

International Tourism Partnership presents



Image from IBLF/ IFC 2010

# Know How Guide: Human Rights & the Hotel Industry

By the International Tourism Partnership, delivered via Green Hotelier

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## Introduction

This Know How Guide is a high-level introduction to human rights for the hotel industry – what human rights are, the context of the hotel industry, steps to implement the UN Guiding Principles and resources for further reading.

It is primarily written for Corporate Responsibility Managers in hotel companies, though it may also be of interest to individual properties.

International Tourism Partnership would like to thank [Carnstone Partners LLP](#) for their assistance reviewing this Guide.

## What are human rights?



Human rights are fundamental principles and standards that aim to secure dignity, freedom and equality for all people. The [Universal Declaration on Human Rights](#) of 1948 sets out 30 fundamental human rights. This, together with the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols, form the [International Bill of Rights](#).

Human rights underpin everything we do, from the way staff are treated, their working conditions, to how guests are treated, in the supply chain and how goods and services for the hotel are produced, in the communities where a hotel is based and in the way a hotel or hotel business is run. Many issues are inter-related, e.g. water is not just an environmental issue: access to water is a human rights issue.

## Some key human rights issues in hotels

- **Right to work** – are you providing jobs for local communities and contributing to the local economy?
- **Labour conditions** – are your staff well-treated?
- **Land rights and forced displacement** – has your hotel siting denied local people access to their land?
- **Forced labour** – how well are your agency workers treated? Can you be sure they are not being exploited?
- **The right to water and sanitation** – are you enhancing the drinking water availability for the local area? Or is your hotel's consumption of water at the expense of others?
- **The right to life and health** – how do you ensure staff wellbeing?
- **The right to dignity and privacy** – how do you protect the privacy of your guests?
- **Economic impacts** – How are you giving back to the local communities through employment and supply chains? Are you paying suppliers and workforce fairly?
- **Cultural impacts** – Are you providing a centre for community involvement that enables positive and shared cultural experiences? Or do you provide excursions that exploit local communities?
- **Child labour** – are any of the goods or services you use the product of child labour?
- **Sexual exploitation** – are your premises used to sexually abuse adults or children?
- **The right to participate** – do your workers have a voice?

See **Appendix 1** for a fuller list of potential human rights issues for hotels.



**Respecting human rights means;**

- seeking to understand how your business activities impact – actually or potentially - upon different stakeholders, including communities and in particular on vulnerable groups such as women and indigenous peoples, and;
- taking steps to address those impacts and risks.

### **How is this relevant to hotels?**

- There is a legal duty in most countries to protect human rights.
- There is a significant moral duty to ensure dignity and fair and equitable treatment for your staff, suppliers, customers and the communities where you are based.
- Governments and investors are increasingly asking companies to report on what they are doing to protect human rights – you need to be prepared to answer these questions.
- Human rights due diligence helps companies address the risk of legal action by demonstrating that all reasonable steps to avoid involvement in an alleged human rights abuse have been taken.
- Managing human rights issues responsibly is simply good business practice.

This is not about compliance. You cannot rely on the law to protect human rights – often laws are absent, inadequate or ignored.

**“The responsibility of businesses to respect human rights exists independently of States’ abilities and/or willingness to fulfil their own human rights obligations.” (Good Business 2013)**

### **Where do I start?**

Human rights are a huge area but can be addressed by a step-by-step approach. Think about the positive impacts you have in addition to the potentially negative ones.

The starting point is the [UN Guiding Principles on Business and Human Rights](#) (UNGPs). Launched in 2011, the UNGPs provide an authoritative global standard for addressing adverse

impacts on human rights linked to business activity. They set out, in three pillars, principles concerning;

1. the State duty to protect human rights
2. the corporate responsibility to respect human rights, and;
3. access to remedy for victims of human rights abuse.

The corporate responsibility to respect human rights in the UNGPs requires companies to 'know and show' that they are meeting this responsibility, namely by:

- A. Articulating their commitment to human rights in a policy statement
- B. Being proactive in anticipating and mitigating adverse impacts through human rights due diligence; and
- C. Correcting and compensating any unforeseen or unavoidable adverse human rights impacts of their operations.

Appendix 2 gives an outline approach to assessing impacts and risks from the International Business Leaders Forum (IBLF) and the International Finance Corporation (IFC).

