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| Speak Up-Kōrerotia  Business and Human Rights 101, with Shift  17 August 2016 | |
| Male | This programme was first broadcast on Canterbury’s community access radio station Plains FM 96.9 and was made with the assistance of New Zealand on Air. |
| Female | Coming up next conversations on human rights with “Speak Up” – “Kōrerotia”, here on Plains FM. |
| Sally | E ngā mana,  E ngā reo,  E ngā hau e whā  Tēnā koutou katoa  Nau mai ki tēnei hōtaka: “Speak Up” – “Kōrerotia”.    Tune in as our guests “Speak Up”, sharing their unique and powerful experiences and opinions and may you also be inspired to “Speak Up” when the moment is right.  Nau mai haere ma ki tēnei hōtaka: “Speak Up” – “Kōrerotia”. Tune in as our guests speak up, sharing their unique and powerful experiences and opinions and may you also be inspired to speak up when the moment is right.  Today for the first time we’ve got a co-host Shawn. |
| Shawn | Hey everyone I’m Shawn, I’m excited to be with the wonderful Sally. I’m from the Human Rights Commission, I’m in the communications team and looking forward to getting stuck into some business and human rights. |
| Sally | Kia ora and welcome to “Speak Up” – “Kōrerotia”, I’m your host Sally Carlton and today’s topic is “Business and Human Rights 101 featuring Shift”. During our conversation we’ll find out more about what is Shift, the world leading organisation on business and human rights. We’re lucky to have their expertise as they’re just in New Zealand for a few days for the Business and Human Rights Forum that the Human Rights Commission is running. We’ll also find out more about the relationships between business and human rights: What are the human rights responsibilities of businesses/ How might these responsibilities take place in practice? Why does it make good business sense to take human rights into account? These sorts of questions.  I think this topic is probably particularly important for all of you listeners involved in business, but we all consume products so I suspect it’s probably interested and relevant for everybody.  Just to kick it off Rachel and David, it would be great to know a little bit about you, how you got into this work, why you got into this work, what sort of things you do. |
| Rachel | Thanks Sally, so I’m Rachel Davis and I’m the Managing Director of Shift and I didn’t expect to end up spending the last decade of my life working on business and human rights but that’s what seems to have happened. I stumbled into this field because I was at the right place at the right time; I was actually doing a Masters in Law at Harvard University and the professor who was at the time working for the UN to define a set of international standards on business in human rights was professor at the Harvard Kennedy School and he was looking for some research support so I thought that sounds like a good gig, I’ll do that for a couple of months and ten years later it became my life. |
| Sally | Amazing, isn’t it, how just that twist of fate? |
| Rachel | Exactly. |
| Sally | And you, David? |
| David | So thank you Sally, my name is David Kovick and I’m a Senior Advisor with Shift. So Rachel and a few of our other colleagues at Shift were part of the team that helped create the UN Guiding Principles through a period of consultation with businesses and governments and civil society stakeholders. I wasn’t part of that team, I was doing international mediation so I was working in places like the Middle East resolving land disputes between governments and citizens and the Niger Delta with oil companies and communities trying to help them have a more productive conversations. And I met them while they were creating these Guiding Principles to help think through the role of mediation in resolving these kinds of disputes. And it was just good timing: when they finished the Guiding Principles I was getting married and going on a honeymoon - actually right here to New Zealand - and looking for a new gig after I got back. Ironically trying to do less international work but just really enjoyed the people I worked with and the issues I was working with and five years later I’m still happily working on these issues at Shift. |
| Sally | Not to take away from all that very interesting and important stuff - but nice to see you came to New Zealand for your honeymoon! |
| David | And there was no chance I was not coming back when Rachel said we might do some work here! And there was no chance my wife was going to let me come without her, so we’ve actually been on holiday for a couple of weeks in our campervan in the South Island and they’re out playing right now. |
| Sally | Perfect well it looks like the best thing to do in New Zealand is go on a campervan trip.  You mentioned international mediation, when you said that I thought maybe like cross border but then you were talking about organisations and local citizens. |
| David | A lot of company/community stakeholder engagements - so businesses that have some kind of physical footprint or interface with the local community - issues are going to arise in that relationship and if there are constructive avenues for businesses and stakeholders to talk about those issues and resolve them then that relationship can go very well and if there aren’t constructed pathways then that relationship can deteriorate very quickly. So it was much more about just creating a space for constructive conversations which ironically actually is what we actually do a lot of at Shift too, is creating the space for good conversations about a specific set of issues. |
