



Center for International  
Law and Policy



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**Periodic Project Report:**  
**2021 Trends and General Practices of  
Company Operational-Level Grievance  
Mechanisms**

**Operational-Level Grievance Mechanism  
Research Project**

**The Center for International Law & Policy (CILP)  
New England Law | Boston**

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## I. OGM RESEARCH PROJECT OVERVIEW

The Operational-Level Grievance Mechanism Research Project (“OGM Research Project” or “Project”) is a student-led research project at the Center for International Law & Policy (CILP) at New England Law | Boston with a particular focus on conducting desktop research on how private companies are using company level grievance mechanisms, which the project refers to as OGMs, to resolve human rights claims.

The OGM Research Project was initiated in 2016 to respond to a gap in knowledge about these private remedy mechanisms despite their being centrally featured in the United Nations Guiding Principles on Business and Human Rights (UNGPs), approved by the U.N. in 2011.<sup>1</sup> In particular, UNGP 28 suggests that non-state grievance mechanisms should be considered as an effective tool for dealing with business-related human rights harms<sup>2</sup> and UNGP 29 calls on the private sector to establish OGMs to provide for early remediation of harm.<sup>3</sup>

Corporations and non-state actors are still in the early stages of interpreting and implementing these principles. They have dedicated increased resources towards determining how to either adapt existing grievance mechanisms or adopt new ones to respond to the call set forth in the UNGPs’ Third Pillar. To help support this process while also raising awareness, the OGM Research Project aims to gather information about the functionality of these OGMs through the development of a desktop database that can serve as an information tool. In particular, the Project sets out to show that these purely private mechanisms are poised to handle human rights claims as well as offer information on how they are designed and implemented. At this time, the Project does not offer any type of analysis of the effectiveness of company grievance mechanisms, but rather provides the data for others to draw such conclusions. Furthermore, it does not include any field work to verify the company-provided information found online nor the experiences of individuals and communities using company grievance mechanisms.

For the purposes of this research, the OGM Research Project adopts a general definition of OGMs as formalized company procedures that process complaints submitted by affected stakeholders regarding company impacts through their operations, products, or services. These impacts may include human rights harms. The individuals or communities using these mechanisms may be seeking a resolution to a specific problem as well as reparations or other measures.

Since its founding, the OGM Research Project has continued to grow and further develop its scope of study, with significant development in research questions, research sample size, and quantity of comparable data. In light of this growing body of information, we produce these periodic reports to provide a general view of trends that are observed from the collected data in order to contribute to the international conversation about company grievance mechanisms and our growing knowledge of how they operate. Ultimately, the data may go towards also providing information for gleaning lessons learned and good practices.

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<sup>1</sup> United Nations Guiding Principles, Principles 28 and 29: Non-State Based Grievance Mechanisms.

<sup>2</sup> The Special Representative of the Secretary-General, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, pg. 24-25, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011).

<sup>3</sup> *Id.* at 25.

## II. RESEARCH METHODOLOGY

When initiated, the OGM Research Project first drew companies from a variety of sources beginning with those listed in the Business and Human Rights Resource Centre as well as other benchmark initiatives.<sup>4</sup> In 2019, the Project began to review companies from the Fortune 500 list. More recently, it expanded the review to the Fortune 1000 list.

The OGM Research Project utilizes a two-tier system to find, assign, research, and review OGMs. Senior researchers start by identifying companies suitable for research based on whether they have adopted any type of commitment to human rights, namely through a human rights policy. Policies may be stand-alone policies or integrated into other corporate policies, such as a Code of Ethics or a Code of Conduct. In the view of the OGM Research Project, a human rights policy indicates that the corporation is likely also aware of international guidelines regarding the manner in which companies should receive, process, and remedy human rights claims. The adoption of such policies, especially if they reference the UNGPs, may also signal a general commitment to the UNGPs or at least human rights in general, and thus may make it more likely that the company will have also developed an OGM as recommended by the UNGPs. At the same time, the absence of an OGM signals only partial compliance with the UNGPs. The project takes note of companies that have not yet adopted a human rights policy in order to continue monitoring them for future developments to track the establishment of an OGM for handling human rights issues. If such companies eventually develop such an OGM, they are added to the database in future years.

Once screened, companies are researched by a corps of trained researchers who seek to answer a series of questions designed to provide an in-depth examination of grievance mechanisms which are available to receive human rights related claims. The uniform approach to researching OGMs facilitates the identification of notable trends in current practice, which we share in these periodic reports. This is the second trends report issued since the Project started.<sup>5</sup>

The OGM Research Project relies entirely on desktop research, including but not limited to company websites and search engine results. This approach also provides insight into what information is available to an external stakeholder, but also limits research to only OGMs that are shared publicly with external audiences. Given that websites change regularly, and documents frequently become unavailable, the Project strives to make a record of anything found to preserve in the database. Thus, the research is a snapshot in time – showing only what information is publicly available on the date of research. At the same time, the research tracks developments over time to study how companies initiate and continue to develop their OGMs.

Considering that the world of OGMs is still developing, so is the Project's methodology. The research team continues to learn about new issues, concepts, and questions to ask resulting in periodic updating of the research log template, which may impact its periodic reporting of trends. In light of this

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<sup>4</sup> Previously used lists included the Corporate Human Rights Benchmark, the UN Global Compact, the UNGP Reporting Framework, and Global Reporting Initiative. *Trends and General Practices of Company Operational-Level Grievance Mechanisms* (2020), <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project> (Annex B).

<sup>5</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms* (2020), <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project> [hereinafter *Trends and General Practices* (2020)].

innovation, the Project revisits companies to assure that they also are subject to these new inquiries. Even without such developments, all companies are periodically reviewed every two years to track any changes and advances. This approach allows the Project to track changes at not only the level of individual companies but also the field overall.

The Project aims to gather information to reveal how claims related to human rights are received, processed, and eventually resolved by companies. Of particular interest are the types of procedures provided to claimants, the level of transparency, lessons learned, and whether these mechanisms result in concrete reparations. Notably, while the OGM Research Project does not set out to fully assess the applicability of the effectiveness criteria outlined in UNGP 31, it does recognize that some of the data produced by the Project might be used to begin to apply those benchmarks. Some key areas that the OGM Research Project tracks include:

- **Information about the complaint process** to gather a picture as to how a corporation reviews grievances from stakeholders – how claims are submitted, whether a third party or the company reviews a claim, and what types of alternative dispute resolution tools are used. This transparency criteria, as outlined in UNGP 31(e), can serve as a source of options for companies looking to update or develop a grievance mechanism.
- **Indications of how available the information is to an outside user.** The OGM Research Project depends on information being transparent and accessible, but more importantly, so do stakeholders. If a community member wants to submit a grievance, it is critical that an OGM be easily accessible and provide clear instructions. Accessibility is further discussed under UNGP 31(b).
- **Evidence of companies dedicated to learning lessons through grievance mechanisms,** UNGP 31(g), as seen through analyzing the types of claims filed and their outcomes, and how the company integrates these findings towards future improvements. Identifying evidence of lessons learned indicates when a company is listening to the feedback provided by both its employees and the communities where it operates. The transparency of this information is indicative of a company's commitment to seeking better ways to resolving disputes that may involve human rights harms and applying the lessons learned to prevent new harms.
- **Details related to any possible outcome** that includes information on what types of reparations companies are willing to provide, as well as reporting on actual reparations that follow a grievance being filed with the company. This information contributes to UNGP 31(c) which calls for predictability, by providing potential complainants the ability to understand the value of participating in a grievance process.

### III. COMPANY BREAKDOWN

As of December 2021, the Project has completed research on 459 companies.<sup>6</sup> The sampling represents 24 industries, allowing for comparison within, and between, industries.<sup>7</sup> A total of 415 companies, 90.4% of the total number of companies studied, operate on a multinational scale. Table 1 lists the industries which have been researched.

Companies identified for future research that do not have a clear commitment to human rights are tracked separately for follow-up. The Project has flagged 116 companies for follow-up review regarding whether a new human rights commitment has been publicized and desktop research can be completed.

**TABLE 1: Industries Researched**

Industry	Number of Companies
Agriculture	8
Airline	4
Automotive	12
Banking and Finance	54
Chemical Companies	9
Clothing Retail	11
Consulting	3
Delivery	5
Food and Beverage Retail	28
Gas, Oil, Energy	44
General Retailer	21
Healthcare & Pharmaceutical	28
Hospitality	7
Information Technology	18
Infrastructure and Construction	16
Insurance Companies	7
Law Firm	5
Management	4
Manufacturing and Distribution	93
Media & Entertainment	4
Mining	36
Miscellaneous	16
Telecommunications	18
Transportation	3

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<sup>6</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms* (2020), <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project> (as of December 2020, The OGM Research Project completed research for 256 companies across 22 industries).

<sup>7</sup> A breakdown of researched companies and their industry is included in Appendix A.