## **A: Developing a Human Rights Policy**

Developing a policy provides the basis for embedding the responsibility to respect human rights through all business functions and should be approved at a most senior level and communicated internally and externally. It is important that this is more than just a statement of intent – it must have governance consequences, i.e. it indicates how senior management will implement and monitor the policy.

Excellent guidance on [how to develop a policy](#) is available from the UN Global Compact in English and Mandarin.

See the following examples of policies from leading hotel companies;

- [InterContinental Hotels Group](#)
- [Wyndham Worldwide](#)
- [Starwood Hotels and Resorts](#)

## **B: Human Rights Due Diligence**

Human rights due diligence has four key elements<sup>1</sup>;

1. Assessing actual and potential impacts
2. Incorporating into company procedures and addressing impacts
3. Measuring and reporting performance
4. Communicating – transparency

### **1. Assessing actual and potential impacts**

Assessing human rights impacts means looking at who is, or could be, affected by your business and the consequences that would follow. You cannot know what these might be without engaging directly with those whose human rights may be affected – the 'rights-holders' such as staff, suppliers, investors and local communities. You should not fear reaching out to stakeholders – invariably people value the opportunity to engage in dialogue. Don't wait for the media or campaigning groups to bring human rights issues to your attention.

Figure 1 shows the major stakeholder groups for businesses. These are areas where you may not only have the greatest impact but also the greatest influence to affect change:

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<sup>1</sup> From Tourism Concern; Why the tourism industry needs to take a human rights approach: The business case (2011)