| Sally | This is the perfect opportunity then to think more about what is Shift. |
| Rachel | So Shift is a non-profit and mission-driven organisation and when we think of ourselves we like to say that we try to bring the strategy and the common sense to how businesses address human rights. When you talk to business and they hear the term ‘human rights’ or when you talk to anyone and they hear the term ‘human rights,’ if it’s not something you’re familiar with or comfortable with it can sound scary, it sounds like international conventions, it sounds like legal liability; people aren’t sure what you’re expecting of them. But what we see, and what the Guiding Principles that we work on are all about, is helping business and government and stakeholders see that actually you can get your arms around human rights risk as a business and manage it in the same way as you can many other types of risks that business encounters or has to deal with. So we spend a lot of our time at Shift working directly through dialogue processes, through capacity building processes with companies and other stakeholders to really help them understand what it means to manage human rights risks, that this isn’t a big scary and impossible topic; it is a challenging topic but it’s one, I think, where there are global expectations now that if a business is responsible - and most businesses want to be responsible, they don’t want to be irresponsible - that they will take steps to manage this, not just in their own operations but also throughout their value chain, through all of their other business relationships as well. |
| Sally | It’s interesting you say that businesses have a little bit of a fear when you mention the term ‘human rights’ because I think that’s true, not just of businesses but really anybody. Even with this radio show people say “Oh human rights radio show, I’m not sure what that means” but you think well actually it’s really everything, isn’t it? |
| David | I think ‘human rights’, it doesn’t necessarily frighten people, sometimes it does but it can also just take them in a different place. ‘Human rights’ might mean something very specific in a particular part of the world, in some parts of the world it refers to discrimination, in some parts of the world you say human rights and it means political disappearances. And so it can mean a lot of different things and a lot of them can be intimidating. So a lot of times we don’t even use the language of human rights in our work, we talk about impacts on people, negative impacts on people, that’s what we’re really trying to work on is the negative impacts that can arise from business activities on people. Businesses can have lots of positive impacts on people and we want to encourage that but at the same time we want them to manage the negative impacts as they do that. |
| Shawn | You talked a little about how businesses mostly want to be good and comply with human rights where they can, what are the barriers to doing… That you guys have seen, what’s stopping every business from jumping on board? |
| Rachel | Sometimes it’s a lack of internal understanding: you’ll have part of the business that sees first-hand the impacts that the business can have and they realise we need to do something about this but there will be other parts who don’t see that. And it’s a job of internal communication and convincing to say this is a real impact we’re having on people, on our workers or on the community next door to our operations or on workers deep down in the supply chain – they’re not our workers but what they’re doing and the harms that are happening to them in certain factories are bound up in our products, it’s touching our products and we need to worry about this. So a lot of what we do with companies is actually help with that internal conversation and helping the business as a whole realise that this matters, but also there are things you can do about it. |
| David | In some of my work with companies I’ve been struck by, at times, how companies don’t even know who their suppliers are, they don’t know what goes into their products or services and so therefore don’t know what impacts might be connected to it. It’s sometimes a little bit surprising because you think from a quality perspective or from a business efficiency perspective they would know exactly where their products come from but there are certain industries where there’s just no visibility to where things get made, they get aggregated at some level and you buy it from a wholesaler or distributor and you don’t know where it comes from. And so at times the first step is simply figuring out: What does our supply chain look like? Who are the people that touch our products at some place along the way so that we can figure out what the impacts are? So that’s another reason.  I also think there are some assumptions, there are definitely some business assumptions, that if you’re going to raise standards it’s going to have costs associated with it and we live in a competitive capitalist global economy and unless it’s a level playing field that’s going to be unfair to some. I think those are assumptions that we need to challenge because I think we also have seen quite often that the costs of failing to address these issues are greater than addressing them in the first place. |