The most reviewed industries include Manufacturing and Distribution, Banking and Finance, Mining, and Gas, Oil, and Energy. Many of these corporations are multinational with significant reported annual revenue which have placed them on the lists the Project uses during the screening process.<sup>8</sup>

**IV. HUMAN RIGHTS POLICY**

The Project’s first step in selecting companies begins with a screening for a human rights policy. By endorsing a human rights policy, a company indicates that it is taking steps to meet international standards relating to its responsibility to respect human rights issues, as also required in UNGP 15. Close examination of a human rights policy provides further information about what guidelines and standards a company might be using. Specifically, the Project looks for language connecting the company’s human rights policy to international human rights instruments as well as the UNGPs.

Depending on the referenced instrument, the interpretation and implementation of a company’s policy lends itself to developing an OGM that is designed to also receive human rights claims. For example, although a company selected for this research may or may not have explicitly committed itself to the UNGPs in its human rights policy, any reference to the UNGPs in other company documents can provide a strong indication that the company may be implementing other aspects of the Guiding Principles including an OGM.

The table below identifies when a company has a human rights policy that commits to one of the following categories: only committing to complying with the UNGPs (“UNGP”); only committing to complying with international human rights instruments (“HRI”); committing to complying with both the UNGPs and international human rights instruments (“UNGP & HRI”); or not committing to either the UNGPs or international human rights instruments (“NONE”).

**TABLE 2: Human Rights Policies**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>UNGP</b>	44	10%
<b>HRI</b>	120	26%
<b>UNGP &amp; HRI</b>	205	45%
<b>NONE</b>	90	20%

Almost half of the researched companies have a human rights policy which commits to upholding both the UNGPs and international human rights instruments. The most referenced international human rights instruments are: the Universal Declaration of Human Rights; the International Labor Organization’s core conventions; the United Nations Global Compact; and the International Labor Organization Declaration on the Fundamental Principles and Rights at Work. Fifty-five percent of companies (249 companies) commit to upholding the UNGPs, or, at least, reference the UNGPs as their model for corporate

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<sup>8</sup> For more information, see Appendix B.

responsibility. Since the *Trends and General Practices (2020)* report, this general breakdown has remained relatively consistent.<sup>9</sup>

## V. HUMAN RIGHTS CLAIMS

The OGM Research Project aims to reveal whether and how companies are creating, adapting, and using internal private grievance mechanisms to respond to human rights-based claims. While a company might have an identifiable grievance mechanism, the Project looks for indications that the mechanism is available, and perhaps even designed, to accept claims based on allegations that amount to human rights issues. One challenge to tracking this information is that most companies do not include the term “human rights” in the title of their OGMs. In fact, only two companies, NEC<sup>10</sup> and Posco,<sup>11</sup> include the term “human rights” in the titles of their OGM systems.

Thus, the Project relies on five different indicators to determine if a company does indeed offer a private grievance mechanism for such claims:

- 1) **Explicit reference to human rights claims:** the grievance mechanism references the term “human rights” in its description of types of claims accepted.
- 2) **Reference to human rights policy:** the grievance mechanism specifically references the company’s human rights policy and indicates that it accepts claims relating to the policy.
- 3) **Allegations amounting to human rights claims:** the description of the types of claims accepted by an OGM lists categories of types of claims that raise human rights issues, such as discrimination, health and safety issues, freedom of association, and other activities recognized as protected rights found in human rights treaties.
- 4) **Reference to Ethics or Code of Conduct Policy:** the grievance mechanism accepts claims that relate to its ethics code or code of conduct which includes reference(s) to human rights specifically or to the company’s human rights policy.
- 5) **Open-ended grievances:** the grievance mechanism indicates that it accepts any type of claim and does not limit possible claims to a specific category of issues, thus suggesting a human rights claim could be brought to it.

The breakdown of companies in Table 3 identifies the number of companies researched as of December 2021 that fall into each category.

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<sup>9</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 6 (“UNGP” were 14% of total companies researched, “HRI” were 21% of total companies researched, “UNGP & HRI” were 48% of total companies researched, and “NONE” were 17% of total companies researched).

<sup>10</sup> *Sustainability Report 2021*, NEC, (2021) [https://www.nec.com/en/global/csr/pdf/2021\\_report.pdf](https://www.nec.com/en/global/csr/pdf/2021_report.pdf) (last visited April 5, 2022).

<sup>11</sup> *Corporate Citizen Report 2020*, Posco, (2021) [https://www.posco.co.kr/docs/eng6/jsp/dn/irinfo/posco\\_report\\_2020.pdf#page=1](https://www.posco.co.kr/docs/eng6/jsp/dn/irinfo/posco_report_2020.pdf#page=1) (last visited February 22, 2022).

**TABLE 3: Indicators of human rights grievance mechanisms**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>Explicit reference to human rights claims</b>	40	9%
<b>Reference to human rights policy</b>	42	9%
<b>Allegations amounting to human rights claims</b>	63	14%
<b>Reference to Ethics or Code of Conduct Policy</b>	193	42%
<b>Open-ended grievances</b>	63	14%
<b>No Information Available</b>	58	13%

The most common approach taken by companies is to make a reference to an ethics/code of conduct company policy. These OGM’s commonly describe their function as responding to “unlawful or unethical” actions as outlined by state laws and the company’s ethics policy. While the data from each category have remained generally consistent since the *Trends and General Practices (2020)* report, a noticeable increase in companies that reference an ethics/code of conduct policy rose from 31% to 42%.<sup>12</sup>

While all companies reviewed by the OGM Research Project have a published human rights policy, 58 of these companies lacked an identifiable OGM and were unable to be evaluated further.

## **VI. GRIEVANCE MECHANISM STATUS**

The OGM Research Project assigns a general status to each company regarding the perceived level of development of their OGM. This categorization is not a rating or evaluation – instead, it is intended to provide a way to differentiate as well as compare grievance mechanisms included in the Project’s database. The four categories include (a) most advanced grievance mechanism; (b) well-developed grievance mechanism; (c) baseline grievance mechanism; and (d) no identifiable grievance mechanism. Criteria for this rating includes the following:

- **Most Advanced Grievance Mechanisms:** Companies that fit into this category are identified as having: (1) a publicized grievance mechanism; (2) a grievance mechanism available for use by any stakeholder; (3) published procedural information on how to file a claim and how the mechanism reviews complaints; and (4) identifiable mediation, dialogue, facilitation, and/or capacity building as part of the complaint review process.
- **Well-Developed Grievance Mechanisms:** Companies in this category are identified as having (1) a publicized grievance mechanism; (2) made the grievance mechanism publicly available for use

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<sup>12</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 8.

by any stakeholder; and (3) published procedural information on how to file a claim and how the mechanism reviews complaints.

- **Baseline Grievance Mechanisms:** Companies belonging to this category are identified as having, at least, an ethics hotline, whether it is a third-party hotline or internal to the company. Also included in this category are companies that mention their grievance mechanisms but have not published any details about it. Researchers flag these companies to track development when annual re-research is completed.
- **No Identifiable Grievance Mechanism:** Companies in this category have an identifiable human rights policy but lack an identifiable operational grievance mechanism.

The significant difference between well-developed mechanisms and most advanced mechanisms is any reference to offering alternative dispute resolution during the grievance process and other ways to facilitate the dispute with stakeholders such as through mediation, dialogue, facilitation and/or capacity building. Most advanced and well-developed grievance mechanisms feature publicly available grievance mechanisms available to any stakeholder and published procedures – both of which contribute to assuring greater transparency and access. Table 4 identifies the number of companies that are in each category.

**TABLE 4: Breakdown of categories of grievance mechanisms**

	Number of Companies	Percentage of Total Companies Researched
<b>Most Advanced Grievance Mechanism</b>	6	1%
<b>Well-Developed Grievance Mechanism</b>	51	11%
<b>Baseline Grievance Mechanism</b>	344	75%
<b>No Identifiable Grievance Mechanism</b>	58	13%

Overall, the OGM Research Project identified 401 companies (87% of all companies identified as having a human rights policy and included in the Project’s database) as having an identifiable grievance mechanism. The most advanced grievance mechanisms include Adidas,<sup>13</sup> Lydian International,<sup>14</sup> Marks & Spencer,<sup>15</sup> OMV,<sup>16</sup> Reebok,<sup>17</sup> and Repsol.<sup>18</sup> Although recognizing that the database’s sample size has increased, having studied additional companies since the publication of the *Trends and General*

<sup>13</sup> *Summary of Third Party Complaint Process*, Adidas, [https://www.adidas-group.com/media/filer\\_public/49/b3/49b3e456-5a3d-4439-a3cb-c37fe4c9e2f0/summary\\_of\\_third\\_party\\_complaint\\_process\\_adidasgroup\\_march\\_2017.pdf](https://www.adidas-group.com/media/filer_public/49/b3/49b3e456-5a3d-4439-a3cb-c37fe4c9e2f0/summary_of_third_party_complaint_process_adidasgroup_march_2017.pdf) (last visited February 28, 2022).

<sup>14</sup> *Social Policy*, Lydian International, [https://www.lydianinternational.co.uk/images/pdf/policies/2018/Social\\_Policy.pdf](https://www.lydianinternational.co.uk/images/pdf/policies/2018/Social_Policy.pdf) (last visited June 16, 2021).

