

**RESPONSE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO  
THE OPEN CALL FOR INPUT REGARDING THE REPORT BY THE WORKING GROUP ON  
BUSINESS AND HUMAN RIGHTS ON POLICY COHERENCE IN GOVERNMENT ACTION TO  
PROTECT AGAINST BUSINESS-RELATED HUMAN RIGHTS ABUSE**

*Note: The Scotland Act 1998, the Northern Ireland Act 1998, and the Government of Wales Act 1998 (which was later effectively superseded by the Government of Wales Act 2006) established the three devolved legislatures and transferred to them some powers that were previously held at Westminster. Further powers have been devolved since these original acts, most recently through the Scotland Act 2016 and Wales Act 2017.*

1. Has your Government made an explicit political commitment (e.g. in government programmes, strategic documents) to ensure policy coherence across government departments in line with the Guiding Principles? If yes, please provide information.

Yes. The UK Government recognised the need for both policy coherence and clear and consistent policy messaging across departments in its original National Action Plan (NAP) on Business and Human Rights, which explicitly sought to meet those needs. The original NAP was published in September 2013 and was later updated in May 2016. The UK was the first State to introduce a NAP to respond to the UN Guiding Principles and the first to update its plan. Both the original plan and its update can be found at <https://www.gov.uk/government/publications/bhr-action-plan>.

To ensure this policy coherence across government departments, the implementation of the NAP is co-owned by the Foreign and Commonwealth Office (FCO) and the Department for Business, Energy and Industrial Strategy (BEIS).

2. Has your Government operationalised the political commitment into a policy and institutional framework to promote business respect for human rights, (e.g. National Action Plan on Business and Human Rights or a chapter of business and human rights in a human rights action plan, or any other policy frameworks to promote responsible business conduct in line with the Guiding Principles)? If so, please indicate:
  - a. Areas identified requiring specific attention to strengthen coordination;
  - b. Specific mechanisms/structures to facilitate coordination and align actions of different ministries and policy areas to promote responsible business conduct (e.g. inter-ministerial groups, multi-stakeholder thematic working groups, inter-agency entities, etc.)?

As above, the UK Government's NAP on Business and Human Rights is our plan to implement the UN Guiding Principles. The emphasis of the NAP is on practical action to realise the

Principles in the UK, and it sets out a programme on which the government is working with UK-domiciled businesses.

The NAP is coordinated by the FCO and BEIS, who work with other Government Departments to deliver the coherent approach across policy which the UN Principles encourage. We also consult and work with the Devolved Administrations: Scotland, Wales and Northern Ireland. We hold a regular official-level working group on business and human rights, where representatives from various government departments with an interest in the business and human rights agenda update on progress made on implementing the NAP, and ensure policy coherence. Further details of its membership can be found in the answer to question 4 below.

The Department for International Trade (DIT) is responsible for operating the UK's National Contact Point (NCP) for the OECD Guidelines on Multinational Enterprises. The OECD guidelines cover a range of issues including human rights, environment, employment, and supply chain management. The NCP is responsible for raising awareness of the OECD guidelines among businesses, trade unions and non-governmental organisations, and for implementing the OECD guidelines' complaint mechanism – a non-judicial form of remedy by which interested parties can make a complaint about any company that they consider is breaching the OECD guidelines. The OECD guidelines and the NCP are listed in our NAP as one of the state-based non-judicial mechanisms available to address business-related human rights grievances. The UK NCP Steering Board includes representatives from the main Government Departments with responsibilities for business and human rights as well as representatives from business, trade unions, and civil society.

3. Does the National Action Plan or other policy framework address the need for State-owned enterprises, trade and investment promotion entities (e.g. export credit agencies, special economic zones, etc.), and public procurement agencies to integrate respect for human rights specifically and promote responsible business conduct generally in relevant policies and operations? If yes, please provide information.

Yes. The original NAP acknowledged the negotiation and agreement of the OECD Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence to take into account both environmental and social impacts, the latter defined to include “relevant adverse project-related human rights impacts”.

The NAP also committed to “review the degree to which the activities of UK State-owned, controlled or supported enterprises, and of State contracting and purchasing of goods and services, are executed with respect for human rights, and make recommendations to ensure compliance with the UNGPs”.

There are mechanisms in the Public Contracts Regulations 2015<sup>1</sup> that enable modern slavery issues to be taken into account in the public procurement process. Firstly, those who have been convicted of certain child labour or human trafficking offences under the Modern Slavery Act<sup>2</sup> within the last 5 years are not eligible to bid for public procurements.