| Sally | This is something I was thinking of getting into, what are those costs? If businesses don’t take human rights into consideration what are some of those drawbacks? |
| Rachel | So we’ve done quite a bit of work on this and you can see all kinds of good examples now of where the costs arise. If you look at a large footprint sector like the extractive or construction or infrastructure industries, you can see very clearly that where those businesses don’t take adequate account of impacts on local communities where their operations are occurring, people get angry basically so they blockade the road, they prevent supply, they interfere with the operation so there’s a delay. And if you’re a major world class mining project, for example, that can cost you $20 million a week in lost operational costs. That’s a real number and that matters and those costs start adding up.  But there are all kinds of other costs too which resonate beyond large footprint industries. So you think about senior management time, when a company is hit with a bad news story or there’s a problem in one of its suppliers and supply is interpreted, someone has to manage that. So that’s a senior manager who on top of their day job has to now go and deal with this crisis and that costs time. And most companies don’t really look at those costs, they don’t think about what are the internal costs we might actually be experiencing to manage this? You see other kinds of costs especially where you’ve got disputes over labour rights; for example you can have a decrease in quality of product, you can have a challenge in retaining and recruiting staff. These kinds of examples are fairly common now but many companies I think are not doing the hard work to actually add them up and come up with a number that they can present to senior management or the board and say see, we need to worry about this. |
| David | And I think increasingly there’s a huge reputational cost and that’s a number that’s in some industries hard to quantify and some industries probably very easy to quantify but it’s a cost that I think no company wants to bear and increasingly these issues are not staying hidden. And the bigger the company, the more the target is to connect them to the impact because that’s where the leverage would be so I think companies recognise this huge risk of a reputational cost of failing to manage these issues. |
| Sally | And that, I guess, comes back to the consumer and the power of the consumer in making decisions. |
| David | I think it depends on the industry, in some industries certainly consumer choice and preference comes into it - but Apple had some very big issues with some of its suppliers in China that were well publicised and their sales didn’t go down. So I think relying on consumer buying preferences is only one tool among many. Apple cares a lot about these issues because so much of its brand identity is tied up in who it is as a company, so even if it’s not consumer preference there are other aspects of that reputational piece. |
| Sally | OK well we’ll pick up this conversation in just a few minutes after our first song. |
|  | **MUSIC BY BACHMAN-TURNER OVERDRIVE – TAKIN’ CARE OF BUSINESS** |
| Sally | Nau mai hoki mai, welcome back to Speak Up-Kōrerotia. We’re with Shift - Rachel and David - talking about business and human rights and Sally and Shawn are co-hosting today. Just to kick start this segment: we touched on the UN Guiding Principles, it would be great to hear a little bit about what they are for anyone who is listening. |
| Rachel | Sure, the UN Guiding Principles on Business and Human Rights are the global authoritative standard on what businesses need to do to ensure that they respect people as they go about their business. The good news is that they provide a point of international convergence, we’re seeing domestic legislation everywhere, policy expectations, what NGOs and trade unions are asking for, what investors are asking for and what business themselves are committing to - they’re all going in the same direction and its grounded in the expectations of the Guiding Principles.  So what do they actually ask? They ask business to prevent and address harm to people, that’s what we really mean by human rights harms, we mean negative impacts on people. But what they do that’s different is that they take a lot of the human rights issues that I think business is familiar with - like health and safety in the workplace, or diversity and inclusion - and they say these are very important and you need to keep working on those in your own operations but you also need to look beyond your own operations and you need to think about meeting those standards and other human rights standards throughout your business relationships. So whether that’s suppliers or contractors or joint venture partners or business customers that you’re selling to in turn, selling your products or services to, you need to think about this whole network of relationships that you have and how you can encourage and require and incentivise those actors to meet these standards as well. |