<sup>15</sup> *Human Rights*, Marks & Spencer, <https://corporate.marksandspencer.com/sustainability/business-wide/human-rights> (last visited June 16, 2021).

<sup>16</sup> *Community Grievance Mechanism Process*, OMV, <https://www.omv.com/en/sustainability/our-approach/ethical-principles/community-grievance-mechanism-process> (last visited February 24, 2022).

<sup>17</sup> *Id.*

<sup>18</sup> *Operational Grievance Mechanisms*, Repsol, <https://www.repsol.com/en/sustainability/human-rights/operational-grievance-mechanisms/index.cshtml> (last visited June 16, 2021).

*Practices (2020)* report, the relative ratio in terms of how many companies fall into each of the four categories of grievance mechanism has remained relatively consistent with no significant change.<sup>19</sup>

Although 21 companies in the database referenced the UNGPs in their human rights policy, they did not have any identifiable OGM. These 21 companies whose human rights policies referenced the UNGPs, but did not have an identifiable grievance mechanism, are being monitored by the OGM Research Project to detect if, and when, they develop a related OGM. Additionally, 37 companies did not reference the UNGPs in their human rights policy and did not have any identifiable OGM. Results are evenly split on whether these 37 companies reference other human rights instruments in their human rights policies. Of those 37 companies, 18 companies lacked reference to human rights instruments in their human rights policy and 19 companies included reference to human rights instruments in their human rights policy.

## VII. GRIEVANCE MECHANISM OPERATIONS

The OGM Research Project provides additional analysis of key aspects of the grievance mechanism operations of the companies being studied, including: whether the mechanisms are centralized or decentralized; whether they manage and process claims through hotlines; who they intend to be users of the grievance mechanism; what types of procedures are available for reviewing complaints; what type of alternative dispute resolution might be provided; whether the company includes anti-retaliation policies; and if the company provides an appeals process to users.

1. Centralized and Decentralized Management: The OGM Research Project tracks whether grievance mechanisms are centralized or decentralized. Centralized mechanisms receive all complaints through one location such as a company's headquarters, one specific office site, or through one digital platform. Decentralized mechanisms receive complaints at various offices or project sites and respond to each complaint through the local office where it was received. Of all the companies studied as of December 2021, 312 mechanisms are centralized; 75 mechanisms are decentralized; and 14 companies did not provide enough information to determine the location of the mechanism.

There appears to be an increasing gap between centralized and decentralized mechanisms. Whereas in the *Trends and General Practices (2020)* report, 65% of companies studied had a centralized mechanism, this year tracked 68% of companies with centralized mechanisms, indicating a 3% increase. Previously, 28% of companies studied had a decentralized mechanism, while this year tracked 16%, indicating an overall decrease in 12%.<sup>20</sup>

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<sup>19</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 9 (Most Advanced Grievance Mechanisms were 1% of total companies researched, Well-Developed Grievance Mechanisms were 10% of total companies researched, Baseline Grievance Mechanism were 72% of total companies researched, and No Identifiable Grievance Mechanisms were 16% of total companies researched).

<sup>20</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 10.

While a centralized system might lend itself to higher overall organizational efficiency, the question remains about the quality of any review of a complaint if the grievance process is removed from its geographical origin. It also suggests that the process of designing and implementing the grievance mechanism may also be less interactive with the users who live far from centralized offices. If a centralized mechanism functions as a third-party hotline, concerns about accessibility, responsiveness, and cultural sensitivity could be implicated.<sup>21</sup>

2. Process Management Through Hotlines: Research revealed that a significant number of companies rely on hotlines to process complaints. Some of these are operated by the company; others, through third parties. Of all the companies, 291 companies utilize an ethics hotline process, and 214 companies utilize a third party to manage complaints and present this avenue as their OGM.

When compared to the *Trends and General Practices (2020)* report, the relative number of companies who utilize an ethics hotline shows a slight increase from 56% to 64% of all researched companies. Companies which utilize a third-party management process have remained relatively consistent with 47% of total companies researched between 2020 and 2021 relying on this method for resolving complaints.<sup>22</sup>

Ethics hotlines continue to be increasingly popular forms of company grievance mechanisms. A significant portion of ethics hotlines are managed by third parties who transcribe the reported grievance and pass the complaint on to the company. Online platforms provide users the capacity to check the status of their complaint and remain confidential.<sup>23</sup> Concerns regarding ethics hotlines have remained the same since the *Trends and General Practices (2020)* report, including removing grievances from the corporate entity, reducing access to external stakeholders, and lacking transparent procedures.<sup>24</sup> Some of the more common hotline companies continue to include Convercent,<sup>25</sup> ComplianceLine,<sup>26</sup> RiskAdvisory,<sup>27</sup> and NAVEXGlobal.<sup>28</sup>

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<sup>21</sup> See John F. Sherman III and Chip Pitts, *Human Rights Corporate Accountability Guide: From Law to Norms to Values*, Harvard Kennedy School Mossavar-Rahmani Center for Business and Government, (2008) [https://www.globalcompact.de/migrated\\_files/wAssets/docs/Menschenrechte/Ocai/blihr\\_accountability\\_guide.pdf](https://www.globalcompact.de/migrated_files/wAssets/docs/Menschenrechte/Ocai/blihr_accountability_guide.pdf), at page 22. See generally Kevin T. Jackson, *Globalizing Corporate Ethics Programs: Perils and Prospects*, 16 *Journal of Business Ethics* 12/13 (1997).

<sup>22</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 10-11.

<sup>23</sup> See Ethics & Compliance WebLine, Starbucks, Starbucks at <https://businessconduct.eaweblne.com/> (last visited June 16, 2021); *Our Credo Integrity Line*, Johnson & Johnson, <https://secure.ethicspoint.com/domain/media/en/gui/28704/index.html> (last visited June 16, 2021); *Mondelez International Integrity Hotline*, Cadbury [www.mdlzethics.com](http://www.mdlzethics.com) (last visited June 16, 2021).

<sup>24</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 10-11.

<sup>25</sup> Convercent, <https://www.convercent.com/> (last visited April 5, 2022).

<sup>26</sup> Compliance Line, <https://complianceline.com/> (last visited April 5, 2022).

<sup>27</sup> Risk Advisory, <https://www.riskadvisory.com/services/third-party-compliance-management-platform/> (last visited April 5, 2022).

<sup>28</sup> Navex, <https://www.navexglobal.com/en-us> (last visited April 5, 2022).

3. Intended Users: The OGM Research Project seeks to determine the intended users of all identified OGMs. While information about an OGM may be publicly available, procedural details might indicate that the OGM has limited scope by restricting users to employees or customers. Of the companies studied to date, the following user designations were revealed:

- Available for use by anyone as indicated by the use of the term “anyone” or inclusion of a comprehensive list of any potential party to the mechanism (“Anyone”)
- Available use by anyone with explicit use of the term “community” when explaining intended users (“Anyone Including Communities”)
- Available for use by employees only (“Employees only”)
- Available for use by employees and business stakeholders, such as subcontractors, customers, shareholders, etc. (“Employees and Business Stakeholders”)
- Available for use by customers only (“Customers”)

The number of companies included in each category is revealed in Table 5.

**TABLE 5: Breakdown of categories of intended users**

	<b>Number of Companies</b>	<b>Percentage of Total Companies Researched</b>
<b>Anyone</b>	136	30%
<b>Anyone Including Communities</b>	13	3%
<b>Employees only</b>	97	21%
<b>Employees and Business Stakeholders</b>	149	32%
<b>Customers</b>	2	0.4%
<b>No Indication of Intended Users</b>	17	4%

Since the publication of the *Trends and General Practices (2020)* report, the percentage of companies who limit their mechanism to employees only increased to 21% compared to 19%. Companies who limit their grievance mechanism to employees and business stakeholders increased from 24% in 2020 to 32% in 2021, while companies who make their grievance mechanism available to “anyone” decreased from 36% in 2020 to 30% in 2021.<sup>29</sup>

The OGM Research Project continues to show that OGMs generally are still not specifically set up for handling community grievances, although they may still appear in companies that take complaints from “anyone”. Moreover, the majority of companies still limit use of their OGM to business affiliates and/or employees.

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<sup>29</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 11.

4. Procedure for Reviewing Complaints: The Project has only found procedural information for 135 (29%) of the total companies researched. While this is a slight increase from the *Trends and General Practices (2020)* report, it remains true that companies tend to not share information about their internal investigations through publicly available portals and documents, suggesting that grievance procedures remain confidential from unassociated third parties.<sup>30</sup>

The pattern of how mechanisms review complaints has remained mostly the same since the *Trends and General Practices (2020)* report with the following steps being clearly outlined by companies: (1) receipt of complaints, (2) assessment of the complaint, and (3) investigation of the complaint if deemed necessary. Some companies mention an initial acknowledgement that the company has received the complaint and has begun a review process. However, few of the publicly shared procedures indicate how assessments of complaints are processed, although it is common to see management teams charged with reviewing the validity of a complaint. Currently, there is no online information that allows an assessment of whether claims must meet certain admissibility requirements to be heard since none of the companies studied have provided that information through online portals.

