."⁵ The index measures the extent to which countries eliminate child labour and provide decent work for young workers, parents and caregivers.

The information needed to understand the Index is excerpted from the "Children's Rights and Business Atlas" and provided below.

	Due Diligence Calegones
Heightened (Very high level)	Where there is a very high level of risk that the business will cause or contribute to adverse impacts on children's rights and where the impact is very severe and very likely to occur. Under these circumstances, enhanced mitigation efforts may not suffice, and companies should be as proactive as possible in efforts to prevent and mitigate adverse impacts from occurring, and remediate ongoing impacts. (Index score: 6.6 to 10)
Enhanced	Where there is a high risk that the business will cause or contribute to adverse impacts on children's rights and where the impact is significantly severe and/or is significantly likely to materialize.
(High level)	Companies should assess their impacts to determine whether operational or sub-national context requires elevated due diligence. (Index score: 3.3 to 6.6)
Basic	Where there is a risk that the business will cause or contribute to adverse impacts on children's rights, but the impact may not be severe and/or the risk may be unlikely to materialise.
(Normal level)	Although the severity level may be low, the company should still undertake periodic review of its impacts to account for changing circumstances. (Index score: 0 to 3.3)

Due Diligence Categories

Scores are calculated on a scale from 0 to 10. Lower scores (closer to 0) reflect the need for business to undertake more basic levels of due diligence and operating contexts with better existing fulfilment of children's rights, while higher scores (closer to 10) reflect the need to business to undertake more heightened levels of due diligence and operating contexts with higher levels of concern regarding children's rights.

⁵ The "Children's Rights and Business Atlas" also includes the "Children's Rights in the Marketplace Index" and the "Children's Rights in the Community and Environment Index," and can be found at (<u>https://www.chil</u><u>drensrightsatlas.org/country-data/workplace/</u>).

Children's Rights in the Workplace Index⁶

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⁶ This is a tabulation of the information available at the time the Reference Documents were prepared.

(d) Examples of adverse human rights impacts

The table below provides <u>examples of adverse human rights impacts</u> mentioned in the Guidelines.⁷ Note that the following are only examples of the various adverse human rights impacts, and the adverse human rights impacts that business enterprises are required to address are not limited to those listed in the table below.

It is important to identify and assess adverse human rights impacts by referring to (a) to (c) of the Reference Documents and other materials, and by exchanging opinions with relevant internal departments and external experts.

	Adverse human rights impacts	Examples ⁸
		• Community members and others are forced to work in the factory owned by the
1	Forced labour	company's overseas-based business partner
		Workers are forced to work against their will by assault, threats, etc.
2	Child labour ⁹	Children under the age of 15 are employed at a business partner's overseas factory
2		or raw material supplier's farm, etc.
		• A company makes non-union membership in a union a condition of employment for
	Infringement of freedom	job applicants.
	of association and the	• A company repeatedly requests the postponement of the date for collective
3	right to collective	bargaining just before the agreed-upon date, although the company has accepted the
	bargaining	union's request for collective bargaining, and ultimately, collective bargaining is not
		carried out
	Discrimination in	• A company does not allow non-regular employees to work at home only because of
4	employment and	their irregular employment
	occupation	
	Infringement of a safe	• Failure to take necessary measures for occupational safety and health, such as the
5	and healthy work	possibility of injury or health impairment while at work
	environment	
	Infringement of freedom	Business activities of a business enterprise compelling eviction of community
6	of residence	members without their consent

 ⁷ In addition to the internationally recognized human rights specifically listed in the Guidelines 2.1.2.1, this section lists some adverse human rights impacts drawn from those mentioned in the Guidelines.
⁸ It should be noted that stakeholders who may be subject to adverse human rights impacts are not limited to employees; for example, it is natural that nearby residents, indigenous peoples, human rights defenders, and consumers may also be subject to such adverse impacts.

⁹ Child labour refers to work by children under the minimum age to work. The specific minimum age to work is stipulated in national legislation; however, the ILO's "Minimum Age Convention" (No. 138) stipulates that the minimum age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years, excluding specific exceptions. In addition, the ILO's "Worst Forms of Child Labour Convention" (No. 182) prohibits the "worst forms of child labour" by persons under the age of 18 (including work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children).

		1
	Discrimination on the	• Discrimination in hiring, promotion, and retirement on the grounds of race, disability,
7	ground of race,	religion, social origin, sex, or gender
	disability, religion,	• Discrimination in wages and other treatment on the ground of race, disability,
	social origin, sex, or	religion, social origin, sex, or gender
	gender	
	Infringement of the	• Water resources are contaminated by the activities of a business enterprise, making
	rights of indigenous	it difficult for community members to obtain clean drinking water
8	peoples and community	
	residents	
		• A company's work continues beyond legal working hours due to labour shortages
		and other factors, depriving employees of legal rest breaks, and also resulting in
	Excessive/unreasonable	extreme overtime
9	working hours	• A business enterprise changed its order just before the delivery date and demanded
		delivery from its supplier on what it knew to be an unfeasible lead time. As a result,
		the supplier's employees were forced to work extreme overtime.
10		• Set wages that do not meet the minimum wage standards of the region in which the
	Unpaid wages	business operates.

*In addition to the above, there are various other adverse human rights impacts, for example, inhumane treatment, infringement of privacy rights, etc. It is important for business enterprises to identify and assess adverse human rights impacts other than those mentioned above in accordance with their own circumstances, etc., when utilizing "(Attachment 2) Worksheet templates for identification and assessment of adverse impacts."