| Sally | That sounds great and you’re here because we’ve got this Business and Human Rights Forum taking place at the moment. Why should New Zealand businesses be engaged/interested in these UN Guiding Principles? |
| Rachel | I think that what we already see in terms of the turnout in the audience and the appetite amongst New Zealand business in coming to these sessions shows that there’s a recognition that some of these challenges are here true domestically for New Zealand businesses, the way they are for businesses in Australia, in the UK, in other economies or markets that New Zealand would consider as peers. It’s not just about harms that might be occurring to workers in foreign countries or developing markets, it’s about how migrant workers get treated right here in New Zealand in the horticulture, viticulture, dairy, hospitality, construction sectors, these are all sectors where they’ve been public allegations and situations that have arisen recently. So it’s that and other kinds of issues that I think have risen to the forefront of New Zealand businesses attention here that are driving them to engage in this discussion. |
| Shawn | What do you think the Business and Human Rights Forum itself? How do you think they can help the discussion? What tools can they provide New Zealand businesses? |
| David | I think the Business and Human Rights Forum is intended to launch a conversation, starting conversations with different actors who are going to be necessary as New Zealand society as a whole takes this forward, actors for government, actors from the investor and boards of directors communities, actors from the business leadership group from practitioners on the ground from civil society and the Human Rights Commission itself. This is a long process, there are conversations that will take New Zealand forward to understand where are the opportunities, where we are already doing some great things and where are the gaps and what might we do together to strengthen those gaps. So I think that’s the opportunity that I think the Forum provides is to start that process of conversation and find some constructive partnerships as New Zealand continued to explore the relevance of these issues to the New Zealand context. |
| Shawn | You guys touched on something else that was quite interesting and that’s a lot of New Zealand companies have a ‘Not In My Backyard’ sort of feeling about human rights abuses. You guys haven’t been here long but what issues do you think are most relevant to New Zealand as a small, developed, island, trading nation? |
| David | I’ll hit two and then I’ll let Rachel jump in.  The first is the demographics of the workforce and by that I mean I’ve been travelling around the country for a couple of weeks on holiday and I’m struck by the number of migrant workers I meet. And I think migrant work forces play an important role in the global economy and yet we see that as an area that is a vulnerable population when it comes to abuses in the work place, it’s a population that is less able to take advantage of the protections that a national regulation might offer, it’s a population that might be more concerned about losing its employment or its work and therefore less likely to raise concerns. We see discrimination and in the worst cases we see things that look like forced labour where documents are retained and people are paying excessive fees just to have access to jobs abroad. So that’s one area where I think there’s an open question. We see a lot in the agricultural space - where you see the requirements for surge capacity of employment, so there are peak growing and picking periods that require temporary workforces - and in the hospitality sector and in the construction sector which are three big sectors here in New Zealand. So I think it’s a fair question about the presence of those kinds of impacts and issues here.  The other is, regardless of what business you’re in… You mentioned New Zealand as a trading nation but every nation is a trading nation these days and whether those issues are here or not your business partners as in New Zealand business are going to be asking these same questions of you. What we’re seeing in this space is that businesses are starting to ask these same questions of their business partners because they have their own responsibilities to meet because their investors are asking them these questions because their governments are asking them these questions so they’re passing down those questions to all of their trading partners. And so the more equipped New Zealand businesses are to answer those questions the more attractive they’re going to be as trading partners. |
| Rachel | What struck me is that New Zealand has taken recently some pretty significant steps to address areas where there have been big challenges. I think about the legislation that was passed about foreign flag fishing vessels now requiring those vessels that are in New Zealand waters to fly a New Zealand flag so that New Zealand employment and criminal law will apply to them. That’s a really interesting move by the Government that we haven’t seen other governments take.  I think also of the legislation that was passed recently on zero hour contracts, recognising that these are now a pretty pernicious, I think, form of contract and form of labour relation where people feel scared that they won’t have reliable hours of work, they feel scared about turning up to work even if they’re feeling sick because if they don’t turn up that might be the end of the contract. And again steps have been taken to address that. So I think there’s a real opportunity in New Zealand to look at the way that some of these issues are already being addressed, the capacity that exists to address them and where there might be some others like the presence of vulnerable migrant workers where you need to pay some more attention, like many other countries. |