Results are mixed regarding the final step of a procedure: Some companies indicate that they will issue a concluding report which will be submitted to senior management, while others mention that appropriate action steps will be taken to follow up on a complaint. No strong or discernable pattern has been identified regarding steps to close a complaint nor regarding any follow up steps with relevant parties.

5. Alternative Dispute Resolution: Of all the companies studied, only 11 of the companies that provide information about grievance procedures also mention that they offer some form of alternative dispute resolution such as mediation, dialogue, facilitation, or capacity building as part of the resolution of the claim. In particular, six of the companies mention that they offer mediation. For those companies that do discuss forms of alternative dispute resolution, the language they use suggests a focus on collaborative, dialogue-driven processes. Table 6 provides a list of companies that demonstrate evidence of alternative dispute resolution with an explanation of how each company frames this procedure.

**TABLE 6: Companies with evidence of alternative dispute resolution**

Company	Evidence of Alternative Dispute Resolution
<b>Adaro Energy Indonesia</b>	The company explains in its 2012-2013 Sustainability Report that the grievance, if not resolved through management, may be escalated to “bipartite negotiation involving Adaro Labor Organization (OPA).” If the issue is still not resolved, it may be mediated, before further escalation to industrial dispute settlement, and finally to the Supreme Court of Indonesia.

<sup>30</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 11-12.

<b>Banco Bilbao Vizcaya Argentaria SA</b>	The company explains in its Human Rights Policy as well as on its whistleblower website that it establishes “processes of dialogue with stakeholders” to handle grievances. The dialogue may be carried out through a secured system if the stakeholder wishes to maintain anonymity.
<b>Banco BPI</b>	The company explains in its 2021 Corporate Governance document that the Bank resolves disputes through “mutual consultation or negotiation, mediation or arbitration.”
<b>Cerrejon</b>	The company explains on its Complaints Office webpage that a “mutual understanding is sought to specify compensation,” indicating some dialogue or facilitation takes place between the involved parties.
<b>Lydian Armenia</b>	The company explains in its 2016 Stakeholder Engagement Plan that those who use the grievance mechanism can communicate with the company and “facilitate resolutions that are mutually acceptable by the parties.”
<b>Marks &amp; Spencer</b>	The company explains in its “Grievance Procedure for Clothing Home and Food” document that for reports made through its Safecall hotline, where appropriate, the company “will seek to promote discussion and dialogue between the relevant parties.”
<b>OMV</b>	The company explains in its Grievance Process Mechanism webpage that the grievance process strives “to be based on dialogue” to find a resolution between the parties.
<b>Panasonic</b>	The company explains in its “Respect for Human Rights” document that the Equal Partnership Consultation Office consults with employees to “handle their concerns while confirming their needs.”
<b>Parami Energy</b>	The company explains in its “Grievance and Redress Policy and Procedure” document that two routes are available for the resolution phase of the grievance process: formal and informal resolution. Through informal resolution, counselors will consult and discuss with the claimant to create a resolution.
<b>Reebok</b>	The company explains within its “Summary of Third Party Complaint Process” that the complaint “may be resolved through mutual agreement on the remedy.” This indicates that the parties engage in some dialogue to carry out this process.
<b>Repsol</b>	The company explains on its Grievance Mechanisms webpage that the fifth step in the grievance process is “dialogue with the parties placing the claim or complaint.” The dialogue involves creating solutions for resolving the dispute and reaching a compromise.

6. Anti-Retaliation Policy: Retaliation is a serious concern when submitting a grievance. Ideally, complainants should be empowered to identify issues related to a company without feeling at risk of, or actually suffering, retaliation of any kind.<sup>31</sup> As such, a clearly identified anti-retaliation policy is an important indicator regarding organizational steps to reduce instances of retaliation. The OGM

<sup>31</sup> See generally *OHCHR Accountability And Remedy Project III: Enhancing Effectiveness Of Non-State-Based Grievance Mechanisms In Cases Of Business-Related Human Rights Abuse*, United Nations Human Rights Office of the High Commissioner, [https://www.ohchr.org/EN/Issues/Business/Pages/ARP\\_III.aspx](https://www.ohchr.org/EN/Issues/Business/Pages/ARP_III.aspx) (last visited June 16, 2021).

Research Project identified 224 companies who have an anti-retaliation policy clearly connected to an identified OGM.

7. Available Appeals Process: Evidence of an appeals process is an important indicator regarding the ability for complainants to feel satisfied with an investigation’s outcome. The legitimacy of an OGM is based on the perceptions of stakeholders, and including an appeals process indicates a level of openness and respect that can increase perceptions of legitimacy and fairness.<sup>32</sup>

The OGM Research Project seeks to identify mechanisms which explicitly state how complainants can appeal the final decision of an initial investigation if they find it unsatisfactory. Of all the companies researched, 28 grievance mechanisms were identified to have an appeals process, four (4) of which are managed by a third party. In line with the *Trends and General Practices (2020)* report, no strong pattern is discernable in the information available online about these appeals processes, other than it remains rare for companies to publicly advertise this possibility.<sup>33</sup> Some identify specific ethics or legal offices where a person may submit an appeal while others mention speaking with a supervisor or manager. One process mentions seeking independent legal advice, while another mention submitting a second complaint through the original grievance mechanism. Table 7 provides a list of companies with an appeals process.

**TABLE 7: Companies with an Appeals Process**

Company Name	Nature of the Appeals Process	Is the appeals process managed by a third party?
<b>ABN AMRO</b>	The company explains that unsatisfied complainants can send a letter to the company’s Complaints Management Department, which will “re-investigate” the complaint. If the complainant is still not satisfied with the outcome, the complainant may contact the Financial Services Complaints Institute (KiFiD) to seek an independent opinion on how to resolve the complaint.	No
<b>Adidas Group</b>	The company explains that unsatisfied complainants can “raise [their] issue with the Social & Environmental Affairs (SEA) department. SEA will review the case and communicate the information to Adidas’s General Counsel for a final decision.”	No

<sup>32</sup> Caroline Rees, *Piloting Principles for Effective Company-Stakeholder Grievance Mechanisms: A Report of Lessons Learned*, Corporate Social Responsibility Initiative (May 2011), at page 13 – 15.

<sup>33</sup> *Trends and General Practices of Company Operational-Level Grievance Mechanisms (2020)*, <https://www.nesl.edu/practical-experiences/centers/center-for-international-law-and-policy/projects/operational-grievance-mechanisms-project>, at page 12-15.

<b>Aldi South</b>	The company explains that unsatisfied complainants can appeal to the next level of management.	No
<b>Anglo American PLC</b>	The company explains that unsatisfied complainants can appeal to the company's "Complaint Appeal Panel" for further review.	No
<b>ASML</b>	The company explains that unsatisfied complainants can report their concern to the Corporate Ethics Officer or the chairperson of the Ethics Board.	No
<b>Atlas Copco</b>	The company explains that unsatisfied complainants can engage in mediation at the Stockholm Chamber of Commerce Arbitration Institute.	Yes
<b>B&amp;S Group</b>	The company explains that the employer provides the whistleblower an investigation report and the employer's opinion, to which the whistleblower is given an opportunity to respond; if the whistleblower provides a substantiated response, a new or additional investigation can be initiated.	No
<b>Bank of Montreal</b>	The company explains that unsatisfied complainants can follow up with the Bank's Ombudsman or through a "Speak Up" ethics hotline for further review.	Yes
<b>Cerrejon</b>	The company explains that unsatisfied complainants can appeal a decision and a new investigator will be assigned to the complaint.	No
<b>Chevron</b>	The company explains that unsatisfied complainants can have their issue reviewed by the Appeals Committee to determine if additional action is possible.	No
<b>GoldCorp</b>	The company explains that unsatisfied complainants can have investigation results reviewed by a research team and submitted for a third review by a panel and scored to see if they have met the needs of the complainant.	No
<b>Humana</b>	Company identified that an appeals process was available, but provided no specific information regarding the nature of the process.	No information available
<b>Kroger</b>	The company explains that unsatisfied complainants can write to the company's Compliance Officer within 15 days of receiving the investigation decision. The Chief Ethics and Compliance Officer issues a written response to the appeal within 30 days.	No