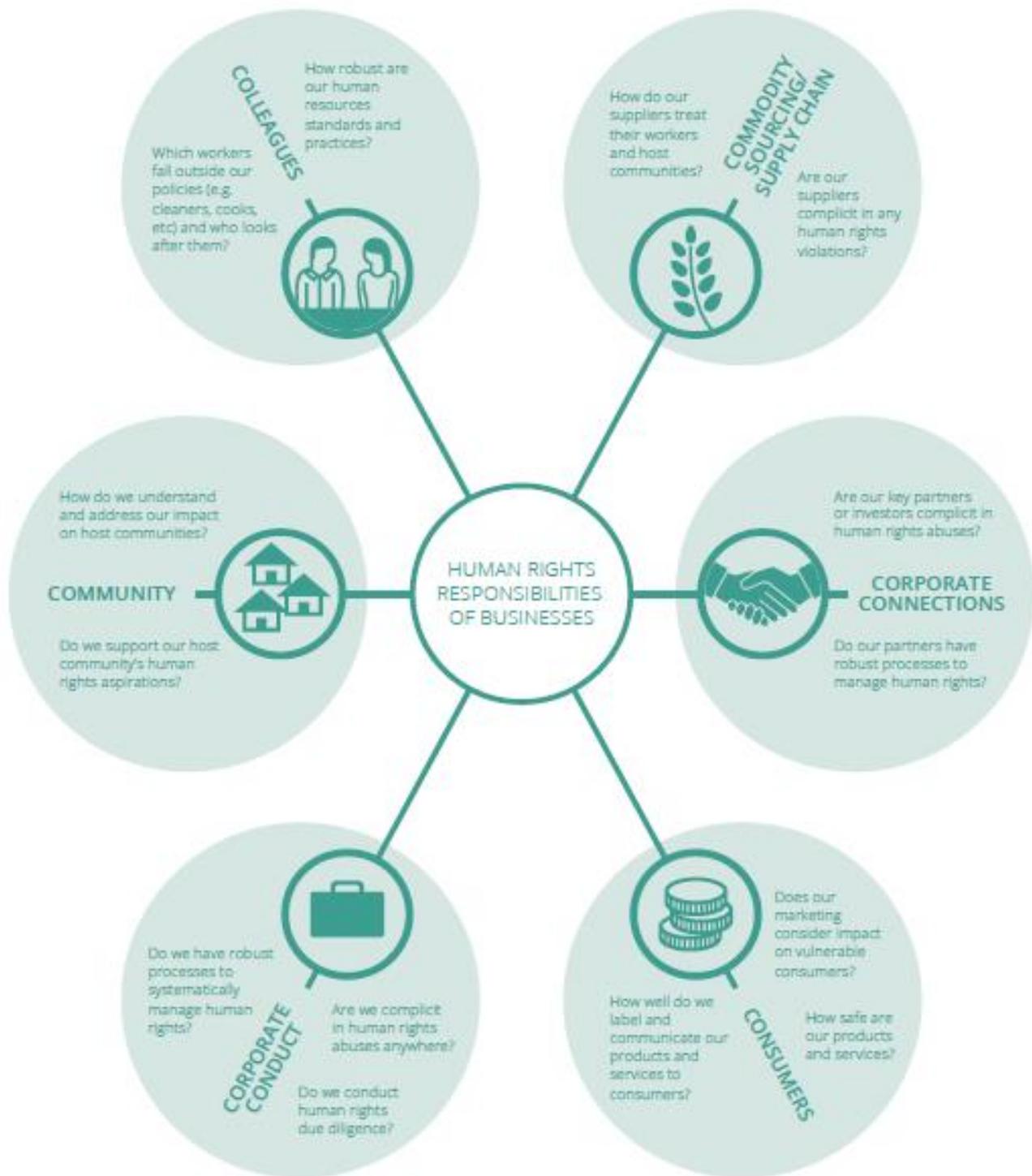


Figure 1: Stakeholder and 'rights-holder' groups. Source: Carnstone 'On the Rights Track' 2013

Stakeholder engagement is essential to identify human rights issues and prioritise them. Engaging specialist external organisations to conduct this can help to ensure independence and transparency.

Remember, your prioritisation should not just focus on where your *influence* is greatest. It needs to take into account where your *impact* is greatest and where you need to take responsibility. Risk assessment and stakeholder dialogue should be ongoing rather than one-off events. Risks do change over time.

Some useful tools are available to help with human rights impact assessment and risk mapping;

BSR's [Conducting an Effective Human Rights Impact Assessment](#) (2013) is an excellent introduction.

More detailed guidance is available in the IFC / IBLF [Guide to Human Rights Impact Assessment](#) (2010) which explains how to:

- Identify potential and/or existing human rights risks and issues
- Assess potential and/or existing human rights impacts
- Integrate findings from the assessment into the company's management system

P123 – 128 of the IFC/IBLF guide presents a fictitious scenario of how a hotel/ hotel company can work through the relevant issues related to human rights abuse allegations.

The UK Government [Overseas Business Risks](#) guides and [United Nations](#) provide information for businesses on potential political and economic risks, human rights issues, bribery, terrorism, criminal activity, and intellectual property risks on a country level.

Carnstone's [On the Rights Track](#) brings the process to life with a number of case studies and examples.

## **2. Incorporating into company procedures and addressing impacts**

Once human rights risks and impacts have been identified and prioritised, where possible they need to be mitigated through integration into business practice. How this is done will depend on the issue but usually means awareness raising through education and training, using available tools, and setting up processes and procedures to embed human rights into day to day business.

This is a vast area as it covers actions to address all human rights impacts identified – from labour issues to corporate governance - so we are unable to go into all of these in this short Guide. Some examples are covered by theme later in this document and we hope to tackle specific themes in future publications. If you have carried out stakeholder engagement, you will have an idea of what stakeholders expect of you and stakeholders may be able to help you develop your policies and procedures.

Remember that with all mitigation measures you need to set clear procedures on how you are going to police these and what remedial action will be taken. Work with stakeholders to share learnings, improve performance and celebrate good practice.

## **3. Measuring and reporting performance**

Measuring performance is essential to know your policies and procedures are effective in making a difference, so ensure the measures you have put in to embed human rights into business practice have performance indicators and reporting structures.

Reporting is good practice. Stakeholders, particularly investors, want you to be clear why you are focusing on human rights and who it will benefit. You need to stress the relevance and value to your business. It is also essential to be able to report on performance.

Whether you choose to report or not, reporting frameworks are excellent tools to help identify some of the key issues and learn what kind of information stakeholders require of you. Many hotel companies report under the [Global Reporting Initiative](#) (GRI) so use this framework as a reference as you develop your human rights policies and procedures.

Another useful reference is the UN Global Compact's [Resource Guide to Corporate Human Rights Reporting](#)

Companies interested in accreditation for their social responsibility activities may consider certification to [ISO2600](#) voluntary standard.

#### 4. Communicating human rights

There is very little in the public domain to help businesses communicate publicly about human rights issues and initiatives. Many hotel businesses have information on their websites and in their sustainability reports. [Hilton](#), [Rezidor](#) and the [Hongkong and Shanghai Hotels](#) are good examples. The key point is to ensure you stress the relevance of human rights activities to your core business, not as an add-on. Looking after staff and local communities is central to your business. Explaining how you do that also makes great stories and help convey a sense of place to guests. [Soneva's](#) website communicates this particularly effectively.