| Sally | We’ve spoken a lot about what New Zealand businesses are already doing. For those that are yet to begin their journey, what are some of the suggestions or advice you might be giving them? Is it difficult to try and implement these Guiding Principles? |
| Rachel | I think it boils down to three things really and what the Guiding Principles ask business to do is first of all make a public commitment, to say I am a responsible business, I do want to get this right, I know it’s going to be tough and I’m going to need help but I’m making a public commitment to respect human rights, to respect people throughout my operations.  The second thing is to put in place what the Guiding Principles call a human rights due diligence process. Due diligence is a really familiar concept for many businesses - that means to identify your risks and then take action to manage them. What’s different here is that it’s human rights due diligence so it means looking at risk to people not just risk to the business. A lot of that means asking hard questions, asking your suppliers where they’re getting their labour force, asking them what kind of standards they put in place for workers, so some of these awkward conversations but that’s how you find out whether or not they’re a problem. So make a public commitment, ask hard questions.  And then the third is really to use your leverage. Companies are really good at using their leverage on topics where they have concerns. So let’s say there’s a new regulation or a taxation policy they don’t like the look of, well they know how to use their leverage. So what we’re asking them to do, what the Guiding Principles ask them to do, is use that leverage to address human rights risks, to address risks to people. |
| Sally | Sounds fantastic. I guess one of the other questions that follows in, what are the benefits? We touched a little bit on your branding, are there any other really tangible benefits businesses might get? |
| David | I think one is using that same analogy that Rachel just used about managing risks, by risk to the business versus risk to people. I don’t think there’s a business out there that would prefer to not know what risks the business faces, they would much rather know and be able to manage those risks than put their heads in the sand and blissful ignorance . And so it’s the same kind of approach to human rights risks, wouldn’t it be better to know and be able to manage those risks than to not know at all for the same reasons that we want to know all of our other risks, for reasons of business continuity and for reasons of efficiency and for reasons of commercial advantage? All of those reasons that we manage risks in the first place, same reason we would want to know and make informed decisions about the risks that we have that might affect people.  So that’s one reason but more generally I think, the biggest advantage I think is that this is the new reality: we live in a global economy and these are the expectations that other businesses are setting for each other and for all their business partners and the more we can understand what’s asked and not be afraid of the label of human rights and just to really understand what’s being asked and to start to take those steps, the more commercial opportunities are going to open up as well. We’re going to have to start answering these questions regardless of who we are, based on who we trade with, and so here’s an opportunity to understand what’s being asked, to start the process.Nobody expects you to have all the answers, people expect you to engage in the questions in a credible way. |
| Sally | We might just take a break there, Rachel – what song would you like to choose? |
| Rachel | Oh my goodness, I’m going to have to think about that and come back to you for the next break. |
|  | **MUSIC BY COMBAT WOMBAT – CORRUPTION DUB (CHASM CORRUPTION BOUNCE REMIX)** |
| Sally | Welcome back to Speak Up-Kōrerotia. We’re speaking with Shift about some of their examples of the work they’ve done and guys I just thought I’d just open the floor, what are some of the most exciting projects you’ve been involved in? |
| Rachel | So I didn’t expect to spend five months of my life working with FIFA on how the organisation can better handle its exposure to human rights risks but that’s what I did earlier this year and it was fascinating. I think FIFA has huge challenges on this front but to their credit they recognise that they do, which is why they said they wanted an independent report on this topic. For FIFA, this means looking at how they write into their contracts for the next World Cup in 2026 respect for human rights, what does a local organising committee have to do to meet that standard? What do all the businesses who will be involved in providing goods and services for the tournament have to do to meet that standard? That’s a huge amount of leverage and it’s now going to set the model for every other major sporting organisation, the IOC [International Olympic Committee] is going to have to up its game and it’s going to be a really interesting time to watch the developments that we see in that space. |