<b>Lantmannen</b>	The company explains that unsatisfied complainants can alert the Corporate Code Committee and identify and substantiate any issues which the individual considers to be insufficiently addressed. The Corporate Code Committee may decide to take the following actions: (1) invite the submitter to further substantiate their complaints about the outcome of the investigation; (2) request that the submitter answer any relevant questions in this respect; and/or (3) assess any other options to resolve or more adequately address the Concern.	No
<b>Marks &amp; Spencer</b>	The company explains that unsatisfied complainants can “raise the issue with the Corporate Head of Human Rights who will review the case with the independent human rights stakeholder advisory group for a final decision. If the party is still dissatisfied with the outcome and the actions taken by M&S then it can refer the issue or complaint to the relevant National Contact Point.”	Yes
<b>McKesson</b>	The company explains that unsatisfied complainants (employees) can bring up concerns with a supervisor or manager.	No
<b>Nidera</b>	The company explains that unsatisfied complainants can contact the Corporate Code Committee.	No
<b>OMV</b>	The company explains that unsatisfied complainants can appeal and the grievance will be re-evaluated by alternate investigators.	No
<b>Philex Mining</b>	The company explains that unsatisfied complainants have ten days to appeal an investigation decision to the Office of the President.	No
<b>Premier Oil</b>	The company identified that an appeals process was available, but provided no specific information regarding the nature of the process.	No
<b>Reebok</b>	The company explains that unsatisfied complainants can submit an appeal which will be evaluated by the company’s General Counsel.	No
<b>Sakhalin Energy Investment Company LTD</b>	The company identified that an appeals process was available, but provided no specific information regarding the nature of the process.	No information available
<b>Samsung</b>	The company explains that unsatisfied complainants can file an objection within five days after receiving notice of the result, but leaves unclear where that should be filed.	No

<b>Societe Generale</b>	The company explains that unsatisfied complainants can appeal internally as well as appeal to the monitoring committee or to a third-party mediator.	Yes
<b>Sodexo</b>	The company explains that unsatisfied complainants can inform the Group Ethics Officer if they believe that a claim was not handled appropriately.	No
<b>Southern Company</b>	The company identifies that an appeals process is available, but provides no specific information regarding the nature of the process.	No
<b>Torres</b>	The company explains that unsatisfied complainants can submit an appeal within 5 days followed by a hearing, but do not indicate where those should be filed.	No
<b>Wilmar International Limited</b>	The company explains that unsatisfied complainants can speak with the Grievance Unit which can provide a direct explanation of investigation results, cross-verify facts, discuss other options, and involve external independent observers.	No

## VIII. RESULTS AND REMEDY

Some grievance procedures recognize that a remedial outcome may result from a proceeding, although few companies provide specifics on what types of reparations might be available when publicizing their grievance procedure. The OGM Research Project identified 16 companies which published previous or potential reparations. Common examples include termination of employment and internal disciplinary actions of workers who violate company policies (including human rights policies), and increased trainings.

Publishing possible reparations or examples of previously provided reparations contributes to the predictability and transparency of an effective OGM. The Project found three (3) companies that have reported reparations packages from their grievance mechanisms.

- **Barrick Hemlo:** Some specific cases have been highlighted by the company under their Porgera Remedy Framework – a grievance mechanism that operated between October 2012 and May 2013 to address human rights issues stemming from operations at the Porgera Mine in Papua New Guinea. Of the 119 claims brought by women in the mining community, each received a total cash compensation of 50,000 kina (\$20,000 at the time) and failed to receive promised services such as medical care, counseling, and school fees.<sup>34</sup>

<sup>34</sup> This case has been critiqued by the Columbia Law School Human Rights Clinic and the Harvard Law School International Human Rights Clinic. See *Righting Wrongs?: Barrick Gold's Remedy Mechanism for Sexual Violence in Papua New Guinea* (2015), <https://hrp.law.harvard.edu/wp-content/uploads/2015/11/FINALBARRICK.pdf>.

- **Marks & Spencer:** The company's 2017 Human Rights Report highlights a few cases where remedial action was taken to address workplace issues. These examples include providing reparations in the form of new employment contracts and clarification of the overtime policy; providing legal work to refugees as a response to issues of modern slavery in clothing factories; and reducing recruitment fees.
- **Adidas:** In 2019, Adidas provided a summary of human rights complaints handled by the company. Only cases which were otherwise publicly disclosed were included, with the remainder being treated as confidential. Of the 18 listed complaints, examples of reparations included monetary compensation and back-pay for inappropriate dismissal, monetary compensation for incorrect severance payment and dismissal of union workers, and additional remediation for complaints of harassment.

## IX. LESSONS LEARNED

Lessons learned provide direct feedback to the corporation to prevent future harm and provide a more efficient OGM process. Lessons learned also demonstrate that the company takes grievances seriously and is invested in improving its corporate processes to further respect internal and external stakeholders. This can increase trust from users regarding the operations of the company and increase the legitimacy of the OGM.<sup>35</sup>

The Project found 66 companies which demonstrated that lessons learned are utilized to further develop their OGM or due diligence procedures. Lessons learned tend to be presented within human rights or sustainability reports as overarching lessons rather than lessons tied to a particular claim or project. Many lessons learned also include information from corresponding due diligence procedures alongside the grievance mechanism. Some companies identify that they utilize lessons learned but do not provide further explanation. Table 8 provides examples of some of these companies.

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<sup>35</sup> United Nations Guiding Principles, Principle 31 Commentary (e) ("Communicating regularly with parties about the progress of individual grievances can be essential to retaining confidence in the process. Providing transparency about the mechanism's performance to wider stakeholders, through statistics, case studies or more detailed information about the handling of certain cases, can be important to demonstrate its legitimacy and retain broad trust. At the same time, confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary.")

**TABLE 8: Companies with evidence of lessons learned**

<b>Company</b>	<b>Evidence of Lessons Learned</b>
<b>OMV</b>	The company explains on its grievance mechanism webpage that it tracks potential impacts through its grievances. Trends are “regularly discussed with senior management at operated sites” and adaptations are made to “prevent future repetition of the same community concerns” and to improve the grievance management process.
<b>Eli Lilly Company</b>	The company explains on its Ethics and Compliance Program webpage that after a finding that a violation has occurred, the company determines whether changes to its procedures, processes, and business practices “are needed to prevent further violations.”
<b>Lihir Gold</b>	The company explained in its 2019 Sustainability Report that it engages in “constructive dialogue” and seeks feedback through its grievance management system. The company uses this feedback to improve its communication channels and to raise stakeholder awareness of “commercial and broader sustainability aspects” of its business.
<b>UniCredit</b>	The company explained in its Human Rights Commitment that it analyzes information collected from grievances related to “practices and any negative impact” of the company’s activities to provide lessons learned from its OGM process. The company then takes mitigating action to resolve the negative impacts within the whistleblowing procedure. It also uses external processes to address these issues.

## **X. CONCLUSION**

The OGM Research Project has worked diligently to compile the above-presented information regarding the status of human rights focused OGM processes throughout the world. Overall trends have indicated a rise of these non-state, non-judicial systems in handling human rights grievances, but companies still have work ahead of them to transform baseline OGMs into more robust and responsive grievance mechanisms that also comply with the criteria set forth in the UNGP 31. Overall, based on desktop research, it is still unclear whether appropriate procedures are being developed to provide effective and satisfactory remedies, both in terms of the procedures and outcomes that are offered. The OGM Research Project team will continue to research new companies, return to previously research companies, and produce reports to contribute to the international conversation about company OGMs.

## APPENDIX A

Company researched by the OGM Research Project, and their industry sorted alphabetically:

Company Name	Industry
3M	Manufacturing and Distribution
Aalberts Industries NV	Information Technology
Aareal Bank AG	Banking and Finance
AB Electrolux	Manufacturing and Distribution
AB InBev	Food and Beverage Retail
AB Panevezio Statysbos Trestas	Infrastructure and Construction
AB SKF	Manufacturing and Distribution
AB Volvo	Automotive
Abanca Corporación Bancaria SA	Banking and Finance
Abanka D.D.	Banking and Finance
ABB	Infrastructure and Construction
Abbott	Healthcare & Pharmaceutical
Abbvie	Healthcare & Pharmaceutical
ABN AMRO	Banking and Finance
Acacia	Mining
Accell Group NV	Manufacturing and Distribution
Acciona	Infrastructure and Construction
Accor SA	Hospitality
Acea Spa	Gas, Oil, Energy
Acomo	Agriculture
Actividades De Construcción Y Servicios, S.A. (Grupo ACS)	Infrastructure and Construction
Adaro Energy Indonesia	Mining
Adidas Group	Clothing Retail
Adolfo Dominguez SA	General Retailer
AECOM	Miscellaneous
Aegean Air SA	Airline
Aegon	Banking and Finance
AENA, S.M.E. S.A	Management
Aeroport de Paris	Transportation
Agrium	Agriculture
Ahlers AG	Manufacturing and Distribution
Ahlstrom-Munksjo OYJ	Manufacturing and Distribution
Ahold Delhaize	Food and Beverage Retail
Air France KLM	Airline
Aker Solutions	Gas, Oil, Energy
AKZO Nobel	Chemical Companies
Alcoa	Mining
Aldi North	Food and Beverage Retail
Aldi South	Food and Beverage Retail

