



“Business has a responsibility to respect human rights and to work with governments and non-government organisations to address human rights abuses.” (Jennifer Westacott, Business Council of Australia)

“Uphold fundamental human rights and respect cultures, customs and values in dealings with employees and others who are affected by our activities.” (Minerals Council of Australia Enduring Value)

“In addition, beyond respecting human rights, business is encouraged to take action to support human rights. This means seeing the opportunity to take voluntary action to make a positive contribution towards the protection and fulfilment of human rights whether through core business, strategic social investment/philanthropy, public policy engagement/advocacy, and/or partnerships and other collective action. Action to support human rights should be a complement to and not a substitute for action to respect human rights.” (Principle One, UN Global Compact)

Human rights are common ground between corporate management of risk, cost and trust, and the government’s relationships with individuals. The biggest gains in human rights in Australia over the past decade have been through corporate commitments widely adopted by the private sector, based on a clear understanding of the need for a stable, rules based and sustainable international and domestic business environment.

The core strategy for a sustainable business manages economic/financial, environmental and social risks. It understands that these risks are inter-related and equally important.

Sustainable businesses recognise that employees, shareholders, the communities they work in and governments they work with have rights and interests that need to be reflected in the way they do business. In other words, sustainable businesses manage community expectations around their contribution to equity, diversity, social cohesion and quality of life. Human rights are therefore an increasingly important part of the corporate toolbox for managing social risk.

This approach has produced business-led initiatives to implement UN global compact rules and sustainable development goals, working cooperatively to embed ethics in decision making and change processes, supporting international rules based trade that incorporates the global application of human rights, and driving the reforms required to implement initiatives like the Modern Slavery Act.

Governments will need to be more engaged with society as the world restructures in the wake of COVID-19 whether they like it or not. As their participation increases, governments have the opportunity to draw on private sector experience to deliver three outcomes through rights enforced by a HRA:

- generating a social licence to operate; and
- enhancing corporate reputation (making politicians and political institutions more respected and trusted); while

- engaging with social risk, effectively targeting social impact mitigation strategies and creating opportunities for shared value with stakeholders.

These outcomes will be important for determining and delivering the changes necessary for a post COVID return to a stable, sustainable, rules-based society.

BUSINESS SUPPORT FOR A NATIONAL HUMAN RIGHTS ACT

Discussions between CLA and business leaders indicate that the private sector is unlikely to lead the policy push for a human rights act:

- An HRA influences the relationship between Government and natural persons, which means that its influence on business is indirect.
- Economic and social reform advocates in business are usually project based and too focussed on their issue to commit the time and resources necessary to advocate for an overarching HRA.
- The private sector is aware that a HRA debate is likely to descend very rapidly into values based debates/popcorn politics that are highly likely to damage corporate reputation.

Business groups will however review a HRA proposal rationally for its effect on business' need for a stable, rules based and sustainable international and domestic business environment, providing a counterpoint to values based debates.

In the lead up to discussions on a HRA, governments can emphasise the commitment of business groups to including human rights as a corporate strategy tool, and encourage businesses to become members of business based associations dedicated to promulgating human rights outcomes like the Ethics Alliance and the Global Compact.

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25 January 2021