Secondly, a cross-government supplier selection questionnaire<sup>3</sup> requires bidders to confirm that they have published a statement on the steps they have taken to ensure modern slavery is not taking place in their business or supply chains, as required by Section 54 of the Modern Slavery Act. An updated version of the questionnaire (which is soon to be published) highlights that failure to publish a statement or failure to comply with the requirements of Section 54 are likely to exclude the bidder from the procurement process, unless it can provide sufficient self-clearing evidence. During the selection or award stage of a procurement process, there may also be consideration of other modern slavery issues, where the questions are relevant to the subject of the contract and are proportionate.

Departments have taken further action to improve supplier performance. For example, one department has made it mandatory for suppliers to sign up to the UN Global Compact, which includes ten principles around human rights, labour (including specifically the elimination of all forms of forced labour), the environment and anti-corruption.

The Prime Minister announced at the G20 in 2018 that the UK Government will publish a modern slavery statement in 2019, detailing the steps that Government is taking to prevent modern slavery in its own supply chains. The Home Office and the Government Commercial Function have established a cross-government working group to consult departments on the detail of the statement including scope, timing and frequency.

In June 2018, the Cabinet Office announced that the government's biggest suppliers will be required to provide data and action plans on addressing key issues such as modern slavery.

The UK continues to collaborate internationally to develop and promote our public procurement response. At the 2018 UN General Assembly, the UK jointly launched the 'Principles to Combat Human Trafficking in Global Supply Chains'<sup>4</sup> with the US, Canada, Australia and New Zealand. These Principles commit governments to implementing a range of measures to help eliminate modern slavery in global supply chains. They also commit signatories to address human trafficking risks in government procurement practices. We are collaborating with all four countries to share learning and best practice on building responsible business into government procurement practices and public spending.

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2015/102/contents/made>

<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>3</sup> <https://www.gov.uk/government/publications/procurement-policy-note-816-standard-selection-questionnaire-sq-template>

<sup>4</sup> <https://www.gov.uk/government/news/uk-agrees-principles-for-tackling-modern-slavery-in-supply-chains>

4. Where a coordination mechanism/structure exists, please describe the composition, role(s) and assigned responsibilities of the entities involved. What are some main experiences and lessons learned from this mechanism, including specific examples of how it had helped improve policy coherence to strengthen government action to promote responsible business conduct in line with the Guiding Principles?

As above, the coordination of the UK's NAP is jointly led by the FCO and BEIS. These two departments co-chair the cross-departmental steering group which also includes representatives from: the Department for International Trade (including representation from the UK's NCP for the OECD Guidelines for Multinational Enterprises); the Department for International Development (which leads the UK response to the UN Sustainable Development Goals as well as international aid programmes), the Home Office (on modern slavery), the Ministry of Justice (coordinator of human rights policy), UK Export Finance (the UK's export credit agency), the Cabinet Office (on public procurement matters) and the devolved administrations of Scotland, Wales, and Northern Ireland.

An example of how regular interaction in this steering group has helped improve cross-departmental policy coherence to promote responsible business conduct in line with the UN Guiding Principles is included in the updated NAP. Modern slavery was not a feature or priority of the original NAP. However, the Government introduced legislation to strengthen its protections against this heinous crime, including a requirement for certain companies to report on the efforts they have taken to ensure that slavery is not present in its business or through its supply chains. The manner of reporting that companies are obliged to carry out is in line with the Guiding Principles.

5. Does the coordination mechanism/structure allow for the participation of representatives of other stakeholders, including business and civil society organisations? If so, please explain the modalities of such participation.

The original NAP was drawn up in consultation with other stakeholders from business, civil society organisations, and wider society. Through development of the plan, and during the first 18 months of implementation, the coordination mechanism provided by the cross-departmental steering group was underpinned by a complimentary working group comprised of business, civil society organisations and the UK's national human rights institution, the Equality and Human Rights Commission.

The UK Government also encourages participation of a range of stakeholders in other business and human rights activity. For example, it is imperative that governments work collaboratively with business and civil society to tackle exploitation in supply chains. The UK hosts several forums with business and civil society, such as the Modern Slavery Strategy Implementation Group, to ensure we strengthen our collective response to modern slavery. The Modern Slavery Strategy Implementation Group, chaired by the Minister for Crime, Safeguarding and Vulnerability, was established to support implementation of the government's modern slavery agenda through collaboration between the government, NGOs

and business, and to provide strategic advice, and has a sub-group focused on how government and stakeholders can eradicate modern slavery from global supply chains.