<b>Allen &amp; Overy</b>	Law Firm
<b>Allergan</b>	Healthcare & Pharmaceutical
<b>Allianz</b>	Banking and Finance
<b>Alpha Bank</b>	Banking and Finance
<b>Alstom</b>	Infrastructure and Construction
<b>Altia OYJ</b>	Food and Beverage Retail
<b>Altice Europe NV</b>	Telecommunications
<b>Altria</b>	Manufacturing and Distribution
<b>Amadeus</b>	Transportation
<b>Amazon</b>	General Retailer
<b>Amer Sports Corporation</b>	General Retailer
<b>American Airlines</b>	Airline
<b>American Eagle Outfitters</b>	Clothing Retail
<b>American Express</b>	Banking and Finance
<b>American Movil</b>	Telecommunications
<b>Amerisource Bergen</b>	Healthcare & Pharmaceutical
<b>Amgen</b>	Healthcare & Pharmaceutical
<b>Amica S.A.</b>	Manufacturing and Distribution
<b>Amrest Holdings SE</b>	Food and Beverage Retail
<b>ANA</b>	Airline
<b>Andritz AG</b>	Manufacturing and Distribution
<b>Anek Lines</b>	Miscellaneous
<b>Aneka Tambang (Persero)</b>	Mining
<b>Anglo American PIC</b>	Mining
<b>Anglo Gold Ashanti</b>	Mining
<b>Anheuser-Busch Inbev Sa/Nv</b>	Food and Beverage Retail
<b>ANTAM</b>	Mining
<b>Antofagasta PLC</b>	Mining
<b>AO World PLC</b>	Manufacturing and Distribution
<b>Apetit OYJ</b>	Food and Beverage Retail
<b>Apple</b>	Telecommunications
<b>Applied Materials</b>	Manufacturing and Distribution
<b>Aptiv PLC</b>	Automotive
<b>Aquafil</b>	Manufacturing and Distribution
<b>Aramark</b>	General Retailer
<b>Aramex</b>	Delivery
<b>Arcelor Mittal</b>	Mining
<b>Archer Daniels Midland Company</b>	Agriculture
<b>Arena Hospitality Group</b>	Hospitality
<b>AREVA</b>	Mining
<b>Arkema</b>	Chemical Companies
<b>Arla</b>	Manufacturing and Distribution
<b>Arrow Electronics</b>	Manufacturing and Distribution

<b>AS Baltika</b>	Clothing Retailer
<b>AS Latvijas Gaze</b>	Gas, Oil, Energy
<b>ASML</b>	Manufacturing and Distribution
<b>ASOS</b>	Clothing Retail
<b>Aspo OYJ</b>	Chemical Companies
<b>Assa Abloy AB</b>	Manufacturing and Distribution
<b>Associated British Foods</b>	Food and Beverage Retail
<b>AstraZeneca</b>	Healthcare & Pharmaceutical
<b>AT&amp;T</b>	Telecommunications
<b>Atlantia S.P.A.</b>	Banking and Finance
<b>Atlantic Grupa D.D.</b>	Food and Beverage Retail
<b>Atlas Copco</b>	Manufacturing and Distribution
<b>ATOS</b>	Information Technology
<b>Atria OYJ</b>	Food and Beverage Retail
<b>Attendo</b>	Healthcare & Pharmaceutical
<b>Attica Group</b>	Automotive
<b>Aurubis AG</b>	Mining
<b>Australia and New Zeland Banking Group (ANZ)</b>	Banking and Finance
<b>Autogrill S.P.A.</b>	Food and Beverage Retail
<b>AutoNation</b>	Automotive
<b>Avent, Inc.</b>	Healthcare & Pharmaceutical
<b>AVIVA</b>	Insurance Companies
<b>Axa Group</b>	Insurance Companies
<b>Axfood</b>	Food and Beverage Retail
<b>B&amp;S Group</b>	Manufacturing and Distribution
<b>Balfour Beatty PLC</b>	Infrastructure and Construction
<b>Ball</b>	Manufacturing and Distribution
<b>Balta Group</b>	Manufacturing and Distribution
<b>Banco Bilbao Vizcaya Argentaria SA</b>	Banking and Finance
<b>Banco BPI</b>	Banking and Finance
<b>Banco Comercial Portugues SA</b>	Banking and Finance
<b>Banco Sabadell</b>	Banking and Finance
<b>Bank of Montreal</b>	Banking and Finance
<b>Bankinter</b>	Banking and Finance
<b>Barclays</b>	Banking and Finance
<b>Barrick Hemlock</b>	Mining
<b>BASF</b>	Chemical Companies
<b>Bayer</b>	Healthcare & Pharmaceutical
<b>Bayer (acquired Monsanto)</b>	Chemical Companies
<b>Beatty</b>	Infrastructure and Construction
<b>Becton Dickinson</b>	Healthcare & Pharmaceutical
<b>Best Buy</b>	General Retailer
<b>Bharti Airtel</b>	Telecommunications

<b>BHP Billiton</b>	Mining
<b>Bic Group</b>	Manufacturing and Distribution
<b>Biotest AG</b>	Healthcare & Pharmaceutical
<b>BMW Group 1</b>	Manufacturing and Distribution
<b>BNP Paribas</b>	Banking and Finance
<b>BNY Mellon</b>	Banking and Finance
<b>Boeing</b>	Manufacturing and Distribution
<b>Boliden</b>	Mining
<b>Bouygues</b>	Miscellaneous
<b>BP</b>	Gas, Oil, Energy
<b>Brambles</b>	Manufacturing and Distribution
<b>Bravida</b>	Miscellaneous
<b>Bristol Myers Squibb</b>	Healthcare & Pharmaceutical
<b>British American Tobacco</b>	Manufacturing and Distribution
<b>Broadcom</b>	Manufacturing and Distribution
<b>BT PLC</b>	Telecommunications
<b>Cadbury</b>	Food and Beverage Retail
<b>Canadian Natural Resources</b>	Gas, Oil, Energy
<b>Capgemini Engineering</b>	Miscellaneous
<b>Cardinal Health</b>	Healthcare & Pharmaceutical
<b>Carrefour</b>	Manufacturing and Distribution
<b>Casino Global Sourcing</b>	Manufacturing and Distribution
<b>Casio Group</b>	Manufacturing and Distribution
<b>Caterpillar</b>	Manufacturing and Distribution
<b>CBRE Group</b>	Banking and Finance
<b>CDW</b>	Manufacturing and Distribution
<b>Cemex</b>	Manufacturing and Distribution
<b>Centrica</b>	Gas, Oil, Energy
<b>Century Link</b>	Telecommunications
<b>Correjon</b>	Mining
<b>CH Robinson Worldwide</b>	Transportation
<b>Chevron</b>	Gas, Oil, Energy
<b>Chiquita</b>	Miscellaneous
<b>Chubu Electric Power</b>	Miscellaneous
<b>Cigna</b>	Healthcare & Pharmaceutical
<b>Cisco Systems</b>	Information Technology
<b>Citigroup</b>	Banking and Finance
<b>Clifford Chance</b>	Law Firm
<b>Coca-Cola Company</b>	Food and Beverage Retail
<b>Cognizant Technology Solutions</b>	Information Technology
<b>Colgate Palmolive</b>	Manufacturing and Distribution
<b>Comcast</b>	Telecommunications
<b>Commercial International Bank</b>	Banking and Finance

<b>Commerz Bank</b>	Banking and Finance
<b>Compass Group</b>	Food and Beverage Retail
<b>Conoco Phillips</b>	Gas, Oil, Energy
<b>Continental Corporation</b>	Manufacturing and Distribution
<b>Control Risks</b>	Consulting
<b>Corporacion Dinant</b>	Agriculture
<b>Cosmo Energy Holding</b>	Gas, Oil, Energy
<b>Costco Wholesale Club</b>	General Retailer
<b>Credit Agricole</b>	Banking and Finance
<b>Credit Suisse</b>	Banking and Finance
<b>Cummins</b>	Manufacturing and Distribution
<b>CVS Health</b>	Healthcare & Pharmaceutical
<b>Daimler</b>	Automotive
<b>Danaher</b>	Manufacturing and Distribution
<b>Dell</b>	Information Technology
<b>Delta Airlines</b>	Manufacturing and Distribution
<b>Deutsche Bahn</b>	Miscellaneous
<b>Deutsche Post DHL Group</b>	Delivery
<b>Deutsche Telekom AG</b>	Telecommunications
<b>Diageo</b>	Food and Beverage Retail
<b>DnB Nor</b>	Banking and Finance
<b>Dollar General</b>	General Retailer
<b>Dollar Tree</b>	General Retailer
<b>Dow Chemicals</b>	Chemical Companies
<b>DR Horton</b>	Infrastructure and Construction
<b>DTEK</b>	Gas, Oil, Energy
<b>Dupont</b>	Manufacturing and Distribution
<b>DXC Technology</b>	Information Technology
<b>E. On</b>	Gas, Oil, Energy
<b>Eads Distribution</b>	Manufacturing and Distribution
<b>Eli Lilly Company</b>	Healthcare & Pharmaceutical
<b>Enagas</b>	Gas, Oil, Energy
<b>Enbridge</b>	Gas, Oil, Energy
<b>Environmental Resources Management</b>	Consulting
<b>EOG Resources</b>	Gas, Oil, Energy
<b>Equinor</b>	Gas, Oil, Energy
<b>Ericsson</b>	Information Technology
<b>Exxon Mobil</b>	Gas, Oil, Energy
<b>Fannie Mae</b>	Banking and Finance
<b>Ferrovial</b>	Food and Beverage Retail
<b>First Quantum Minerals</b>	Mining
<b>Fluor</b>	Infrastructure and Construction
<b>Ford Motor</b>	Automotive