| Sally | Interesting you say that because I just did a show on the Olympics and about the International Olympic Committee’s Agenda 2020 and they were sort of saying we’ve taken some big steps but obviously they still have a way to go. How about you, David? |
| David | Mine is less a signature project and it’s more whenever I work with an individual company helping them through a process - it’s usually a process - to help them identify what their most significant human rights issues are as a company, where in their operations there’s a critical issue that they should focus their efforts on. And it’s a process of building their capacity and their understanding of this framework and the issues and understanding what their business looks like and then there’s always a moment, one critical moment in the workshop, where the lightbulb goes on, where the ‘shift’ happens. And it’s different for every company but it’s some nugget or it’s something sacred within the company identity that they suddenly get it.  And so for example it’s one company I worked with, a major US retail manufacturer, prides itself on its environmental record and someone said “I get it!”, held up a product and said “100% recycled, 60% made with child labour” so they got it essentially. Another was a company that didn’t have the same kind of supply chain but it was trying to figure out how is this relevant for our supply chain? They make all of these little toys that they put their brand on and they give out to customers - and these toys are sacred to this company, people try to collect them all and they fight over them and they sell out immediately - and they finally understood: This little pony that is so sacred to us? Made with child labour. So it’s that kind of moment where people suddenly get it and you hook them and you’ve changed the way they think. |
| Sally | It’s really cool that you can actually see that shift! |
| David | When it goes right! When we do our homework and when we set it up right that’s what we’re looking for… I mean, our approach to this work is to build capacity, it’s not to come in and do the work for anyone, it’s to help them ask the right questions and understand how to think about this in a different way, how to shift the lens from business risk to people risk and when we see that happen that’s what’s rewarding. |
| Sally | Do you have any follow up I, suppose? Once you’ve worked with these businesses initially and you see them have that moment, do you have any way of following up if they’ve changed their practices? |
| David | Well yes, identifying the risks is only step, then you have to figure out what to do about them. Oftentimes the risk that we’re talking about, the Guiding Principles actually allow and even encourage businesses to prioritise the most severe impacts where necessary, where they have to make choices. Focus on the most severe impacts on people. Often those are the hardest problems to solve, it’s going to require not simply changing one simple thing within the business, it’s going to require systemic collaborative efforts with others to try to address an issue. All of these companies that are focused on increasing the recycle content in their products? What a wonderful green sustainable ambition, we happen to know that most recycled products get collected from waste heaps by often children and other workers who have the worst living conditions and working conditions you can imagine. So they can’t solve that alone and they can’t solve that overnight. And so yeah, the follow up is trying to help them think through the strategies that are going to be effective and addressing a really systemic and difficult problem to solve and what their appropriate role is within that. |
| Rachel | The follow up is also about helping them to see that they need other partners and it’s absolutely not about Shift, it’s about expert stakeholders - whether they are NGOs, whether they are international organisations, whether they are parts of government, whether it’s the industry association or a particular business coalition and obviously trade unions who are an essential part of this as well - these are the actors business is going to have to work with to try to solve these kinds of problems. And buildings those kinds of relationships to help them address these sorts of serious impacts on people, that’s what we try to help do as part of our role in the process. But we have a small role and it’s the other stakeholders that will be continuing partners for them throughout. |
| Shawn | You talked about what business can do to help realise human rights in this space, but what does government need to do to ensure the environment that this can actually be realised? |
