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**Course Name: Business, Ethics and Human Rights**

**Program in which it is offered: MA Public policy/LLM**

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| **Course Category: Elective**  | **Schedule of Offering: Odd/Even** |
| **Course Credit Structure: 3** | **Course Code: EG 715** |
| **Total Number of Hours:3** | **Contact hours per week: 4** |
| **Lecture: 3** | **Tutorial: 1** |
| **Practical: 0** | **Medium of Instruction: English** |
| **Date of Revision: 07-09-2020** | **Category of the course: Employability** |

**Course Description:**

This course is offered as a specialisation to the students to understand the International and national human rights principles applicable to businesses. This course addresses recent developments in linking business practices and human rights (including corporate social responsibility (CSR)) within the UN and in other international organisations, and focusses on the efforts in making human rights an important normative framework for the conduct of business in different societal and political contexts. By understanding and analysing the ethical issues from human rights perspective in the existing corporate governance model, this course will equip them to be experts in advising business clients or Implementing human rights within the firms.

**Introduction:**

Economic globalisation has changed the discussions on the duties of businesses to increasingly being framed in terms of human rights and in a transnational and global manner. Corporate social reporting has established itself as a key element in the movement for making corporations more socially responsible. Taking cognizance of the fact that a purely philanthropic approach like Corporate Social Responsibility (CSR) to business will be no more than a partial solution, the National Voluntary Guidelines (NVGs) for Social, Environmental and Economic Responsibilities of Business – a landmark document representing different interest groups, were launched in the year 2011. It offers arguments in favour of and against extending human rights to the corporate sector, and discusses legal developments, including normative and remedial mechanisms. It examines strengths and weaknesses of the CSR movement and the scope for making human rights regulatory measures for corporate behaviour. The students in this course will assess the sources of information publically available in the form of BRR reports, annual reports, sustainability reports, CSR reports, company policies available in public domain and other relevant documents publicly available in a variety of contexts.

**Course Objectives:**

* To apprehend the links between business practices and human rights, including corporate social responsibility (CSR) as defined by the UN and other international organisations
* To understand the nature and extent of the human rights responsibilities of business enterprises and their role in achieving the Sustainable Development Goals (SDGs);
* To comprehend how mechanisms in organisations to discharge their human rights responsibilities (including by conducting human rights due diligence) and resolve dilemmas in their day-to-day operations,
* To analyse various remedial tools available to the victims to seek access to effective remedies for business-related human rights abuses.

**Course Outcome:**

The students at the end of the course will be able to

* Analyse and identify relevant human rights issues in the business responsibility debate and understand how these are of practical importance to transnational and small-scale businesses
* Critically evaluate existing human rights treaties, and existing guiding principles, on human rights and business behaviour
* To analyse practical cases of business conduct in the light of human right law and to become advisers in implementing human rights within the organisations.
* To unearth new models of business responsibility from human rights perspective that enrich corporate governance.

**Prerequisites:**There are no pre-requisites for this course. However, an elementary understanding of human rights and corporations will be useful.

**Pedagogy**

1. Lecture

2. Case Study- individual and Group Reflections

4. Workshops.

3. Projects/field visits.

**Module 1** **Overview of Business, Ethics and Human Rights:** **8 hours**

* Definition & nature of Business ethics, Human rights and CSR
* Introduction to Four generations of Human Rights
* From CSR to BHR: Old Wine in New Bottle? Evolution of CSR, Difference between corporate social responsibility (CSR) and responsible business conduct (RBC),
* The concept of ESR (Employee Social Responsibility)
* The role of business and industries in upholding and protecting human rights
* Understanding the Scope of Human Rights, Applying the Causal Filter, Prioritizing and Implementing Remedial Measures
* Business and HR violations: forced labour, slavery, sexual harassment etc

**Module 2:** **UN Guiding Principles on Business and Human Rights and the Sustainable Development Goals (8 hours)**

* UN Human Rights Council -Guiding Principles on Business and Human Rights (UNGPs), Three Pillars of UNGP- **Protect**, **Respect** and **Remedy**
	+ SDG on poverty, protect the planet peace and prosperity by 2030.
	+ How these frameworks connected
* OECD guidelines for multination enterprises and NCP (national contact points) complaint mechanism, current barriers to the remedy
* Implications of the Guiding Principles Under National and International Law

**Module 3**: **Disclosures: National Action Plan on BHR: From Paper to Practice**

 **8 Hours**

* India: National voluntary Guidelines (NVGs) on Responsible Business Conduct,
* SEBI Business Responsibility Reporting (BRR) framework and reporting system
* Business Disclosures, Stock exchange listing obligations related to social and environment disclosures
* Role of Indian firms (stakeholders) towards CSR. – Social, environmental & ethical Responses
* Technology, business and human rights- opportunities and challenges
* Role of National and state human rights institutions in monitoring Business Responsibility
* Governance and accountability of state-owned companies
* Role of CSOs and Business Associations in protecting human rights
* Corporate Responsibility watch, Praxis, Oxfam, CII, FICCI etc

**Module 4**: **Business Responsibility: Challenges and Remedies** (**10 hours)**

* The asymmetries of power &profits between MNCs, human rights abuses, working conditions, exploitation of workers.
* Corporate criminal liability for grave human rights violations
* Protecting the Environment and Climate from the Development Assault- 'Business development vis a vis Environmental Rights',
* SEZ, land acquisition and HR, Role of civil society and human rights defenders, Development Projects and Environment