<b>Freddie Mac</b>	Banking and Finance
<b>Freeport McMoran Copper &amp; Gold, Inc.</b>	Mining
<b>Fujifilm</b>	Manufacturing and Distribution
<b>Gap</b>	Clothing Retail
<b>General Mills</b>	Food and Beverage Retail
<b>General Motors</b>	Automotive
<b>Genuine Parts</b>	Manufacturing and Distribution
<b>GeoTeam Amsular</b>	Mining
<b>GlaxoSmithKline</b>	Healthcare & Pharmaceutical
<b>Glencore</b>	Mining
<b>GoldCorp</b>	Mining
<b>GoldFields</b>	Mining
<b>Goldman Sachs Group</b>	Banking and Finance
<b>Goodyear</b>	Manufacturing and Distribution
<b>Google</b>	Information Technology
<b>Gucci</b>	Clothing Retail
<b>H&amp;M</b>	Clothing Retail
<b>Halliburton</b>	Gas, Oil, Energy
<b>Heineken</b>	Food and Beverage Retail
<b>Herbert Smith Freehills</b>	Law Firm
<b>Hess</b>	Gas, Oil, Energy
<b>Hewlett Packard</b>	Information Technology
<b>Hibu Group</b>	Consulting
<b>Hilton</b>	Hospitality
<b>Hitachi</b>	Infrastructure and Construction
<b>Holly Frontier</b>	Gas, Oil, Energy
<b>HSBC</b>	Banking and Finance
<b>Humana</b>	Healthcare & Pharmaceutical
<b>Hydro</b>	Manufacturing and Distribution
<b>Iberdrola</b>	Gas, Oil, Energy
<b>IKEA</b>	Manufacturing and Distribution
<b>Imperial Tobacco</b>	Manufacturing and Distribution
<b>Implats</b>	Mining
<b>India Oil</b>	Gas, Oil, Energy
<b>ING</b>	Banking and Finance
<b>Ingersoll Rand</b>	Manufacturing and Distribution
<b>Inmet</b>	Manufacturing and Distribution
<b>Intel</b>	Information Technology
<b>Intercontinental Hotels</b>	Hospitality
<b>International Paper</b>	Manufacturing and Distribution
<b>IPIECA</b>	Gas, Oil, Energy
<b>ISAGEN</b>	Gas, Oil, Energy
<b>ISS Denmark</b>	Management

<b>ITC</b>	Manufacturing and Distribution
<b>Jabil</b>	Manufacturing and Distribution
<b>John Deere</b>	Infrastructure and Construction
<b>Johnson &amp; Johnson</b>	Healthcare & Pharmaceutical
<b>Johnson Controls</b>	Manufacturing and Distribution
<b>Jones Lang LaSalle</b>	Miscellaneous
<b>JPMorgan Chase</b>	Banking and Finance
<b>KBZ Group</b>	Miscellaneous
<b>Kering</b>	Manufacturing and Distribution
<b>KfW</b>	Banking and Finance
<b>Kimberly-Clark</b>	Manufacturing and Distribution
<b>Kinross</b>	Mining
<b>Kohls</b>	General Retailer
<b>Kosmos Energy</b>	Gas, Oil, Energy
<b>KPMG</b>	Banking and Finance
<b>KPN</b>	Telecommunications
<b>Kraft</b>	Food and Beverage Retail
<b>Kroger</b>	General Retailer
<b>Kumba Iron Ore</b>	Mining
<b>Lafarge Holcim</b>	Manufacturing and Distribution
<b>Lagardere</b>	Media & Entertainment
<b>Lantmannen</b>	Agriculture
<b>Lear Corporation</b>	Automotive
<b>Lego</b>	Manufacturing and Distribution
<b>Levi Stauss</b>	Clothing Retail
<b>Liberty Mutual</b>	Insurance Companies
<b>Lihir Gold</b>	Mining
<b>Lincoln Financial Group</b>	Insurance Companies
<b>Linde Group</b>	Chemical Companies
<b>Linklaters</b>	Law Firm
<b>Linklaters</b>	Law Firm
<b>Lockheed Martin</b>	Information Technology
<b>Macobre S.A.C.</b>	Mining
<b>Macy's</b>	General Retailer
<b>Mail.Ru</b>	Telecommunications
<b>Marathon Oil</b>	Gas, Oil, Energy
<b>Marathon Petroleum</b>	Gas, Oil, Energy
<b>Marks &amp; Spencer</b>	General Retailer
<b>Marriott International</b>	Hospitality
<b>Marubeni</b>	Manufacturing and Distribution
<b>McDonalds</b>	Food and Beverage Retail
<b>McKesson</b>	Healthcare & Pharmaceutical

<b>Merck</b>	Healthcare & Pharmaceutical
<b>Microsoft</b>	Information Technology
<b>Mitsubishi Electric</b>	Manufacturing and Distribution
<b>Mitsubishi Chemical Holdings</b>	Chemical Companies
<b>Mitsui &amp; Co.</b>	Manufacturing and Distribution
<b>Mizuho Financial Group</b>	Banking and Finance
<b>Mondelez International</b>	Food and Beverage Retail
<b>Mondi</b>	Manufacturing and Distribution
<b>Morgan Advanced Materials</b>	Manufacturing and Distribution
<b>Morgan Stanley</b>	Banking and Finance
<b>Motorola</b>	Telecommunications
<b>MPRL E&amp;P</b>	Gas, Oil, Energy
<b>Naouri Group</b>	Delivery
<b>National Grid</b>	Gas, Oil, Energy
<b>Nationwide</b>	Banking and Finance
<b>NEC</b>	Information Technology
<b>Nedbank</b>	Banking and Finance
<b>Nestle</b>	Manufacturing and Distribution
<b>Nestle Oil</b>	Gas, Oil, Energy
<b>Newmont Mining</b>	Mining
<b>Nexon</b>	Miscellaneous
<b>NextEra Energy</b>	Gas, Oil, Energy
<b>Nidera</b>	Agriculture
<b>Nike</b>	Clothing Retail
<b>Nippon Yusen</b>	Delivery
<b>Nokia</b>	Telecommunications
<b>Nomura Group</b>	Banking and Finance
<b>Nordea</b>	Banking and Finance
<b>Nordstrom</b>	Clothing Retail
<b>Northrop Grumman</b>	Miscellaneous
<b>Novartis*</b>	Healthcare & Pharmaceutical
<b>Novo Group</b>	Banking and Finance
<b>Novo Nordisk</b>	Healthcare & Pharmaceutical
<b>Novozymes</b>	Healthcare & Pharmaceutical
<b>Nucor</b>	Manufacturing and Distribution
<b>O2</b>	Telecommunications
<b>Obayashi</b>	Infrastructure and Construction
<b>Occidental</b>	Gas, Oil, Energy
<b>Oceana Gold</b>	Mining
<b>OMV</b>	Gas, Oil, Energy
<b>Oracle</b>	Information Technology
<b>Outokumpu</b>	Manufacturing and Distribution

<b>Paccar</b>	Automotive
<b>Paladin Energy LTD</b>	Mining
<b>Panasonic</b>	Manufacturing and Distribution
<b>Parami Energy</b>	Gas, Oil, Energy
<b>PBF Energy</b>	Gas, Oil, Energy
<b>Peab</b>	Infrastructure and Construction
<b>Penske Automotive Group, Inc.</b>	Automotive
<b>Pentland</b>	Miscellaneous
<b>PepsiCo</b>	Food and Beverage Retail
<b>Performance Food Group</b>	Food and Beverage Retail
<b>Petrobras</b>	Gas, Oil, Energy
<b>Pfizer</b>	Healthcare & Pharmaceutical
<b>PG&amp;E</b>	Gas, Oil, Energy
<b>Philex Mining</b>	Mining
<b>Philip Morris International</b>	Manufacturing and Distribution
<b>Philips</b>	Manufacturing and Distribution
<b>Phillips 66</b>	Gas, Oil, Energy
<b>PNC Financial</b>	Banking and Finance
<b>Posco</b>	Manufacturing and Distribution
<b>Posco Daewoo</b>	Banking and Finance
<b>Power Corporation of Canada</b>	Managing Companies
<b>Premier Oil</b>	Gas, Oil, Energy
<b>PriceWaterHouseCoopers</b>	Banking and Finance
<b>Primark</b>	Clothing Retail
<b>Proctor &amp; Gamble</b>	Manufacturing and Distribution
<b>Qualcomm</b>	Manufacturing and Distribution
<b>RaboBank</b>	Banking and Finance
<b>Raytheon</b>	Manufacturing and Distribution
<b>Reckitt Benckiser</b>	Manufacturing and Distribution
<b>Reebok</b>	Clothing Retail
<b>Repsol</b>	Gas, Oil, Energy
<b>Ricoh</b>	Manufacturing and Distribution
<b>Rio Tinto</b>	Mining
<b>Riteaid</b>	General Retailer
<b>Ritz-Carlton</b>	Hospitality
<b>Roche</b>	Healthcare & Pharmaceutical
<b>Royal Bank of Scotland</b>	Banking and Finance
<b>Royal Caribbean</b>	Media & Entertainment
<b>Sakhalin Energy Investment Co.</b>	Gas, Oil, Energy
<b>Samsung</b>	Manufacturing and Distribution
<b>Sandvik</b>	Miscellaneous