| Rachel | Well it’s great that you asked that, we just spent this morning as the kick-off session of the Forum with a cross-functional group from different ministries and agencies in the New Zealand Government and it was great representation in the room and that’s actually the first thing that governments need to do on this which is get all the different parts of government together to understand what these new expectations mean and to make sure that as government you’re talking to business if not with a perfectly coherent voice, at least reducing the incoherence in what you say to business.  In the Guiding Principles we didn’t invent new standards - states already have international human rights law obligations - all the Guiding Principles do is translate that into what kinds of policy and regulatory steps should you take as a government to really implement this agenda in practice? Having a whole-of-government approach is a great place to start but there are other things that governments can be thinking about to set clear expectations for business, to introduce some accountability measures so that they can see or business can see that the government is serious about wanting business to engage with this agenda. And of course government has a primary role in providing remedy, in setting a system of state based remedy so that when people are harmed - because even with the best prevention in the world things do go wrong - that there are available remedies for them to rely on. |
| Shawn | On a related note, what role can the public play in all of this? |
| Rachel | Asking more questions. We often talk about consumer pressure being the holy grail of the business and human rights movement. If we could get perfect consumer pressure on these issues - well, we’d probably have it solved. We don’t sit around waiting for that to happen because we’re not sure that we’ll ever reach that ideal state but just asking questions is probably the most powerful approach and we see… One of the stories I was really struck by recently - and it just reminds us that when we think about the public we’re also thinking about people who are employees of other businesses - and I was talking to someone recently who said I know that this company published a report about what they’re doing to manage human rights impacts and I was really impressed and it meant so much to me and I went back to my company and I said why aren’t we doing that and we hadn’t even thought about it. And so it’s just remembering that even though you’re a member of the public you may well be a worker somewhere and every one of us can asks these kinds of questions. |
| David | Just on that note we’ve seen asking questions is the most effective tool to drive business behaviour. Sometimes those questions get asked by investors and that goes to a particular part of the business, it goes probably to the board of directors or to the chief financial officer. Sometimes questions get asked by business partners, OK that’s going to go to a different part of the business. Sometimes they get asked by NGOs or civil society stakeholders, that’s going to public relations. Sometimes they get asked by government, that’s going to government affairs. When they get asked by consumers it goes to a different part of the business, it goes to the sales team. So we get different parts of the business responding to the same kinds of questions and creating more a symphony within the company saying we need to start having better answers to these questions because we’re getting asked from very different perspectives and it’s affecting all of us in different ways. |
| Sally | I think what you’re saying is that it needs to be a three-way street almost, the public, the government and the businesses almost like exerting pressure on each other to try and improve standards. |
| Rachel | Absolutely. |
| Shawn | And you can only do that when everyone gets across the basic level of this. |
| Rachel | Yes although we find that a lot of this is instinctive. I mean, I started by saying what we do at Shift is try and bring strategy and common sense to it, a lot of it is common sense. It’s “I don’t want to be involved in harming people, I don’t want to buy products from a company that does harm people, I don’t want to be a government that has business that harms people” - this isn’t rocket science actually. How you then achieve that in practice, well that’s tough and that takes time and you need help and you’re going to run into challenges. But I think what we found in developing the Guiding Principles through a six-year process of public consultation all across the world was that these are pretty shared expectations and the challenge is putting it into practice. |
| David | And I find them to be very intuitive expectations, I didn’t help to write them but I can buy them hook, line and sinker. If a business causes harm what would we expect it to do? We’d expect it to fix the problem and to make sure it doesn’t happen again. If a business has a partner who has caused a harm but the business can’t control that, what would we expect it to do? We’d expect it to use its influence to get that other party to meet its responsibility. That’s the essence of the Guiding Principles. |
| Sally | Great place to have our final break. David have you decided on a song? |
| David | I have not. |
| Sally | That’s OK, we’ll choose one for you. |
|  | **MUSIC BY FRANK SINATRA – MY WAY** |
| Sally | Welcome back to Speak Up-Kōrerotia. We’re speaking with Shift and we just thought to conclude the excellent discussion we’ve had we could think about maybe what other countries have done that have worked well that New Zealand might be able to learn from, and how New Zealand might be able to adopt those experiences to the context here? |