 Case study: Sterlite Copper Plant of Vedanta

* Access to remedy when violations occur -State-based and non-State-based, judicial and non-judicial remedies for violation of Human Rights
* Role of Business entities in Education and Health. Case study - TATA Memorial

MODULE: 5: **CASE ANALYSIS**- Identify any 10 companies (leading corporate) in India:

 **11 Hours**

1. Analyse and monitor the efficacy of CSR activities of the company along with legal compliance, Utility, Beneficiary Satisfaction, Value addition.
2. As suggested in NVGs, assess these business houses in terms of their disclosures

 on the following and rank them accordingly:

1. Non-discriminatory employment practices and diversity promotion in the work place.
2. Respect to employee dignity and human rights (prohibits any form of forced or child labor).
3. Role in community development by addressing local priorities and respecting local concerns and knowledge.
4. Inclusiveness or creating an environment in which the rights of workers throughout the supply chain management.
5. Recognizing vulnerable communities as business stake holders

**Evaluation Pattern**

Evaluation will follow a continuous evaluation pattern on a multiple component basis. The evaluation shall be based on the idea that a student should be able to showcase either a persistent commitment or a steady growth.

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| Individual Assignment  | 10% |
| Case studies- Group Reflections  | 20% |
| Workshop/Research Project  | 30% |
| End Semester examination  | 40% |

**References**

**Basic Texts**

1. Manoj Kumar Sinha (2013)- Business and Human Rights, Sage publication
2. Dorothée Baumann-Pauly Justine Nolan (2016) Business and Human Rights-From Principles to Practice, Routledge publication

**Reference Books**

1. C.S.V Murthy, "Business Ethics- Text and Cases",, Himalayan Publishing House, 2010. 2. Lura P.Hartman Joe DesJardins, Business Ethics, Mc Hill Education, 2013.

1. Dasgupta & Sangupta," Government and Business in India KaurTripat, Values & Ethics in Management", Galgotia Publications, 2015.
2. Hess, D. (2008). The three pillars of corporate social reporting as new governance regulation: disclosures, dialogue and development. *Business Ethics Quarterly*, Vol. 18, No.4, 447-482.
3. Ministry of Corporate Affairs, Government of India. (2011). *National Voluntary Guidelines on Social, Environmental and Economic Responsibilities*, July 2011
4. Morrison, J. (2012). Business responsibility for its social impacts: moving beyond CSR. *The Guardian*, Monday 25 June 2012.
5. Oxfam India (2016). *Impact of Social Risks on Indian Businesses*, Oxfam India, New Delhi.
6. Porter, M. E. and Cramer, M. R. (2006). Strategy and society: The link between competitive advantage and corporate social responsibility, *Harvard Business Review*, December 2006.
7. SEBI (2015). <http://www.sebi.gov.in/legal/circulars/nov-2015/format-for-business-responsibility-report-brr-_30954.html>
8. Van Genugten, Wilhelm. *The World Bank Group, the IMF and Human Rights*. Intersentia, 2015, chs. 1-4, (37 pp). [https://bibsys-almaprimo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=BIBSYS\_ILS71471130600002201&context=L&vid=UIO&search\_s](https://bibsys-almaprimo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=BIBSYS_ILS71471130600002201&context=L&vid=UIO&search_scope=default_scope&tab=default_tab&lang=no_NO)
9. Bilchitz, David, “Introduction: Putting Flesh on the Bone. What Should a Business and Human Rights Treaty Look Like?” in Surya Deva and David Bilchitz (eds). *Building a Treaty on Business and Human Rights. Context and Contours*. Cambridge: CUP, 2017 (47 pp). [https://bibsys-almaprimo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=TN\_scopus2-s2.0-85047343302&context=PC&vid=UIO&search\_scope=default\_scope&tab](https://bibsys-almaprimo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=TN_scopus2-s2.0-85047343302&context=PC&vid=UIO&search_scope=default_scope&tab=default_tab&lang=no_NO)
10. Darcy, Shane. “The Elephant in the Room: Corporate Tax Avoidance & Business and Human Rights” in *Business and Human Rights Journal* Vol 2 (1), 2017. 30 pp. [https://www.cambridge.org/core/services/aop-cambridge-core/content/view/1D615D](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/1D615D47FB0632DCFE365DB10F07ACF7/S2057019816000237a.pdf/elephant_in_the_room_corporate_tax_avoidance_business_and_human_rights.pdf)
11. Joanne Bauer, "[What Good is a NAP for Developing Countries? A Preliminary Assessment of Achievements and Prospects for National Action Plans on Business and Human Rights in the Global South](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3221052)," October 27, 2016
12. Announcement: UN Forum [side event](http://www.ohchr.org/Documents/Issues/Business/ForumSession4/17_Nov_1640_NationalActionPlans.pdf) on “National Action Plans on Business and Human Rights: Global Perspectives, Lessons Learned, and Next Steps”

<https://www.theguardian.com/sustainable-business/business-responsibility-social-impact-beyond-csr>

<http://blog.movingworlds.org/7-research-backed-reasons-your-business-needs-to-be-socially-responsible/>

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