<b>Sanofi Aventis</b>	Healthcare & Pharmaceutical
<b>SAP</b>	Information Technology
<b>SAS Group</b>	Information Technology
<b>Sasol</b>	Chemical Companies
<b>Scania</b>	Automotive
<b>Securitas</b>	Information Technology
<b>Shell</b>	Gas, Oil, Energy
<b>Sherwin Williams</b>	Manufacturing and Distribution
<b>Shiseido</b>	Manufacturing and Distribution
<b>Sibanye Stillwater (formerly "Lonmin")</b>	Mining
<b>Siemens</b>	Manufacturing and Distribution
<b>Signet</b>	General Retailer
<b>Skanska</b>	Infrastructure and Construction
<b>Smiths Group</b>	Manufacturing and Distribution
<b>Societe Generale</b>	Banking and Finance
<b>Sodexo</b>	Hospitality
<b>Sodexo UK</b>	Miscellaneous
<b>Sodra</b>	Manufacturing and Distribution
<b>Sompo Insurance</b>	Insurance Companies
<b>Sony</b>	Manufacturing and Distribution
<b>Southern Company</b>	Gas, Oil, Energy
<b>Southwest Airlines</b>	Airline Companies
<b>SSAB</b>	Manufacturing and Distribution
<b>Standard Chartered</b>	Banking and Finance
<b>Starbucks</b>	Food and Beverage Retail
<b>Sumitomo Electric Industries</b>	Manufacturing and Distribution
<b>Sumitomo Metal Mining</b>	Mining
<b>Suncor Energy</b>	Gas, Oil, Energy
<b>Synchrony Financial</b>	Banking and Finance
<b>Syngenta</b>	Agriculture
<b>Synnex</b>	Manufacturing and Distribution
<b>Sysco</b>	Manufacturing and Distribution
<b>Target Corp.</b>	General Retailer
<b>Tata</b>	Manufacturing and Distribution
<b>Taylor Wimpey</b>	Infrastructure and Construction
<b>Tchibo</b>	General Retailer
<b>TDK</b>	Manufacturing and Distribution
<b>Tech Data Corporation</b>	Manufacturing and Distribution
<b>Teck Resources</b>	Mining
<b>Telefonica</b>	Telecommunications
<b>Telenor ASA</b>	Telecommunications

<b>Tenet Healthcare</b>	Healthcare & Pharmaceutical
<b>Tesco PLC</b>	General Retailer
<b>Tesla</b>	Automotive
<b>The Hartford</b>	Insurance Companies
<b>Thermo Fisher Scientific</b>	Manufacturing and Distribution
<b>Thermo Fisher Scientific</b>	Manufacturing and Distribution
<b>TIAA</b>	Management
<b>TJ Max</b>	General Retailer
<b>TJ Maxx</b>	General Retailer
<b>Torres*</b>	Information Technology
<b>Toshiba</b>	Manufacturing and Distribution
<b>Trans Adriatic Pipeline AG</b>	Infrastructure and Construction
<b>Travelers Insurance</b>	Insurance Companies
<b>TVI Resource Development</b>	Mining
<b>Twitter</b>	Media & Entertainment
<b>Tyson Food</b>	Food and Beverage Retail
<b>UniCredit</b>	Banking and Finance
<b>Union Pacific</b>	Miscellaneous
<b>United Parcel Service</b>	Delivery
<b>US Foods</b>	Food and Beverage Retail
<b>US Foods</b>	Food and Beverage Retailer
<b>USAA</b>	Banking and Finance
<b>Vale</b>	Mining
<b>Verizon Communications</b>	Telecommunications
<b>Verizon Media</b>	Telecommunications
<b>Visa, Inc.</b>	Banking and Finance
<b>Visa, Inc.</b>	Banking and Finance
<b>Vodafone</b>	Telecommunications
<b>Walgreens Boots Alliance</b>	General Retailer
<b>Walmart</b>	General Retailer
<b>Walt Disney</b>	Media & Entertainment
<b>Wells Fargo</b>	Banking and Finance
<b>Western Digital</b>	Manufacturing and Distribution
<b>WestRock</b>	Manufacturing and Distribution
<b>Whirlpool</b>	Manufacturing and Distribution
<b>Wilmar International Limited</b>	Agriculture
<b>World Fuel Services</b>	Gas, Oil, Energy
<b>Xerox</b>	Manufacturing and Distribution
<b>XPO Logistics</b>	Management

## APPENDIX B

### I. Project Resources for Selecting Companies

There are multiple benchmarks and indices that explore different facets of human rights compliance by companies. When starting of the OGM Research Project, the senior researchers pulled names of companies from these sources. At the start of the project, some of these sources were not including a focus on OGMS or were doing it in an in-depth manner. These sources included:

- **The Corporate Human Rights Benchmark (CHRB)** is a benchmark that focuses on tracking governance and policy commitments, embedding respect and human rights due diligence, remedies and grievance mechanisms, performance of company human rights practices, performance of responses to serious allegations, and transparency. Founded in 2015, CHRB is a collaboration led by investors and civil society organizations dedicated to creating the first open and public benchmark of corporate human rights performance.<sup>36</sup>
- **The Business and Human Rights Resource Center (BHRRC)** tracks human rights abuses within and by companies.<sup>37</sup> It serves as a platform for filing complaints against companies and has created an opportunity for those companies to respond.
- **The Ranking Digital Rights (RDR)** is an index of twenty-four (24) companies ranked based on their disclosed commitments, policies, and practices affecting the freedom of expression and privacy of internet users across the world.<sup>38</sup>
- **The Alliance for Corporate Transparency (ACT)** is a project that has assessed how European companies disclose information on their environmental and societal risks and impacts. In 2020, the Alliance completed EUKI Research, a study of 300 companies' climate, environmental, and governance reporting in Central, Eastern, and Southern Europe.<sup>39</sup>
- **The UN Global Compact** is the world's largest corporate sustainability initiative based on CEO commitments to implement universal sustainability principles.<sup>40</sup> The initiative has over 15,000 signatories in over 160 countries.

**The Global Reporting Initiative** provides a global standard for sustainability reporting by creating a global common language for organizations to report their impacts.<sup>41</sup> The initiative currently includes reports from over 10,000 organizations.<sup>42</sup>

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<sup>36</sup> *Who We Are*, Corporate Human Rights Benchmark, <https://www.corporatebenchmark.org/who-we-are> (last visited June 16, 2021).

<sup>37</sup> Business & Human Rights Resource Center, <https://www.business-humanrights.org> (last visited June 16, 2021).

<sup>38</sup> Ranking Digital Rights, <https://rankingdigitalrights.org> (last visited June 16, 2021).

<sup>39</sup> *The Future of Corporate Sustainability Reporting*, Alliance for Corporate Transparency, <https://www.allianceforcorporatetransparency.org> (last visited June 16, 2021).

<sup>40</sup> United Nations Global Compact, <https://www.unglobalcompact.org/about> (last visited June 16, 2021).

<sup>41</sup> *Our Mission and History*, Global Reporting Index, <https://www.globalreporting.org/about-gri/mission-history/> (last visited June 16, 2021).

<sup>42</sup> *Sustainability Disclosure Database*, Global Reporting Index, <https://database.globalreporting.org/> (last visited June 16, 2021).

- **The UNGP Reporting Framework** is a comprehensive guide for companies to report on how they respect human rights and was developed through the Human Rights Reporting and Assurance Framework Initiative (RAFI).<sup>43</sup>
- **The World Benchmarking Alliance** is a global organization focused on creating a sustainable path towards achieving the UN Sustainable Development Goals. The Alliance develops a series of benchmarks ranking 2,000 of the world’s most influential companies on their contributions to the UN Sustainable Development Goals.<sup>44</sup>

Below outlines the number of companies in our database that also appear on the corresponding list.

	<b>Number of companies</b>	<b>Percentage of Total Companies Researched</b>
Business and Human Rights Resource Center (BHRRC)	141	31%
Corporate Human Rights Benchmark (CHRB)	78	17%
Ranking Digital Rights (RDR)	13	3%
Alliance for Corporate Transparency (ACT)	133	29%
UN Global Compact	246	54%
Global Reporting Initiative	20	4%
World Benchmarking Alliance	259	56%
Fortune 500 List	152	33%
UNGP Reporting	66	14%

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<sup>43</sup> *About Us*, UN Guiding Principles Reporting Framework, <https://www.ungpreporting.org/about-us/> (last visited June 16, 2021).

<sup>44</sup> *Mission and Vision*, World Benchmarking Alliance, <https://www.worldbenchmarkingalliance.org/mission/> (last visited June 16, 2021).