| Rachel | So I think the first thing we’d say in answering that question is that everything depends on the context and New Zealand will need to find its own way forward and already is some of the legislation that we talked about before is evidence of that. But if you’re going to look at other examples I think two that come to mind are the UK and the steps that they’ve taken, the government there has taken around human rights disclosure and reporting requirements in the area of modern slavery which we are seeing driving lots of business attention to this topic. This is a severe impact, it’s an impact domestically in the UK, it’s an impact domestically in Australia, it’s potentially an impact domestically here in New Zealand. This is not just about overseas situations but the steps that the government has taken to require business to say how am I addressing, how am I preventing this issue, what steps am I taking has really helped to focus attention?  The other example I point to is the US where the federal government is the world’s biggest procurer of goods and services and they have now put in place procurement requirements that also direct companies attention to looking at modern slavery, forced labour, trafficking risks in their supply chain. Again pointing to them to a severe impact and saying tell us what policies and processes you have in place to manage this so these are both good examples of steps that the New Zealand Government can think about and steps that other governments are taking to drive business attention to this issue. |
| David | On the note of context mattering: some of the work that we’ve done in the Netherlands is work on a multi-stakeholder sector basis to help sectors as a whole identify risk. The reason I mention it is because it’s so appropriate for the Netherlands given their model, they have this thing called the Polder model where it takes all parts of society working together to solve problems, their approach to solving a problem is to lock civil society, government and business in a room and let them come out with an answer. So it’s therefore appropriate that the role that the government has played there is to be a convening power, to bring sectors together with stakeholders from trade unions and NGOs to say collectively let’s identify the risks that face a particular sector internationally and identify collective steps we’re going to take. I think that’s part of what we mean by context matters, it’s a very uniquely Dutch response to this approach given who they are as a nation and so I think that there are specific areas where New Zealand has already taken some leading steps and can continue to based on your own history/context in industries that are driving the economy here. |
| Sally | Have you got any advice for businesses? I guess - bottom line - what should they be doing? |
| David | Get started, don’t be afraid. I think there’s a lot of fear of this space as we talked about right away and also a lot of paralysis by analysis. We need to identify the issues, we need to make sure that we get it right and if we’ve heard one thing - we work across sectors, so we work with a lot of civil society stakeholders - and if I’ve heard one thing it’s just get started, don’t worry if you’ve picked the absolute correct issue, make a credible choice, pick a part of the value chain or part of your operation, a particular issue, test it with stakeholders to make sure it’s credible and just dive in and learn as you go but don’t be afraid to enter this space, start asking the questions. |
| Shawn | Don’t be afraid to ask for help as well. |
| David | Absolutely, don’t be afraid to ask for help. And I think earlier we talked about the roles of government and business and the public at large and I think there’s this other set of actors that might be part of the public at large which are your civil society groups, your activists or your NGOs, great expertise on particular issues, particular industries and finding ways to have constructive conversations between business and that expertise to help identify and address issues – absolutely essential to making progress in these issues. |
| Sally | Anything to add, Rachel? |
| Rachel | No, David covered it. |
| Sally | Have you got any final comments? Shawn, any final questions? |
| Shawn | No, I like the way they’re doing it to be honest. |
| David | For me this is a special place for me. We honeymooned here, my wife and I, and we brought my son back, if we moved anywhere else in the world it would be to here if it weren’t so far from our family and I think it’s such a beautiful place physically and I think we’ve experienced the kindness of people too, it’s always special for me to work in places that have such personal meaning and I think New Zealand’s own history, you have a lot to be proud of on these issues and it makes sense for you to get out even further in front on these issues more holistically. There’s such a great fit between New Zealand and these issues that I would love to see it go forward and hope that we can help in whatever small way we can. |
| Sally | New Zealand does pride itself on having a very good record when it comes to human rights. |
| Shawn | As long as we don’t rest on our laurels, I think. |
| Sally | OK well I’d like to thank you so much for taking the time in what is a very busy schedule while you’re in New Zealand, thank you very much. |