The UK is also working in partnership with business through the government's Business Against Slavery Forum. CEOs from 13 large multi-national corporations regularly meet the Home Secretary to share good practice, consult on our approach, and harness industry influence and expertise. The businesses represented in the Forum are all industry-leading in their commitment to responsible business and have a huge global reach, with their combined annual turnover exceeding £140bn.

In November 2018, the Prime Minister launched 'The Apparel and General Merchandise Public and Private Protocol'<sup>5</sup>, a partnership between enforcement bodies and industry partners, including, the British Retail Consortium, UK Fashion and the Textile Association. The protocol commits its signatories to work together with the Gangmasters Labour and Abuse Authority (GLAA) to eradicate slavery and exploitation in textile supply chains. This protocol builds on the GLAA's 'Construction Protocol'<sup>6</sup> which was launched in October 2017 and which commits signatories to work in partnership with the GLAA to protect vulnerable workers and share information to help stop or prevent the exploitation of workers.

6. What is the role of the coordination mechanism/structure in monitoring the implementation and effectiveness of the policy framework to promote responsible business conduct and to ensure policy coherence across monitoring and evaluation efforts?

See answer to question 4.

7. Does the Parliament play any role in overseeing the implementation of the policy framework/action plan to promote responsible business conduct? If yes, please explain how.

The role of the UK Parliament's Joint Committee on Human Rights (JCHR) is to examine matters relating to human rights within the United Kingdom. The JCHR consists of members appointed from both the House of Commons and the House of Lords. Among its duties, the Committee conducts thematic inquiries and seeks evidence from a wide range of groups and individuals with relevant experience and interest.

In 2017, the Committee published its most recent report on business and human rights: 'Human Rights and Business 2017: Promoting responsibility and ensuring accountability'<sup>7</sup>. The UK Government's Response<sup>8</sup> was published 12 January 2018.

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<sup>5</sup> <https://www.gla.gov.uk/i-am-a/i-use-workers/apparel-and-general-merchandise-public-private-protocol/>

<sup>6</sup> <https://www.gla.gov.uk/i-am-a/i-use-workers/construction-protocol/>

<sup>7</sup> <https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/443/443.pdf>

<sup>8</sup> <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/686/686.pdf>

8. Does your Government build the capacity of staff working in governmental departments and agencies in charge of business and human rights-related issues? If yes, please clarify any relevant aspects, including training curricula, how often and by whom they are conducted.

The UK Government has developed a Modern Slavery Assessment Tool in partnership with the Ethical Trading Initiative and the technology firm NQC, to support public bodies in assessing their own supply base for modern slavery risks. The tool asks suppliers questions about the processes they have in place for managing modern slavery risks, and provides tailored recommendations on how to improve their anti-slavery processes. There is also guidance available for public sector organisations to support them in further discussions with suppliers on their results.

The UK Government is developing a Policy Procurement Note and a detailed guidance document for government procurement and commercial staff. The guidance sets out a risk-based approach to addressing modern slavery and specific measures to be adopted at each stage of the commercial process, including pre-procurement and during contract management.

In partnership with the Chartered Institute of Procurement and Supply (CIPS), the UK Government has launched a refreshed online training course on ethical procurement. The Home Office, Cabinet Office and Crown Commercial Service have been running workshops for procurement staff in central government departments to train staff on measures they should be taking to prevent risks of modern slavery in government supply chains.

9. Please indicate if any coordination mechanisms exist to promote implementation of the 2030 Sustainable Development Agenda. If so, is there any linkages made to encourage policy coherence in promoting responsible business conduct in line with the Guiding Principles as part of the efforts to engage the corporate sector to contribute towards the Sustainable Development Goals?

The Department for International Development supports responsible business internationally through the Responsible, Accountable and Transparent Enterprise programme. The programme is aligned with both the UN Guiding Principles and the Sustainable Development Goals, and provides funding for key initiatives promoting responsible business, such as the UN Global Compact. In particular, the programme includes funding for the World Benchmarking Initiative, which has established the Corporate Human Rights Benchmark, a collaboration between investors and civil society to provide publicly available corporate sustainability benchmarks aligned with the SDGs.

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