WEBINAR SERIES 2

Business and Human Rights Developments in Spain

Jointly organised by BIICL and Nova School of Law

Tuesday, 13 October 2020
1. EU study on due diligence: conclusions on Spain
2. Spanish companies and HRDD
• Energy
• ICT
• Textile
• Agro-industrial
• Spanish agricultural sector
• Automotive
• Financial
• Security
• Multi-servicios
1. Lack of HR legislative initiatives
2. Creation of multi-stakeholder bodies which prone voluntary initiatives
3. The permanent “stand-by” situation of the NAP
4. The absence of a due diligence law is only partially balanced by a very limited number of legislative obligations
5. These have a fragmented result and make companies even more confused about the need to implement HRDD processes or report about them
6. Supply chain and extra-territoriality are kept outside the scope of legislation
What companies are telling

1. Corporations are increasingly challenged by investors’ questions on their human rights performance and impacts and how do they prevent and mitigate them.

2. The ESG approach is gaining relevance, also linked to the investor’s role, but it poses many challenges:
   - What does the “S” really means?
   - How should I prioritise within the “S” what to do?
   - How can I measure the “S”?
   - How can I better report on the “S”?

3. Companies are not required by consumers to change the way they are “doing business”

4. Some sectors are regulated

5. Absence of governmental support or guidance
What our empirical analysis shows:

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Spanish companies have shown progress in:

- Public commitment to human rights
- Teams and employees have gained a better knowledge about the implications of their work in relation to HR impacts especially the sustainability department
- More accurate HRIA at the corporate level (especially when the company belongs to an international sectorial initiative on HR)
- The governance system of the HRDD: the Three Lines of Defence
- Legal Department/Risk Department/Compliance Department are slowly understanding what is at stake in relation to HR impacts
What our empirical analysis shows:

Spanish companies need to further improve:

- Stakeholders dialogue and materiality (UNGP 18)
- Grievance channels, assessment and reparation
- More accurate HRIA at the operational level
- Identification of impacts linked to the use of new technologies
- Institutionalisation of the lessons learned by their subsidiaries in complex environments (Colombia)
- HRDD among their supply chain prioritising the first tier

Companies need to further understand that their support to the SDG can’t be an excuse to prevent, mitigate and repair their impacts on human rights.
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