Publicising the results of human rights impact assessments is rarely done. This is understandable as the results could be sensitive. However, transparency can in many cases help business relations with stakeholders and improves dialogue as the business is seen as taking human rights seriously and honestly and openly addressing issues. A good example of this is global food company Nestlé which has come under fire in the past for human right issues. The publication of the learnings from its [human rights impact assessment](#) is ground-breaking.

### C. Correcting and compensating any unforeseen or unavoidable adverse human rights impacts

Policies and procedures should state how you will address negative human rights impacts.

Grievance procedures for staff are a vital part of this and should take into account the fact that some staff may not feel comfortable approaching managers directly or raising grievances in meetings. Both IHG and Rezidor have secure portals for staff to raise issues (see below under Workforce). The telecommunications company Vodafone has a text and telephone service via an independent provider called '[Speak Up](#)'

Regarding suppliers, it is better to work with suppliers to address any issues than to simply change supplier. This way you increase the learning and opportunities to improve practice rather than let bad practice continue. The [Ethical Trading Initiative](#) has a lot of good practice examples of businesses working with suppliers to effect positive change.

The [UK National Audit Office](#) has information on good practice for 'whistleblowing', i.e. confidentially and securely reporting a grievance or abuse.

IPIECA, the global oil and gas industry association for environmental and social issues, has a useful manual detailing good practice in [Operational Level Grievance Mechanisms](#) with communities.

### A Last Thought...

Protecting human rights should not just be about mitigating risk and negative impacts. Businesses are also a force for good and this shouldn't be forgotten. The hotel industry touches almost every corner of the globe, employs millions, and provides hospitality to millions. This offers a huge opportunity for positive action. How are you going to actively promote human rights and create shared value for your business, your workforce, stakeholders and the wider community?

## Further reading by topic

The following list is not exhaustive but lists some of the key resources and sources of information for hotels, as well as best practice examples from leading hotel companies;

### Accessibility

[European Union](#) information  
[Four Seasons Hotels and Resorts](#) statement  
[UNWTO](#) information

### Child protection

[ECPAT](#) website  
[UNICEF](#) workstream on Children's Rights Business Principles guidance on developing and implementing child protection policies.  
UNWTO [World Tourism Network on Child Protection](#)

### Corporate governance – business codes of conducts and ethics

[Hyatt](#)  
[Marriott](#)  
[NH Hoteles](#)

### Human Trafficking – sexual exploitation and forced labour

[ITP Guidelines for Checking Recruitment Agencies](#) 2013  
[ITP Green Hotelier Know How Guide to Addressing Human Trafficking](#) 2013  
[ITP Position Statement on Human Trafficking](#)

### Supply Chain

InterContinental Hotels Group [Vendor Code of Conduct](#)  
Ethical Trading Initiative [Base Code](#)  
Green Hotelier [Know How Guide to Responsible Procurement](#)

### Water as a human right

Tourism Concern [Water Equity in Tourism](#)

### Workforce, labour standards and living wage

The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, adopted in 1998, covers four fundamental principles and rights at work;

- [Freedom of association and the effective recognition of the right to collective bargaining](#)
- [Elimination of all forms of forced or compulsory labour](#)
- [Effective abolition of child labour](#)
- [Elimination of discrimination in respect of employment and occupation](#)

The ILO has detailed information and guidance for the [hotel and tourism sectors](#)

[Marriott Global Employment Principles](#)  
Rezidor 'Ethics Point' and IHG [portal](#) for employees to report issues  
[Wyndham Worldwide Business Principles](#) for employees

## Useful organisations

[Ethical Trading Initiative](#) – alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe. The [Base Code](#) is an internationally recognised code of labour practice.

[Institute for Human Rights and Business](#) (IHRB) – global 'think and do tank' See the [top 10 issues](#) for 2015.

[International Labour Organization](#) (ILO) – global standard-setter, founded in 1919. Specialist agency of the UN to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The ILO has also produced a human rights [Good Practices Guide for Guesthouses and Small Hotels](#).

[Maplecroft](#) – global risk mapping analytics, forecasting and consultancy services, including the Human Rights Risk Atlas which indicates human rights risks and trends for 197 countries covering human security, labour rights and protection, civil and political rights and access to remedy.

[Roundtable on Human Rights & Tourism](#) – multi—stakeholder platform to advance human rights and tourism issues in the German-speaking tourism market.

[Shift](#) - US-based non-profit which helps governments, businesses and their stakeholders put the UN Guiding Principles on Business and Human Rights into practice.

[Tourism Watch](#) - German quarterly newsletter that provides reports and background information about tourism in developing countries.

[Tourism Concern](#) – UK based non-profit working for ethical and fairly-traded tourism. Campaigns include water and human rights and labour standards. Download the 2011 report, *Why the tourism industry needs to take a human rights approach: The business case*.

[UN Global Compact](#) – global strategic policy initiative for businesses that are committed to aligning their operations and strategies with [ten universally accepted principles](#) in the areas of human rights, labour, environment and anti-corruption. Great guidance and resources on [human rights](#).

[Verité](#) – US-based non-profit which works to ensure that people around the world work under safe, fair, and legal conditions. Great resources on gender and forced labour issues

## Further reading

[Business & Human Rights Resource Centre](#) Portal for news and resources. Invites companies to respond publicly to alleged human rights abuses.

[Danish Institute for Human Rights Sector Wide Impact Assessment](#) The Institute has also developed a useful [Human Rights Compliance Assessment \(HRCA\) tool](#)

Danish Institute for Human Rights [Human Rights Compliance 'Quick Check' and Assessment.](#)

Econsense [Respecting Human Rights](#) (2014). Useful report listing the major tools and guidance materials available to help businesses address human rights issues.

European Union, [My Business and Human Rights](#): A guide to human rights for small and medium-sized enterprises. Easy to read short guide to implementing human rights.

The responsible investment stock market index of the London Stock Exchange - core human rights standards.

**Government Initiatives:** At the time of writing, UK, Italy, Netherlands, Spain and Denmark have developed action plans which indicate how they will implement the UNGPs, with many others including the USA having declared an intent to do so. For more information, see the [United Nations Office for the High Commission for Human Rights. Good Business –Implementing the UN Guiding Principles on Business and Human Rights](#) outlines the UK Action Plan on human rights & business.

[Guide to Human Rights Impact Assessment and Management](#) IBLF & IFC 2010

[Human Rights Impact Resource Centre](#)

[Human Rights Translated: A Business Reference Guide](#) IBLF 2008

Just Business: Multinational Corporations and Human Rights John Ruggie 2013

[Kuoni Group](#) human rights, including impact assessment

[On the Rights Track](#) – Carnstone 2013. Guide for implementing the UNGPs with great case studies.

**Responsible investment indices.** The major stock markets, [Dow Jones](#), [FTSE4Good](#) and [Hang Seng](#) sustainability index criteria.

[UK Government Action Plan on Business and Human Rights](#) 2013.

[UNWTO Global Code of Ethics](#) - a comprehensive set of principles designed to guide key-players in tourism development.

## Appendix 1 – Human Rights Issues for Hotels

The following list details some key areas where human rights issues may be prevalent for a hotel business and those within a hotel business who may be responsible for managing this function.

- Workers' rights (Human Resources, General Managers, Corporate Responsibility)
  - Transparent contracts (in language worker understands)
  - Fair & equal pay
  - Holiday entitlement & rest
  - Fair treatment (e.g. bullying & harassment)
  - Accessibility
  - Diversity and inclusion
  - Discrimination (e.g. sex, race, colour, creed, sexual orientation)
  - Freedom of speech
  - Freedom to associate
  - Worker / management dialogue
  - Grievance procedures
  - Maternity
  - Religious observation
  - Health & safety
  - Training and development opportunities
- Supply chain (Procurement, Corporate Responsibility)
  - Child labour
  - Bonded / trafficked labour
  - Working conditions, including labour standards and health & safety
  - Diversity
  - Impact on communities
- Communities where operating (Development, Human Resources, Corporate Responsibility)
  - Access to work
  - Access to water
  - Access to land
  - Access to employment
  - Land concession
  - Pollution (water, air, solid waste)
  - Community dialogue
- Human trafficking risk (Corporate Responsibility)
  - Child & adult sexual exploitation
  - Trafficked labour
- Customers (Customer Relations, Data Management, Account Managers, Corporate Affairs, Corporate Responsibility, General Managers, Secretariat)
  - Discrimination
  - Data protection
  - Privacy (is this different?)
  - Health & safety
  - Accessibility
- Governance (Secretariat, Corporate Affairs, Compliance, Legal)
  - Bribery & corruption
  - Transparency
  - Partner companies (owners, investors etc.)

## Appendix 2 – IBLF/IFC Approach to Human Rights Impact Assessment



Source: IBLF/IFC 2010